

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Ninth Legislature

OF THE

STATE OF MAINE

VOLUME II

1959
and
SPECIAL SESSION
1960

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

SENATE

Wednesday, January 27, 1960

Senate called to order by the President.

Prayer by Rev. John Brett Fort of Bangor.

On motion by Mr. St. Pierre of Androscoggin,

Journal of yesterday read and approved.

The PRESIDENT: The Chair notes in the Senate Chamber this morning, a group of seniors from Skowhegan High School, accompanied by their instructor, Mr. Brown. It is certainly a pleasure to have you here with us and we hope that at some time in the future you will have your place in the Senate Chamber as members of this Body. Again let me welcome you here on behalf of the Senate.

**Papers from the House
Joint Orders**

ORDERED, the Senate concurring, that the joint rules be amended by adding thereto a new rule No. 19B to read as follows:

"The head of a department, commission or agency of the executive branch of state government may file recommendations for legislation.

"Such recommendations may be filed with the Clerk of the House within forty-five days prior to the convening of any regular session of the Legislature and if so filed shall be treated the same as a bill or resolve. "Such recommendations shall be considered by the Committee on Reference of Bills and referred to the appropriate committee. Such committee may hold hearings thereon and report by bill, resolve or otherwise." (H. P. 1025)

On motion by Mr. Bates of Penobscot, the Order was laid upon the table pending passage.

ORDERED, the Senate concurring, that the joint rules be amended by adding thereto a new rule No. 19C to read as follows:

"During any regular session all bills for private or special legislation and all resolves, in complete final form, shall be introduced in

either house of the Legislature not later than 1 P. M. of the 3rd Friday of January; and all other legislation shall be introduced in either house not later than 1 P. M. of the last Friday in January, except by unanimous consent in the body in which it is introduced.

"Recommendations for legislation from departments, agencies and commissions must be filed not later than 1 P. M. of the 2nd Friday of January.

"This Rule shall not apply to bills or resolves reported by any joint committee in the regular course of business, nor to such bills and resolves as are intended only to facilitate the business of the Legislature.

"The Clerk of the House shall cause the first paragraph of this Rule to be published in all daily papers in the State at least twice monthly for the two months immediately preceding the convening of the Legislature in regular session and at least twice during January prior to the 3rd Friday of the month." (H. P. 1026)

On motion by Mr. Bates of Penobscot, the Order was laid upon the table pending passage.

**House Committee Reports
Ought to Pass**

The Committee on Appropriations and Financial Affairs on "Resolve Appropriating Moneys for Spruce Budworm Control." (H. P. 989) (L. D. 1398) reported that the same Ought to Pass

(On motion by Mr. Briggs of Aroostook, tabled pending acceptance of the report.)

The same Committee on "Resolve in Favor of the Town of Danforth for School Construction Aid." (H. P. 990) (L. D. 1399) reported that the same Ought to Pass

The Committee on Taxation on Bill, "An Act Imposing a Tax on the Unorganized Territory Within the Maine Forestry District for Spruce Budworm Control." (H. P. 1002) (L. D. 1411) reported that the same Ought to Pass

Which reports were severally read and accepted in concurrence, the bill and resolves read once and tomorrow assigned for second reading.

Majority — OTP
Minority — ONTP

The Majority of the Committee on Judiciary on Bill, "An Act Relating to Municipal Police Power to Transport School Children to Other Than Public Schools." (H. P. 1022) (L. D. 1447) reported that the same Ought to Pass
 (Signed)

Senators:

WOODCOCK of Penobscot
 LESSARD of Androscoggin

Representatives:

EARLES of South Portland
 BEANE of Augusta
 COX of Dexter
 BERMAN of Auburn
 CARON of Biddeford
 KNIGHT of Rockland

The Minority of the same Committee on the same subject matter, reported that the bill Ought not to Pass

(Signed)

Senator

WEEKS of Cumberland

Representative

EMMONS of Kennebunk

In House, Minority Report accepted.

In the Senate:

Mr. ROSS of Sagadahoc: Mr. President and members of the Senate, I would like to move that the majority "Ought to Pass" report of the committee be accepted in non-concurrence, and I shall speak to that motion.

I will repeat what I have said before, that I think it is most unfortunate that we have to have such a question as this before the legislature. I have heard it mentioned many times that people were getting along so well in this, so why did we have to stir things up? Unfortunately we can't just leave things alone now because the Courts have said that we must act if these towns are to continue their actions whereby they were getting along so well. Before I came here to Augusta I had several letters, more of them favoring than against the legislation and I was one of the first legislators to speak out, telling what I thought was right. Now I certainly will be the very first to admit that I have been deluged with letters against

the legislation. I am sorry to say many of them have been vituperative.

Now, persons are entitled to their own opinions and I certainly respect their beliefs but I would like to believe that I am entitled to my convictions too. Now this is not a question of whether we condone religious education. These schools are in existence now. They have been for many years, and for many years pupils have been transported to them. I have listened to all of the arguments in debate and I believe it boils down to just two points.

The first point is that they say that this is a chance for them to get a foot in the door, and the second is that we certainly must have the separation of church and state.

As far as the first point goes, any social legislation we have had certainly is an opening wedge but on this, this legislature has faith in future legislatures to maintain a check rein. If what we were talking about were furnishing school books, paying teachers' salaries, providing maintenance and so forth, I would be strongly opposed to it, but this is transportation and not education. The schools and the church are not the beneficiaries. Only the child is the beneficiary and so it is here that I believe that certainly it is a public concern.

Now, the second point, on the separation of church and state, of course I favor this principle wholeheartedly, but in my opinion it does not apply in this case. In this respect, I heard a sermon by a Protestant minister just this last Sunday commending this legislature and he said that persons should not use such important phrases indiscriminately because basically most all issues have theological implications and he went on to say that many persons are quick to condemn and see prejudice in others, and he touched on the race problem in the south. Finally he said that prejudice produces the second sin which is self righteousness.

Abraham Lincoln once wrote, and I quote, "As a nation we began by declaring that all men are cre-

ated equal. We now practically read it, all men are created equal except negroes. When the know-nothings get control, it will read all men are created equal except negroes, foreigners and Catholics and when it comes to this I shall prefer emigrating to some country where they make no pretense of loving liberty."

Now in my opinion the basic issues here are moral and financial, and I say moral because I do not believe we should let biased opinion deprive one segment of what another is doing. And financially — and I think probably this is more important — here is the time that the taxpayer has been completely forgotten. We always have talk about the taxpayers in the State of Maine, but not on this issue.

Last Friday you received upon your desks a report from the state auditor. I was interested to look through that and look at the tax rate and I find the mill rate in Augusta is 27; in Bangor 26; in Brunswick 27, in Saco 46; in Sanford 50. My city which supports all educational costs, now has a mill rate of over 80. I know that you have to consider valuations at the same time but certainly this shows a trend. Municipalities are now groaning under the burden of property taxes and here again in my opinion, how fortunate are those taxpayers in the towns who have parochial schools. But lost in the shuffle have been these taxpayers this time. These cities have gotten along fine in the past and they now need the help of enabling legislation. I am not condemning or condoning any religious belief but I think that this is fair and justified legislation, but win, lose or draw I certainly shall have malice toward none and I hope that they feel the same toward me.

Mr. DOW of Lincoln: Mr. President and members of the Senate, my good friend and seatmate, the Senator from Sagadahoc, Senator Ross, has made one statement that I would like to comment on and that is that this is a problem of transportation and not education. I do not believe that. I believe that passage of this act would be the start of a second public supported school system. Everyone knows

that we already have a tremendous task and responsibility in operating the public school system that we now have. I would hate to see us start legalized financing of another school system with public funds until we have ways and means of operating adequately the public school system that we now have. For that reason I hope that this measure does not receive passage.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate: At the outset in my brief discussion this morning I would like first to congratulate the Chairman of the Judiciary Committee on the fine and efficient manner in which he conducted the public hearing and the fine manner in which in our executive session and throughout the hearing, this legislation was handled before our committee of which I was proud to be a member. A newspaper in the City of Lewiston paid him a great compliment and I wish to add to those remarks and to compliment the Senator from Cumberland, Senator Weeks. I also want to commend the proponents and opponents who were there at the hearing. I think the hearing was very well handled and the matter very well discussed and that the presentations made, on the whole, were fair and were not colored by any passionate pleas on behalf of the proponents represented by Judge Wernick and on behalf of the opponents by Attorney Charles Peirce.

I do not suppose that anything I say here this morning will change the minds of those who are to vote. I assume that perhaps most of us have followed this very closely for a number of years. No doubt all of us have read the Squires decision, or, if we have not read it completely have been told about it and read excerpts from it. However, for the purpose of the record and that in the future it will not be said it was not brought before this august body, I think we should review a little bit this piece of legislation that is before us here this morning. I will attempt to approach it on two bases, one from a legal standpoint because I am aware that I am supposed to do that, and secondly, I want to approach it on the basis of the peo-

ple I represent, as you all know, Androscoggin County, from which I come, from the City of Lewiston. I must discuss and bring forth, for the purposes of the record the economy of our city.

Let us, for a brief moment, discuss the legal aspects. The opponents say that this is foreign to the doctrine of separation of church and state and they say that because of that the legislation should be defeated. Now this has been the hue and cry for many years. It is not something new, something that just came up this year, it has been the hue and cry for many years, all of the problems in regard to private schools, and for many years many cases were adjudicated in the United States in the State courts and in the United States District Court, until finally in the famous Everson case the United States Supreme Court in a decision written by Justice Black and concurred in by Justice Douglas, two great champions of civil liberties, laid down the doctrine that the transportation of children to private schools was not in violation of the doctrine of the separation of church and state. That is the supreme law of our land and that is the way it stands on the books today in the Everson case, decided by the United States Supreme Court. When the question came before the Supreme Court of Maine they adopted the rule in the Everson case, and the Supreme Court of Maine has said that the transportation of children to private schools is not in violation of the doctrine of the separation of church and state. That is a settled law in our great country and in our great State. However, the opponents say, in spite of that, that it still violates it. Maybe the Supreme Court will change, I don't know, however, we as lawyers must abide by this decision. If that is true, then no one, in view of the United States Supreme Court decision in the Squires case, can say it is a violation of the doctrine of separation of church and state.

Let us go one step further and look over the past. Our Constitution is like the United States Constitution in many of its provisions, however we do have a provision in our State Constitution which is not pres-

ent in the United States Constitution, and that is where it charges us, the legislature, with the duty to provide when possible aid to academies and certain private schools; it states that we must do it and we have done it, and we have done it for many, many years, long before you and I were here, and rightfully so, because they needed help. They still need help and we provide it for them, and the Lord hope that we never come to the point where we will not provide it. I have voted for it time and time again myself. Now no one raised a question there. We must not forget that these academies, many of them, were of a secular nature, many were Baptist, Methodist and so forth, but no one ever raised the point and I hope to God they never do.

I am now speaking from a legal standpoint. Many able jurists in discussing this part of our Constitution have wondered perhaps if that part of our Constitution may be in contradiction with our Federal Constitution which provides for separation of church and state, and there are decisions that possibly our Constitution might be in contradiction to the Federal Constitution. I say God forbid, and I hope it never occurs.

Now there is the same old argument of opening the door and getting a wedge in. Now it is rather unusual when the Senator from Sagadahoc, Senator Ross, and the poor lowly Senator from Androscoggin get up and agree. However, he pointed out that the wedge or the opening of the door is present always in any social legislation, any kind of progressive legislation; the hue and cry is be careful, you are opening the door. What are we actually saying? We say here today we know what we are doing but they say that future legislatures may extend it. I do not follow the reasoning of the opposition. I do not follow that reasoning. I think my successors will be finer and more capable people than I am. I am not afraid of the future; I am sure they will do a better job than we are doing, and I am not afraid that they are going to sell the State down an alley. The same hue and cry was raised as

to what we were going to do. They say the wedge is there and if you open the door immediately others will come in here. There has been a wedge existing for many years and this is a point that has never been raised: Every church in this State is tax-exempt, whether it is mine or yours or anyone else's. It is true that we do not give them money, but they are tax-exempt and that is part of the public funds. We can very well give it back to them. When that question was discussed many years ago that was considered a wedge, and they said the minute we exempt all church taxation that is the wedge and they will come in and want more. It has not happened, so there goes your argument for the great wedge. As I say, I am sure that in the distant future when you and I are no longer known or even remembered, that there will be capable men in this body who will safeguard the rights of our citizens. So much for the legal aspects, and now I would like to touch on the economic aspects, and I will speak directly as to what the situation is in my home town and county and with the people I represent.

Sitting right there is a member of the Lewiston Board of Education. His name is Attorney Paul Cote. I can imagine what Paul is doing here today; he is sitting here and he is wondering what he is going to do if this legislation does not pass. Knowing Paul and his capabilities and his wish to abide by the law, no doubt if this legislation is defeated he will go back home tonight and see that the Board of Education is called into session and the board will have to come up with a decision whereby the operators of the busses in the City of Lewiston will be told that they can no longer transport children to the private schools.

In the City of Lewiston we have some 4800 children in the public schools in the elementary grades and we have some 4300 in the private schools. Some 1600 children are transported and 750 of them are transported to private schools. This member of the Board of Education is going to have to sit down tonight or tomorrow or sometime perhaps, if this legislation is de-

feated, and tell those children, 750 of them, "You can no longer be transported to school, you will have to walk." The other 900 will be able to ride to public schools but these 750, their parents will be told, "We are sorry but you have to walk."

Gentlemen, it is kind of hard for me to go back to my community and say to my colleagues that here in the Senate it was so ordered, but that is what has got to be done.

What does it mean to the economy of my city? Some may disagree with me, but we feel in Androscoggin County that we have made tremendous strides in our industrial development. I think the proof of the pudding is in the eating. You know as well as I do the fine industries that are coming to our city. We are forging ahead. I say that one of the reasons why those industries have come to my area is because we have a fine school system and we have a fair tax rate. I do not know, I do not even dare to think what will happen if we say to these 4300 children "You are going to public schools from now on." It would mean a complete collapse of our economy because the public schools just could not take them; you could have night and day classes and you still could not take care of them. It would mean perhaps suspension of a complete school year in order to build schools to take care of these children too. I do not want to say it is going to happen or have it said we are throwing up a bugaboo. I do not think it is going to happen, but it might, it could. And even if it were only a quarter of them, our buildings are bulging at the present time. It has been argued that the public schools are going out of business. We built a brand new school of sixteen rooms two years ago and we have put in new additions. The Board of Aldermen voted last week to start on a new high school. Our public school system is not going to pieces, it is increasing and getting better.

As I said before, I do not even want to think of what would happen in this great city of ours which I represent. As I said, I do not think what I say here today will

convince anyone or change anyone's mind, however, I feel that for the sake of the record and for the benefit of posterity it must not be said it was not discussed here in this chamber.

Mr. FARLEY of York: Mr. President and members of the Senate; Probably this is the last time that I will rise in this great hall known as the Maine State Senate. A great many of you who have known me since 1949 know that when I raised my right hand and took the oath that I believed and sincerely believed in my oath of office to the State of Maine, and I do here this morning. To a great many of you probably I have been a little rough, because I have always said I was with it or I was against it and I never refused to stand and speak my piece only as an average layman, and not belonging to the fraternity. I cannot quote law. I represent York County. This bill before us is very important to the town of Sanford, to the City of Biddeford and to the City of Saco.

A moment ago I said to you that I probably sounded rough. Before I came into a political party I came out of one of the toughest political parties in the State of Maine, a veterans' organization where we called a spade a spade. Those were the days of Col. Hume, Frank Lowe and Ex-Governor Tudor Gardiner. You had to stand up and defend anything. I am rising here today to defend the bill before us.

Before I sit down I want to congratulate the newspapers in my district. I have read each and every one of their editorials. I love editorials. To the Portland Press Herald I say: In their first editorial they said "We do not believe in it but we will put our beliefs aside for the best interests of the State of Maine." That to me is commendable. It is worth something to the citizens of the State of Maine to get all of these editorials that were put out by the Portland Press Herald, and I say to you it is an education.

In my community some are vitally interested in an airport. To me an airport is secondary. I am one who is willing to walk up and down the main street and argue if I

think I am right, and I would rather be right than be President of the United States. I graduated from the public schools of the City of Biddeford in 1912 from the 9th grade. If I never got anything else I got horse sense and that horse sense has carried me through life every day of my life.

Speaking of private schools: When I see the youngsters in my community which today is predominantly a French-speaking community — we in the public schools who spoke the English language taught a great many of these youngsters of French extraction the English language and they in turn taught us French. One thing you learn first in the French language is how to swear like a poll-parrot, and the language is one which we in the New England States if we are in business have to have or we wouldn't be in business. As you get more cultivated to the language you seem to lose some of those words.

I was born and brought up in the City of Biddeford and I raised a family of ten children and I think at the last count there are twelve grandchildren. What are we going to do in the City of Biddeford if you defeat this bill and take our school bus transportation away from us? We are nearly in chaos today in the City of Biddeford so far as industry is concerned, and if you do this we will be in worse shape.

On my side, and I do not hesitate to say it, we have bigotry as well as on the other side. I recognize the Constitution of Maine, but let us be fair. When the Supreme Court of the State of Maine rules that is the law of the State of Maine; that is the law, and the Supreme Court ruled only a few years ago and we accepted it, the people from Kittery to Van Buren, without a murmur. The Public Utilities turned down the application of a utility company for an increase in rates, and the highest court in the State of Maine disapproved of that and gave the utility a 3.5 per cent increase. There was no quarrel and we all paid our bills every month.

If I understand the decision as the average layman, and a great

many others in my community think the same as I do, I am not breaking my oath of office. We have a vehicle, the same as the utilities were given a vehicle in the decision of the law court. That is all we ask of you. If this was a bill for textbooks or getting into the appropriation for public schools I would be the first one to vote against it, I would have no part of it, but this is only to permit the carrying of children to school.

You members of the Senate who have known me since 1949 know that I have tried to be square and honest with each and every one of you. To my people in York County who are opposed to this, I only go back to a few years ago when those same people did not want dog-racing in York County and on the floor of this Senate I supported them when there was all kinds of temptation, but I remembered my oath of office and that oath of office will always remain with me.

The Senator from Androscoggin, Senator Lessard, took a little something away from me. In my reading of editorials and books I remember reading of a minister out in the west saying, "Just how far is the church away from the State?" Senator Lessard has eloquently said they pay no taxes. I still think we are close. I recognize the faith of the other man. I think it is a great thing to have faith. Gentlemen, there is a possible chance I am not coming back. I have been here since 1949 and I have tried to be a good citizen and a good representative and I have tried to be a good Senator. I trust you will give us due consideration on this bill which is vitally needed in these communities.

Mr. WOODCOCK of Penobscot: Mr. President and members of the Senate: I would just like to call the attention of the Senate to the way that another sensitive subject, a subject that involves beliefs and principles, is handled in the State of Maine, namely the matter of the partaking or sale of intoxicating liquor. To many people the liquor question involves matters of principles and beliefs, and of course it would have been possible when the decision was made, and

still is possible, for the great and general Court which we are, to decide that between the two branches. However, in the wisdom of the legislators in days gone by it has been thought advisable to allow the people on the home level to make that decision for themselves. And why have they done it? It seems to me the reason is obvious: that the problem differs from community to community, that people in Community A are, let us say, wet, and people in Community B are dry. If the decision, however, were to be made on a legislative level those on either side of the fence would be offended according to how the decision came out. Is there not an analogy between the handling of the liquor question and the handling of this one which would implicitly afford to the people in the communities affected the right to decide for themselves on this important matter?

Mr. COFFIN of Cumberland: Mr. President and members of the Senate, I am going to try to speak briefly and frankly. I think everyone is aware that I am a Protestant. My ideas on this question are quite deep. I come from a small town that probably never will be affected by this legislation one way or another for at least a hundred years. I also received a great deal of mail starting in the middle of the summer. It was quite one sided and I recognized it as a campaign being put on by I presume the Protestant churches. I have no quarrel with the church or the ministry. I am a regular church goer, not one of those Easter members, and I support my church but I also have tolerance for other denominations. I know that as long as I live there are going to be others who believe differently than I and I must say that I cannot condone this sort of a campaign which reminds me of a strong wind that comes in the fall and blows the leaves all off the trees practically at one time; that is, the clergy had the advantage of talking to their flock and of course they were told what to say. All my letters were pretty much alike. Some were almost identical. I probably received 150 letters and I felt this way: I would have to discount

the mail because I felt that one or two minds had impressed these people to say practically the same thing.

I did have some mail on the other side and I had a tremendous number of people who came to my place of business and they were mostly Protestants, and they agreed with the opinion that I had made earlier in the summer.

It seems to me that Christians are born to share. I know back in my childhood, I was brought up in a little village and everyone shared their troubles, their trials and tribulations and they shared some of the nice simple things that make life worthwhile. For instance if some neighbor was down on his luck, they went and put his hay in, they saw to it the larder in the cellar was filled, and some folks gave a half a pig and so forth and so on. That is the kind of atmosphere I was brought up in. That is the kind of thing I like to think is Christian action. This may be away from the subject a bit but in those days we had lots of tramps that came to the door and I can remember that my mother never ever turned one down. Finally a neighbor remarked one time that it was surprising that my mother dared to go to the door and be friendly with these strangers, and the neighbor asked, "Aren't you ever afraid?" And she said, "Of course I am afraid. I am afraid that the Lord might think I would turn one of these hungry strangers away." Now those kind of things I call Christian and those things have been with me all my life. Then we come to this situation here.

We are dealing with children, with humanity. These aren't machines or industrial products. These are young minds, undeveloped and growing, getting ideas and to me the thousands of children who come into the Halls of this legislature each time we meet, how many of us stand here and try to figure out if they are of one denomination or another? Not me. It doesn't make any difference what they are. A child or a youth, a student — they are all the same to me. They are going to be the future citizens of this state and our

nation and I feel that if this legislation isn't passed we are going to plant a seed in the minds of a lot of these children. Who is going to explain to them? Who is going to explain to them why they can't ride on the bus? In the town of Brunswick where they have done this sort of thing for twenty-five years, these children expect to ride on the bus. Yet, I wonder if these parents, if this legislation is not passed, are these parents going to be in the mood and capable of explaining to these small tots and even up to the teen agers just why they can't ride on the bus?

Ever since this question came up, I look back to the days when my children were going to school. Among them were a few of another denomination and they'd be standing on the street corner waiting for the bus, and thinking back, how would it seem to me, what feelings would go through me, if a bus came along and picked up my children and left the others to walk? I'll tell you what my reaction would be. It would be to go right out and take the child or children to their respective schools. That's the way I would feel about it. And I can't afford to do it either.

Another thing. Over across the river here we have a state institution with many people in it and a lot of those people are there because at some time in their young lives some disturbance, and to some minds a very small disturbance was planted in their heads and because of that and other things they were not capable of coming up to average and they fell by the wayside. No doubt there are thousands of young children today, who, if this legislation is not passed, might be like some of those people just because of this thing? Who can tell? I always like that verse in the Bible. The line that goes: "Judge not that ye be not judged". I like that.

Uncle Sam did not ask what denomination you were when he needed the people across the sea and when they were over there in the foxholes and trenches — I wasn't one of them; I was very fortunate — those boys who were together,

they didn't ask anyone his denomination. They all gave their measure of devotion and they will give it to even these that are not willing to pass legislation. They will be up there to give us that measure that this country will need some day.

We talk about education. It is the most important question in this state and country today. When I get old and I can't get around well and I want to sit back in ease possibly, if that day ever comes, I will want this country protected and we will need these students, these students today who are going to be the scientists of tomorrow and the great men that are going to figure out the situations, the mathematicians and all of the others together. We will need them and I don't care where they get their education or how they get it, so long as they get it. And I don't care what denomination they are so long as they are protecting this country.

We are spending thousands of dollars in the school districts today to transport children that we never did transport before. Every one of these school districts transports the children practically from the cradle to graduation. There are not many towns that transport high school pupils until they are in a school district. But we have legislators here who are willing to vote thousands of dollars to haul the high school students in these districts, and nothing is said of that yet the piddling sum of money that this would amount to — it is silly, to me. As far as education, this bill of transportation of these children, personally you can call it what you want to but to me it is a safety measure and it always will be. What are you going to do about the policeman who stands in front of the parochial school? Are you going to say that he is part of education and he has got to be out of a job and can't help those parochial children cross the street? To me it is no different. Not one iota.

There are twenty states in this nation that transport to private schools. Certainly I as one see no harm in it. Now I have malice toward none. I haven't an enemy in the world in my own mind. There

are some who may think they are my enemies but they are not. Once I am through with an argument or a fight, that is the end of it, and it will be the same with this one.

I would like to end this conversation by saying that if we don't pass this legislation, may the Lord have compassion on all of us. Thank you.

Mrs. LORD of Cumberland: Mr. President and members of the Senate, since I have been in public office, I have asked my constituents to write to me and tell me how they feel on each subject. I belong to the group that believe you should write to your Congressman and Senators and tell them how you feel. I have had these letters from my constituents. Some of them are from church people and others are like this one letter that came yesterday. I might add that I had one letter in favor of this bill and that is all. This letter among other things said, ". . . . When I was at school I had a room-mate from Argentina. He kept saying over and over how we Americans did not fully appreciate the value of our policy of separation of church and state. In Argentina, where the church and state are intertwined, public affairs there are in a mess. I feel that the school bus bill would be a step in the wrong direction for keeping the church and state separated.

Sincerely. . . ."

I merely offer this to tell you why I shall vote against this bill: Because my constituents have asked me to do so.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate, I will take this opportunity to thank my good friend Senator Lesnard of Androscoggin for his kind remarks about me. On this occasion and on others I have tried my sincerest and best to accomplish an objective and every objective from the opening of a legislative session to its close is to pass such acts and resolves as are for the general welfare of all the people in the State of Maine. I certainly appreciate the remarks but possibly I don't deserve them. I was doing nothing more than what I thought was right. My hope this time is to do nothing more than what I think

is right, in my own opinion based upon an extensive, sincere and solemn study of this problem, going back over many weeks. It isn't something which has been arrived at suddenly, but only after sincere consideration of all the facts.

The bill, in case you have forgotten in view of the remarks that have been made here today, merely provides for transportation of school children to and from school. As far as I am concerned, there is no religion involved; there is nothing involved here except the basic principle, shall you or shall you not charge the general taxpayer with the expense of sending children to other than public schools. That is the principle which up to very recent years was adhered to and I can recognize the manner in which the problem has developed now. Whatever happens in this matter is not going to affect me one way or the other. I merely ask you to give solemn consideration to a factor which has been traditional in the history of our country. To be sure I suppose informally, and possibly illegally at times, public funds have been expended for improper use. The result of your refusal to pass this legislation may result in some inconvenience.

My brother the Senator from Freeport says it involves a very small amount. If that amount is expended by individuals in transporting these same children—and I do not say that the children hereafter shall walk, I merely say that if they do ride to private schools, no matter what kind they are, then the expense therefor should be borne by those going to the private schools or those maintaining the organization to which they do go.

I thank everybody for everything and will leave this matter to your solemn judgment.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, as one of the Senators from Androscoggin County, I feel that I have to inject myself into this discussion. I am a product of the public schools of Lewiston. I attended the public schools in Lewiston. We have raised, my wife and I, eight children, all of whom went both to parochial and public schools. Every one of them. I don't think they are

any better than I am and I don't think they are any worse, because they attended both public and parochial schools but I know what would happen to the economy of Lewiston especially, and also Auburn of Androscoggin County, if this bill does pass, Lewiston and Auburn both will elect to keep on doing what they are doing now, to transport all children to school be they public, parochial or private.

My able colleague, Senator Lesnard of Androscoggin, has told you about the legal aspect. That I don't want to go into because I am not a lawyer and I will leave that part to the lawyers. But on the economy part of it I am interested and I think I know a little about it. For four years I was an alderman of the city of Lewiston; for two years I was president of the Board of Aldermen; I served two years as mayor of the city of Lewiston so I believe I know something about the economy of the city of Lewiston.

If this bill fails of passage and the city of Lewiston is called upon to furnish the proper education to all the children of the city of Lewiston, it would be a catastrophe. I hate to think of what would happen to the economy of the city of Lewiston. As stated by Senator Lesnard of Androscoggin, and I will bear him out, over fifty percent of the children in the grade schools in Lewiston are going to parochial schools. If we fail to pass this bill, it could mean that the expenses of the Board of Education would double overnight. The tax rate would go up twenty to thirty mills on property in the city of Lewiston. That certainly would disturb the whole situation, where we are getting a lot of new industry, should our tax rate increase by fifty percent at this time. I don't want to discuss any religious angle about this matter. I say to you that it exists, it has been existing for some time. I remember it existed twenty-five years ago when I became an alderman in the city of Lewiston. Should the economy be changed by the fact that it would have to include the parochial school children, I again repeat it would be a catastrophe for the city of Lew-

iston and would mean a financial wreck. God knows we have a hard enough time now to take care of our public school children. We are anticipating building in the very near future a new junior high school to the tune of two million dollars and we are scratching our heads as to how we will do it, how we will get the money because our borrowing capacity is less than a million dollars at this time. If we erect a new junior high school to the tune of two million dollars we will have to find ways and means to do it. About the only legal way we can see is to increase taxes.

I will admit that the city of Lewiston is in a very good financial condition at this time but should we become encumbered with taking care of one hundred percent more grade school children that certainly would destroy the whole situation.

In the city of Lewiston there are at least a half dozen instances where the parochial school is on one side of the street and the public school on the other, and the bus doesn't have to make a special trip or special detour to take care of all the children. The bus stops and some just go on one side of the street and some on the other to go to whichever school they attend. The same bus takes all the children.

We are not asking anybody to finance our problems in Lewiston. We are asking you to legalize what has been going on for years in the transportation of children to all schools in the city of Lewiston. We are asking for home rule. We want to submit that matter to the city of Lewiston and we will be glad to abide by whatever their decision is. That is also true in the city of Auburn.

This question is of vital importance to Androscoggin County and especially to the twin cities of Lewiston and Auburn. Therefore, Mr. President, I request a roll call on this matter.

The PRESIDENT: To have a Roll Call vote, requires the affirmative vote of more than one-fifth the members present.

A division of the Senate was had.

Obviously more than one fifth having risen, the roll call was ordered.

Mr. BRIGGS of Aroostook: Mr. President, will you state the question.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Sagadahoc, Senator Ross, that the Senate accept the Majority ought to pass report of the committee. Those in favor of this motion will vote Yes and those opposed will vote No.

The Secretary called the roll and the Senators answered as follows:

YEA: Boucher, Carpenter, Coffin, Cyr, D u n n, Duquette, Farley, Fournier, Hunt, Lessard, MacDonald, Ross, St. Pierre, Thurston, Woodcock — 15.

NAY: Bates, Briggs, Charles, Cole, Dow, Hillman, Lewis, Lord, Martin, Noyes, Palmeter, Parker, Pierce, Rogerson, Stilphen, Weeks, Willey, Wyman — 18.

Fifteen having voted in the affirmative and eighteen opposed, the motion did not prevail.

Thereupon, on motion by Mr. Weeks of Cumberland, the Minority "Ought not to pass" report was accepted in concurrence.

Senate Committee Reports Final Report

Mr. Dow from the Committee on Education submitted the Final Report.

On motion by Mr. Dow of Lincoln, the Final Report was tabled pending acceptance.

Referred to the 100th Legislature

Mr. Noyes from the Committee on State Government on Bill, "An Act Authorizing Governor and Council to Sell or Lease Western Maine Sanatorium." (S. P. 536) (L. D. 1443) reported that the same be referred to the 100th Legislature.

Which report was read and accepted.

Sent down for concurrence.

Ought Not to Pass

Mr. Charles from the Committee on Legal Affairs on Bill, "An Act to Authorize the Withdrawal of the Town of Brooks from School Administrative District No. 3." (S. P. 530) (L. D. 1437) reported that the same Ought not to Pass

Mr. COLE of Waldo: Mr. President, due to the lateness of the hour and to the fact that I have more information due this afternoon, I would like to move that this lie on the table until this afternoon or tomorrow morning. I assure the Senate it will not be left there later than tomorrow morning.

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

Mr. Martin from the same Committee on Bill, "An Act to Authorize the Withdrawal of the Town of Liberty from School Administrative District No. 3." (S. P. 531) (L. D. 1438) reported that the same Ought not to Pass

On motion by Mr. Cole of Waldo, tabled pending acceptance of the report.

Majority — OTP as Amended
Minority — ONP

The Majority of the Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Moneys to Maine Port Authority for Maine State Pier Operations." (S. P. 21) (L. D. 1428) reported that the same Ought to pass as amended by Committee Amendment A

(Signed)

Senators:

ROGERSON of Aroostook
DUQUETTE of York

Representatives:

BRAGDON of Perham
DAVIS of Calais
EDWARDS of Raymond
SMITH of Falmouth
JACQUES of Lewiston

The Minority of the same Committee on the same subject matter, reported that the bill Ought not to pass.

(Signed)

Senator

PIERCE of Hancock

Representatives:

STANLEY of Bangor
BROWN of Ellsworth

Mr. CHARLES of Cumberland: Mr. President, I move the acceptance of the Majority "ought to pass" report.

Mr. PIERCE of Hancock: Mr. President, it is with the deepest of

reluctance that I signed against two of the finest gentlemen I have ever had the privilege of serving with and working with, my colleagues Senator Duquette and Senator Rogerson.

Briefly, my reason for signing the "Ought not to pass" report can be summarized by the general feeling I have had and the way I have been voting which is that definite need of a bill which has been presented to us must be proven to me. In my own mind, sir, definite proof on this bill has not been given to me.

I am now quoting from the Statement of Facts presented by the Maine Port Authority. They summarize their statement by saying: "Do people realize exactly what the Maine Port Authority is doing?" Then the Statement of Facts says that the monthly expenses to operate the Maine State Pier are \$8,135. They further state that their income from leases on an average monthly basis is \$5,170, leaving a monthly loss of \$2,934. They further state in their presentation, and this is important and I am quoting: "This figure is without making any allowance for income from the operation of the pier as a deep-water terminal"

I contacted over the phone last night the General Manager of the Pier, asking him if he would estimate what the additional revenue is. He could give me no figure but he did state it would be somewhere around \$10,000 a year. That figure is not included in the statement given to us. Until we receive definite figures I cannot go on and vote with intelligence to appropriate moneys for the operation of the pier.

Another statement given to us, sir, was the fact that they are now receiving and have received for well over a year the sum of \$900 a month revenue which is being charged against the Penobscot Bay Ferry Service for, as they call it, overhead. Upon investigation I found that their overhead there consists of two secretaries. They are not showing that \$900 revenue. Until I can get definite figures, I will stand by my "Ought not to pass" report.

There is another item which I consider of vital importance. The bill itself calls for approximately \$17,600 to carry them until June 30, 1961 and the figure of \$35,200 to carry them for the rest of the biennium. This is the basis of my argument other than the lack of specific information: Out of that \$35,000, Mr. President, they want to amortize \$20,000, the bill says, or bonds. Actually they are not bonds, they are serial notes. The question in my mind is: Should our legislators appropriate from general funds for a purpose which is not an obligation of the State? Those are bonds of the Authority and not bonds of the State. That is so quoted in a letter which I have before me from the Attorney General which cites the laws under which the Port Authority operates, and I am quoting: "No form of indebtedness issued or liabilities incurred by said Port Authority shall become an obligation of the State of Maine and all instruments so issued shall so state." I have checked as well as I can and I find at no time has the State ever paid obligations of this type, that is, outstanding indebtedness. I am terribly worried, because once we start doing this I can visualize the moral obligations which are not State obligations, and, secondly, because I do not have sufficient information to justify voting to appropriate moneys for this operation.

Mr. ROGERSON of Aroostook: Mr. President and members of the Senate: I am not prepared to argue this case in the detail which Senator Pierce is prepared to do, but I would like to review for you the thinking of the committee on this measure which requested in the first year \$17,650.85 and in the second year \$35,219.16.

The management of the Maine Port Authority came before our committee and convinced the majority of our committee that there was and would be a need for this amount of revenue because they were incurring losses in their regular operations. Some of the reasons for the losses were pointed out. One of them was the fact that one of the big items loaded from this pier in the past was flour and this

flour is now being loaded from Halifax, which takes away a substantial amount of revenue. This may or may not be a temporary thing, but the result of it is nevertheless a loss, a deficit which must be made up. Now the figures which Senator Pierce has access to would give rise to the question as to the suitability of management of the Pier. This was not in the province of the committee at the time in my opinion. We were considering this specific request. Twenty thousand dollars of the amount requested of the \$52,870 was for the purpose of paying notes, called in the bill bonds, but in fact notes, which were falling due within the next year. I called Mr. Langlois of the Maine State Pier and made inquiries about the notes and I found that ten thousand dollars of these notes would not fall due until June of 1961. So I pointed out to him that if this were a fact that they were not due until 1961, then he didn't in fact need \$20,000 at this time; he needed \$10,000 to pay the notes which would fall due within the next six months. He agreed with that and we reduced the request for this appropriation by \$10,000.

Now just a word about the nature of this obligation. It is a fact as Senator Pierce has stated, that the State of Maine has no legal obligation to pay these notes as they fall due but I inquired of a number of people their opinion on this matter and everyone is convinced that the State of Maine has a moral obligation to meet this note just as it has and will have the moral obligation to meet, if necessary, Maine Turnpike Authority bonds. It is a feeling of those who have had broad experience in the money market that should the State of Maine fail to meet this obligation at this time, it would influence the feeling in the money market about Maine bonds which must be issued within the next few years, some 60 millions of them.

It was my feeling and apparently that of the majority of the committee that for these reasons this bill should have passage as amended.

Mr. HUNT of Kennebec: Mr. President, I would like to direct

through the Chair, two questions to Senator Rogerson of Aroostook. The first question I would like to direct through the Chair is whether or not as has been pointed out by Senator Pierce who feels that there is a discrepancy in the figures and that the sum of \$10,000 he spoke of was left out from the original figure. The second question I would like to ask Senator Rogerson is if he feels that there is any precedent for the state assuming these, or as Senator Pierce has mentioned, would this be the first time the state has actually paid money on bonds of this kind.

The PRESIDENT: The Senator from Aroostook, Senator Rogerson hears the question and may answer if he wishes.

Mr. ROGERSON: Mr. President, I would be glad to answer the first question if I can although at the moment I do not understand it and I would ask the Senator to state it again. The second question as to whether or not this would establish a precedent, it is my understanding that it would. So far as I know the State of Maine has never paid this sort of obligation before. Now the first question I do not understand.

The PRESIDENT: Would the Senator from Kennebec, Senator Hunt, care to repeat the question?

Mr. HUNT: Mr. President, I understood from Senator Pierce's original remarks that he had called a member of the Port Authority recently and had been informed that there was an item of \$10,000 which had not been sent in on the figures presented. If that were true, it obviously would affect the situation somewhat and might have caused the committee to have voted differently. I wanted to know if you were aware of that figure that Senator Pierce said had not been introduced in the original figure.

Mr. ROGERSON: Mr. President, I do not recognize the figure and I would be very happy to comment on it if I could after Senator Pierce has elaborated on this. I have never heard of this figure.

Mr. PIERCE of Hancock: The figure which I assume the Senator from Kennebec is inquiring about is the \$900 per month which is be-

ing received but not credited. And while I am standing here might I elaborate in favor of the motion of the Senator from Aroostook, Senator Rogerson. We are faced with two questions: Whether or not we shall start paying non-obligations from general funds, and another and more important item is whether or not it would impair the marketability of the existing bonds and would impair the possibility of issuing further bonds once the State might possibly default on any obligation, legal or moral. I have checked with several out-of-state sources, and every one of them said that if the State should default on a bond of this type it would greatly impair the bonds which are legal obligations, and they cite the specific example of the Turnpike bonds of West Virginia which are in default. I was also told that no broker I talked to would even underwrite any bonds of a nature such as will be issued under the so-called Sinclair law. Here I am arguing against myself, but in fairness I wish to present the facts.

Mr. BRIGGS of Aroostook: Mr. President, I am obviously not even as well equipped as my good friend the Senator from Aroostook, Senator Rogerson, to discuss this question, however I think it will be evident to all the members of the Senate that whatever money obligations we have out under the name of various Authorities would seem to bear some responsibility by the State even though they are not on the full faith of the State. It is unfortunate, perhaps, that some of us here have not had an opportunity to be a little bit closer to this subject. As a matter of fact, I suppose we may decide to do it anyway, but before we do decide to do that I wonder if the members would be inclined to favor a twenty-four hour moratorium. I think we could attend to this matter as well tomorrow, and therefore I would request that the matter be permitted to lay upon the table until the next legislative day.

Mr. McDONALD of Oxford: Mr. President —

The PRESIDENT: The motion of the Senator from Aroostook, Sena-

tor Briggs that the matter be laid on the table is not debatable.

Mr. McDONALD: Mr. President, I am not going to debate it, I just want to ask a question of Mr. Briggs if he would delay his motion for a few minutes because I would like to say something on it, but, due to my health, I do not know as I will be here later.

Mr. BRIGGS of Aroostook: Mr. President, it is not imperative that it be tabled at this instant and I will be glad to withdraw my motion so the Senator can discuss the question properly.

The PRESIDENT: Is it the pleasure of the Senate that the Senator from Aroostook, Senator Briggs, be permitted to withdraw his motion to table? The Chair understands that permission is granted and the motion is withdrawn.

Mr. McDONALD: Mr. President and members of the Senate: As I understand it, this is asking that the State of Maine appropriate money to pay on a bond issue which they have no legal obligation to pay. Now I would very much hate to be the Treasurer of State and pay that money even if it was appropriated because I am afraid it is absolutely unconstitutional for the State to do it and the Treasurer would be paying it at his own peril and he could be made to put the money back into the state if he did.

On motion by Mr. Briggs of Aroostook, the matter was thereupon tabled until the next legislative day.

Second Reader

The Committee on Bills in the Second Reading reported the following bill:

House — as amended

Bill, "An Act Regulating Certain Rockets." (H. P. 1015) (L. D. 1444)

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

Enactors

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

Bill, "An Act Relating to Ferry Service for North Haven, Vinalhaven, Islesboro, Swan's Island and Long Island Plantation." (H. P. 996) (L. D. 1405)

Bill, "An Act to Create the Houlton Sewer District." (H. P. 1017) (L. D. 1446)

Which were passed to be enacted.

Orders of the Day

On motion by Mr. Briggs of Aroostook, the Senate voted to take from the table "Resolve Appropriating Moneys for Spruce Budworm Control." (H. P. 989) (L. D. 1398) tabled by that Senator earlier in today's session pending acceptance of the report.

Mr. BRIGGS: Mr. President, in order to move along this day's session I will now move that the Senate accept the "Ought to pass" report of the committee.

The motion prevailed, the ought to pass report was accepted, the bill read once and tomorrow assigned for second reading.

On motion by Mr. Woodcock of Penobscot

Adjourned until tomorrow morning at ten o'clock.