

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninetieth Legislature

OF THE

STATE OF MAINE



1941

KENNEBEC JOURNAL COMPANY

AUGUSTA, MAINE

SENATE

Thursday, March 21, 1941

The Senate was called to order by the President.

Prayer by the Reverend J. C. Rice of Hallowell.

Journal of yesterday read and approved.

Papers from the House referred in concurrence.

From the House:

The Committee on State Lands and Forest Preservation on "Resolve Authorizing the Forest Commissioner to Convey Certain Land to Maine Peat Moss Inc., of Portland," (H. P. 1212) (L. D. 430) reported that the same ought not to pass.

Comes from the House, recommended to the Committee on State Lands and Forest Preservation.

In the Senate, on motion by Mr. Friend of Somerset, the "Ought Not to Pass" report of the committee was accepted in non-concurrence.

Sent down for concurrence.

From the House:

The Committee on Public Utilities on Bill "An Act Creating the Newport Water District," (H. P. 861) (L. D. 353) reported the same in a new draft (H. P. 1670) (L. D. 1018) under the same title, and that it ought to pass.

Comes from the House passed to be engrossed as amended by House Amendment "A".

In the Senate, the report was read and accepted in concurrence and the bill was given its first reading. House Amendment "A" was read and adopted in concurrence and the bill as so amended was tomorrow assigned for second reading.

House Committee Reports Ought Not to Pass

The Committee on Claims on "Resolve in Favor of George Green Estate," (H. P. 1090) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of the Town of Belgrade," (H. P. 1080) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of the Augusta General Hospital, of Augusta," (H. P. 1092) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of the Winterport Ferry Company," (H. P. 782) (L. D. 333) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Hazel A. Thomas of Oxbow," (H. P. 1054) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Mrs. Alice Page of Leeds," (H. P. 1065) reported that the same ought not to pass.

The Committee on Federal Relations on Bill "An Act Relating to the Unemployment Compensation Law," (H. P. 1347) (L. D. 800) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Number of Employees under Unemployment Compensation Law," (H. P. 1261) (L. D. 560) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Number of Employees under Unemployment Compensation Law," (H. P. 1262) (L. D. 561) reported that the same ought not to pass.

The Committee on Inland Fisheries and Game on "Resolve for Screening Outlet of Biscay Pond at Bristol," (H. P. 810) (L. D. 323) reported that the same ought not to pass.

The same Committee on Bill "An Act Relative to the Possession of Partridges," (H. P. 1378) (L. D. 724) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Trapping Licenses," (H. P. 796) (L. D. 309) reported that the same ought not to pass.

The same Committee on Bill "An Act Relative to Trapping," (H. P. 1373) (L. D. 719) reported that the same ought not to pass.

The same Committee on Bill "An Act Prohibiting the Use of High-powered Rifles for Hunting other than Deer and Bear," (H. P. 1233) (L. D. 495) reported that the same ought not to pass.

The same Committee on "Resolve for Screening Mattawamkeag Lake, in Island Falls," (H. P. 1136) (L. D. 385) reported that the same ought not to pass.

The Committee on Legal Affairs on Bill "An Act Relating to Bond of Innkeepers, Victualers and Lodging House," (H. P. 1447) (L. D. 579) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Minimum Prices in Beauty Shops," (H. P. 339) (L. D. 135) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Minimum Prices in Barber Shops," (H. P. 340) (L. D. 136) reported that the same ought not to pass.

The same Committee on Bill "An Act Relative to Fish and Game Wardens in the Military Service," (H. P. 1444) (L. D. 758) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to the Licensing of Steam Engineers and Firemen," (H. P. 1450) (L. D. 762) reported that the same ought not to pass.

The same Committee on Bill "An Act Relative to Licensing of Steam Engineers and Firemen," (H. P. 1270) (L. D. 563) reported that the same ought not to pass.

The Committee on Motor Vehicles on Bill "An Act Prohibiting the Registration of Trucks for Carrying Passengers," (H. P. 1547) (L. D. 841) reported that the same ought not to pass as covered in other legislation.

The same Committee on Bill "An Act Relating to Transfer Places," (H. P. 1456) (L. D. 766) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Prepayment of Excise Tax on Motor Vehicles," (H. P. 1454) (L. D. 580) reported that the same ought not to pass.

The Committee on Public Utilities on Bill "An Act Relating to the Use of Highways by Motor Vehicles Transporting Property for Hire," (H. P. 1281) (L. D. 547) reported that leave be granted to withdraw the same as covered by other legislation.

The Committee on State Lands and Forest Preservation on "Resolve in Favor of a Lookout Tower in New Gloucester," (H. P. 613) (L. D. 301) reported that leave be granted to withdraw the same.

The same Committee on Bill "An Act Relating to Seed Trees," (H. P. 1470) (L. D. 746) reported that the same ought not to pass.

The Committee on Taxation on Bill "An Act to Provide Funds for Construction of Bridges," (H. P. 1497) (L. D. 608) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

Ought to Pass

The Committee on Federal Relations on Bill "An Act Amending the Law Relating to Unemployment Compensation with Respect to Grants from the Social Security Board," (H. P. 1257) (L. D. 556) reported that the same ought to pass.

The same Committee on Bill "An Act Amending the Law Relating to Unemployment Compensation by Repealing a part of Section 5," (H. P. 1258) (L. D. 557) reported that the same ought to pass.

The same Committee on Bill "An Act Amending the Law Relating to Unemployment Compensation to Reduce Benefits when Claimed Fraudulently," (H. P. 1259) (L. D. 558) reported that the same ought to pass.

The Committee on Inland Fisheries and Game on Bill "An Act Relative to Transportation of Fish, Game and Fur-bearing Animals by Aeroplane," (H. P. 1377) (L. D. 723) reported that the same ought to pass.

The Committee on Legal Affairs on Bill "An Act Relative to Enforcing the Collection of Real Estate Taxes by the Alternative Method," (H. P. 1269) (L. D. 567) reported that the same ought to pass.

The Committee on Motor Vehicles on Bill "An Act Relating to Suspension of Motor Vehicle Licenses," (H. P. 1540) (L. D. 832) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Surrender of Registration Plates of Motor Vehicles," (H. P. 1545) (L. D. 837) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Duplicate Licenses to Operate Motor Vehicles," (H. P. 1543) (L. D. 835) reported the same in a new draft (H. P. 1669) (L. D. 1017) under the same title and that it ought to pass.

Which reports were severally read and accepted in concurrence and the bills were read once. Thereupon, under suspension of the rules, the bills were given a second reading and passed to be engrossed in concurrence.

The Committee on Ways and Bridges on Bill "An Act Relating to the Carlton Bridge," (H. P. 1636) (L. D. 982) reported the same in a new draft (H. P. 1650) (L. D. 999) under a new title, "Resolve Freeing the Carlton Bridge of Tolls," and that it ought to pass.

(On motion by Mr. Sanborn of Cumberland the bill was laid upon the table pending first reading.)

Communications

SUPREME JUDICIAL COURT STATE OF MAINE

March 19, 1941

Dear Mr. Brown:

I respectfully transmit herewith to the Senate of the State of Maine the Opinions of the Justices of the Supreme Judicial Court upon the Question submitted by Senate Order of March 14, 1941.

Very truly yours,

(Signed) GUY H. STURGIS
Chief Justice.

Supreme Judicial Court

Hon. Royden V. Brown
Secretary of the Senate
of the State of Maine
Augusta, Maine

To the Honorable Senate of the
State of Maine:

The undersigned Justices of the Supreme Judicial Court, having considered the Question upon which their advisory opinions were requested by Senate Order of March 14, 1941, inform the Honorable Senate that we are of the opinion that it is not within the scope of our duty to answer this Question in view of the fact that Senate Paper 486 entitled "An Act Permitting Indians to Vote in State Elections", to which the interrogatory refers, not only does not conform with or justify the Question submitted but is inherently illegal and insufficient.

Very respectfully,

(Signed)

GUY H. STURGIS
SIDNEY ST. F. THAXTER
JAMES H. HUDSON
HARRY MANSER
GEORGE H. WORSTER
HAROLD H. MURCHIE

Dated March 19, 1941

Which communication and accompanying papers were read and ordered placed on file.

Referred to Committees

The following petitions were received and on recommendation by the Committee on Reference of Bills were referred to the Committee on

Judiciary

Mr. Snow of Piscataquis presented Petition of Leslie W. Knowles of Willimantic and 9 others favoring passage of L. D. 769. (S. P. 503)

The same Senator Presented Petition of F. H. Morse of Abbot and 21 others favoring passage of L. D. 769. (S. P. 504)

Mr. Emery of Hancock presented Petition of E. L. Lawrence of Bucksport Center and 10 others favoring passage of L. D. 769. (S. P. 505)
Sent down for concurrence.

First Reading of Printed Bills

"Resolve in Favor of Miss Leila C. Gaines of Saco." (S. P. 495) (L. D. 1022)

"Resolve in Favor of the Heirs of Charles H. Scott." (S. P. 496) (L. D. 1023)

Bill "An Act Providing for the Regulation of the Use of the Highways by Motor Vehicles Transporting Property for Hire." (S. P. 502) (L. D. 1025)

Which bill and resolves were severally read once and tomorrow assigned for second reading.

Senate Committee Reports Ought Not to Pass

Mr. Bridges from the Committee on Inland Fisheries and Game on Bill "An Act Prohibiting Trapping in Certain Territory," (S. P. 115) (L. D. 156) reported that the same ought not to pass.

Mr. Farris from the Committee on Judiciary on Bill "An Act Establishing a Safety Division Within the State Police," (S. P. 457) (L. D. 937) reported that leave be granted to withdraw the same.

Mr. Harvey from the same Committee on Bill "An Act Relating to Inspectors of the State Police," (S. P. 434) (L. D. 890) reported that leave be granted to withdraw the same.

Mr. Farris from the same Committee on "Resolve Proposing an Amendment to the Constitution to Provide a Four Year Term for the Governor," (S. P. 353) (L. D. 686) reported that the same ought not to pass as covered by other legislation.

Which reports were severally read and accepted.

Sent down for concurrence.

Ought to Pass

Mr. Pindlen from the Committee on Counties on Bill "An Act Relating to the Collection of County Taxes on Unincorporated Lands," (S. P. 303) (L. D. 510) reported that the same ought to pass.

Which report was read and accepted, the bill read once and tomorrow assigned for second reading.

Mr. Chase from the Committee on Appropriations and Financial Affairs on "Resolve in Favor of the Propagation of Lobsters," (S. P. 190) (L. D. 290) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

Which report was read and accepted and the bill was given its first reading. Committee Amendment "A" was read as follows: "Committee Amendment A. Amend said Resolve by striking out in the first and second lines thereof the words 'that the sum of \$40,000 be and hereby is appropriated' and inserting in place thereof the following: 'that there be and hereby is appropriated the sum of \$20,000 for the fiscal year ending June 30, 1942 and \$20,000 for the fiscal year ending June 30, 1943.'"

Committee Amendment A was adopted, and the bill as so amended was tomorrow assigned for second reading.

Mr. Harvey from the Committee on Judiciary on bill "An Act Relative to Stations for Weighing Trucks," (S. P. 317) (L. D. 880) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

Which report was read and accepted and the bill was given its first reading. Committee Amendment "A" was read as follows. "Committee Amendment A. Amend said bill by striking out Section 1 thereof and substituting in place thereof the following: 'Section 1. Weighing points. From time to time the chief of state police shall designate of his own motion or by order of the Governor and Council along the main highways of this state, weighing points, stations or barracks at which a suitable set of platform or portable scales for the weighing of motor vehicles shall be available for use.'

And further amend said bill, Section 3 thereof by inserting in the 2nd line after the word 'such' the words 'weighing point.'

And amend Section 4 of said bill by inserting in the 4th line thereof after the word 'such' the words 'weighing point' and

Amend Section 6 of said bill by inserting in the second line thereof

after the word 'said' the words 'weighing points' and

Further amend said Section 6 of said bill by striking out in the 4th line thereof the amount '\$6,000' and substituting in place thereof the amount '\$5,000' and striking out in the 5th line of said Section 6 the amount '\$4,000' and substituting in place thereof the amount '\$1,000.'

Committee Amendment "A" was adopted and the bill as so amended was tomorrow assigned for second reading.

Passed to be Engrossed

Bill "An Act Relating to Public Exhibitions." (H. P. 1272) (L. D. 542)

Bill "An Act Relating to Absentee Ballots." (H. P. 1401) (L. D. 779)

Bill "An Act Relating to Warrants Posted in Wards in Cities and in Towns." (H. P. 1403) (L. D. 781)

Bill "An Act Relating to Referendum Ballots." (H. P. 1407) (L. D. 785)

Bill "An Act Relating to Names on Ballots." (H. P. 1409) (L. D. 787)

Bill "An Act Relating to Municipal Ordinances." (H. P. 1440) (L. D. 577)

Bill "An Act Permitting the Digging of Clams in the York River for Bait Only." (H. P. 1467) (L. D. 743)

Bill "An Act Relating to the Primary Election Law." (H. P. 1523) (L. D. 863)

"Resolve Relating to Catching Lobsters Near Monhegan." (H. P. 1593) (L. D. 945)

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

Bill "An Act Relating to the State Reformatory for Men." (S. P. 428) (L. D. 648)

Which bill was read a second time and passed to be engrossed.

Sent down for concurrence.

Passed to be Enacted

Bill "An Act Relating to Automobile Travel by State Inspectors of Seed Potatoes." (S. P. 55) (L. D. 10)

Bill "An Act Relating to the Conservation of Soil and Soil Resources and the Prevention and the Control of Soil Erosion." (S. P. 68) (L. D. 51)

Bill "An Act Relating to Falsely Assuming to be a Justice or Officer." (S. P. 94) (L. D. 98)

Bill "An Act Relating to Vacating Attachments." (S. P. 311) (L. D. 518)

Bill "An Act Relating to the Office of the Register of Probate of Lincoln County." (S. P. 325) (L. D. 826)

Bill "An Act Relating to Technical Errors in Pleading and Procedure Before the Law Court." (S. P. 363) (L. D. 676)

Bill "An Act Establishing the Willow Water Game Preserve in the Town of Perry." (S. P. 375) (L. D. 695)

Bill "An Act Relating to Local Option Provisions." (S. P. 417) (L. D. 656)

Bill "An Act Relating to the Police in Lewiston." (S. P. 438) (L. D. 933)

Bill "An Act to Enable the Town of Upton to Acquire the Capital Stock of Company Producing and Distributing Electricity Within its Territorial Limits." (S. P. 477) (L. D. 990)

Bill "An Act to Enable the Plantation of Magalloway to Acquire the Capital Stock of Company Producing and Distributing Electricity Within its Territorial Limits." (S. P. 478) (L. D. 989)

Bill "An Act to Enable the Plantation of Lincoln to Acquire the Capital Stock of Company Producing and Distributing Electricity Within its Territorial Limits." (S. P. 479) (L. D. 991)

"Resolve Regulating Fishing in Round Pond." (S. P. 484) (L. D. 1001)

Bill "An Act Creating the Maine Nautical School." (H. P. 433) (L. D. 181)

Bill "An Act to Exempt from Taxation the Property of the Society for the Preservation of New England Antiquities." (H. P. 1160) (L. D. 457)

Bill "An Act to Amend the Charter of the City of Presque Isle." (H. P. 1166) (L. D. 462)

Bill "An Act Relating to Probation Officers." (H. P. 1205) (L. D. 423)

Bill "An Act Regarding Notices on Applications for Malt Liquor Licenses." (H. P. 1214) (L. D. 432)

Bill "An Act Relating to Fees of Constables Enforcing the Dog License Law." (H. P. 1236) (L. D. 498)

Bill "An Act to Determine Quality of Farm Products." (H. P. 1251) (L. D. 534)

Bill "An Act Relating to Legal Documents." (H. P. 1405) (L. D. 783)

Bill "An Act Relating to Cash Reserves of Banks." (H. P. 1512) (L. D. 855)

Bill "An Act Relating to the Salary of the Indian Representative." (H. P. 1553) (L. D. 844)

Bill "An Act Relative to Use of Poisons." (H. P. 1639) (L. D. 987)

Bill "An Act Changing the Name of Bangor Gas Light Company to Bangor Gas Company." (H. P. 1643) (L. D. 993)

Bill "An Act Relating to Action of Breach of Promise to Marry, and Amending the Law Relating to Action by Married Woman for Alienation of Affections of Husband." (H. P. 1645) (L. D. 994)

Bill "An Act to Amend and Extend the Charter of the Bangor Gas Light Company." (H. P. 1646) (L. D. 995)

Bill "An Act Relating to Employment and Salary of Deputy Clerk of Lewiston." (H. P. 1649) (L. D. 1000)

Finally Passed

"Resolve Authorizing the Forest Commissioner to Convey Certain Land to Agnes Lapointe Plourd of Frenchville." (H. P. 477) (L. D. 211)

"Resolve in Favor of Knox Memorial Association, Inc., for Support and Maintenance of 'Montpelier.'" (H. P. 614) (L. D. 251)

"Resolve Opening East Grand Lake in Weston to Ice Fishing." (H. P. 622) (L. D. 258)

"Resolve Relating to Fishing in Bear, Wayne and Upper Range Ponds." (H. P. 631) (L. D. 267)

"Resolve Authorizing the Forest Commissioner to Convey Certain Land to Mrs. Myrtle Madden Hutchinson, of Old Town." (H. P. 685) (L. D. 240)

"Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Land to Clara Calder Johnston of Rockwood." (H. P. 686) (L. D. 241)

"Resolve Regulating Fishing in Clayton and Fish Lakes of the Fish River Chain of Lakes." (H. P. 803) (L. D. 316)

"Resolve in Favor of Howard Douglass, of Upton." (H. P. 931) (L. D. 996)

"Resolve Regulating Fishing in Squa Pan Lake." (H. P. 1137) (L. D. 386)

"Resolve Regulating Ice Fishing in Tacoma Chain of Lakes." (H. P. 1145) (L. D. 445)

"Resolve in Favor of George W. Pettingill, of Livermore Falls." (H. P. 1642) (L. D. 992)

"Resolve Regulating Fishing in Damariscotta Lake." (H. P. 1644) (L. D. 997)

Bill "An Act Limiting the Amount of Inventory of the State Liquor Commission" (S. P. 611) (L. D. 284)

Mr. CHASE of Washington: Mr. President, in view of the fact that there is now before the Committee on Appropriations and Financial Affairs a bill in regard to the State Liquor Commission which may conflict with this Item 15, Legislative Document 284, I would move that this bill lie on the table and be especially assigned for tomorrow morning.

The motion prevailed and the bill was laid upon the table pending enactment and especially assigned for tomorrow morning.

Emergency Measure

Bill "An Act Permitting the Department of Health and Welfare to Cooperate with the United States Department of Agriculture." (S. P. 485) (L. D. 1002)

Which bill being an emergency measure, and having received the affirmative vote of 29 members of the Senate, and none opposed, was passed to be enacted.

Orders of the Day

On motion by Mr. Fellows of Kennebec, the Senate voted to take from the table, Senate Report from the Committee on Claims "Ought Not to Pass" on Resolve in Favor of William Wallace of Waterville (S. P. 223) tabled by that Senator on March 4th pending acceptance of the report; and on further motion by the same Senator the report of the committee was accepted.

Sent down for concurrence.

On motion by Mr. Emery of Hancock, the Senate voted to take from the table, House Report from the Committee on State Lands and Forest Preservation "Ought Not to Pass" on bill, An Act Approving the Purchase of Lamoine Coal Depot (H. P. 446) (L. D. 185) tabled by that Senator on March 13th pending acceptance of the report.

Mr. EMERY: Mr. President, additional information on this particular matter has been forthcoming since the committee hearing. I have had a talk with members of the committee and they are perfectly willing to give this further

consideration. Therefore, I ask that this matter be recommitted to the Committee on State Lands and Forest Preservation.

Thereupon, the bill was recommitted to the Committee on State Lands and Forest Preservation in non-concurrence.

Sent down for concurrence.

On motion by Mr. Fellows of Kennebec, the Senate voted to take from the table, bill, An Act to Incorporate the Reef Point Gardens Corporation (S. P. 481) (L. D. 998) tabled by that Senator on March 11th pending first reading, and that Senator yielded to the Senator from Cumberland, Senator Laughlin.

Upon motion by Miss Laughlin, the bill was given its first reading, and that Senator offered Senate Amendment "A" and moved its adoption:

"Senate Amendment A to S. P. 481, L. D. 998, An Act to Incorporate the Reef Point Gardens Corporation. Amend said Act, Section 2 thereof, as follows: Insert the word 'hold' before the word 'use' in line 8 of said Section; substitute the word 'similar' for the word 'charitable' in line 11 of said section; and substitute the word 'is' for the words 'it deems' in line 13 of said section."

Thereupon, Senate Amendment "A" was adopted, and the bill tomorrow as so amended was assigned for second reading.

On motion by Mr. Dorr of Oxford, the Senate voted to take from the table bill, An Act to Authorize Adequate Court Facilities in Oxford County (S. P. 231) (L. D. 391) tabled by that Senator on March 4th pending second reading; and on further motion by the same Senator, the bill was given its second reading and passed to be engrossed.

Sent down for concurrence

On motion by Mr. Batchelder of York, the Senate voted to take from the table Senate Report from the Committee on Public Utilities, "Ought to Pass in New Draft" (S. P. 501) on bill, An Act Providing for the Regulation of the Use of Highways Transporting Property for Hire (S. P. 322) (L. D. 524) tabled by that Senator on March 19th pending acceptance of the report; and on further motion by the same Senator, the report of the

committee was accepted, the bill in new draft was laid upon the table for printing under the joint rules.

On motion by Mr. Brown of Aroostook, the Senate voted to take from the table, House Report from the Committee on Legal Affairs, "Ought to Pass in New Draft (H. P. 1626) (L. D. 975) on bill, An Act Defining the Word "Homes" Relative to Exemption from Taxation (H. P. 50) (L. D. 34) tabled by that Senator on March 5th pending acceptance of the report; and on further motion by the same Senator, the report of the committee was accepted in concurrence and the bill in new draft was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Findlen of Aroostook, the Senate voted to take from the table, Senate Report from the Committee on Motor Vehicles, "Ought Not to Pass" on bill, An Act Relating to Pedestrians (S. P. 27) (L. D. 1) tabled by that Senator on March 14th pending acceptance of the report.

Mr. FINDLEN: Mr. President, I move to substitute the bill for the report on this Act Relating to Pedestrians. This is a bill that requires pedestrians walking on the highway to walk on the left side of the highway and to legalize that side of the highway for people to walk on. We are teaching children in our schools that they should walk on the left hand side of the highway for safety reasons. The police, our State Police, recommend that the left side of the highway is the safe side for people to walk on, and yet we have not legalized that procedure. I wish to read from a memo sent out to his deputies by the Chief of the State Police:

"From the records of the Highway Safety Division it is noted that in 1938, under apparent causes, pedestrians in road was at the top of the list with 35 per cent; 1939, 26 per cent and in 1940, 26 per cent. We have been trying to get our pedestrians to walk on the left side of the road facing traffic for the past five years without much success.

"Therefore, you are to instruct your officers, when meeting pedestrians walking along the highway, to speak to them, explain why it is

for their safety to walk on the left side of the road facing traffic and ask them to cooperate with us in this regard. By this method our pedestrian fatalities should be reduced to a great extent."

One other item that the Chief of State Police has made reference to in a letter to me on March 15th:

"Of the thirty-one pedestrians that were killed while walking along the highway in the rural section, only three of them were walking on the left side of the road, two of these were struck by hit and run drivers and the other one was caused by blinding headlights. There were three pedestrian fatalities, the reports of which did not state whether they were walking on the right or left side of the road, eight were walking in the center of the road and fifteen walking on the right side of the road."

There is a foot-note to the effect that "two of the three pedestrian fatalities which occurred while they were walking on the left side of the road were struck by hit-and-run drivers" signifying that perhaps these hit and run drivers may have been driving under the influence of liquor.

I noticed in the Kennebec Journal, which is perhaps one of the most conservative papers in the State, they made reference in an editorial, to this bill.

"The bill to be considered by the legislature and providing that it shall be legal for pedestrians to walk on the left side of the road deserves passage. No further proof is needed than can be secured almost any day from accidents the nation over that the left side of the road is safest for pedestrians. In this state, at least, and in many others, however, the old law makes walking on the right side only legal and protected. Because of this it has been most difficult to induce a majority to walk on the left side, despite the plain advantage to that. Most of them seem to reason they are liable to be hit anywhere and if they are it should be under the protection of the law. Making the left side legal and so better protected than the right should prevent many accidents.

"It has been even more difficult to convince pedestrians, although most of them are drivers at times, that often they cannot be seen while walking on the highways at

night. This is so obvious why it has not been accepted more generally is a mystery. It persists, however, along with the fallacy that the law makes the right side safest. On the left side pedestrians are not so apt to be lost in lights as on the other for they at least have a good view of cars approaching them. Then they should be able to protect themselves better.

"And it's rather strange that the law has not been made to conform with new necessities much sooner than this."

I would think that editorial rather reflects to quite an extent public opinion. I was particularly interested in this piece of legislation because on my road I happened to see a little boy killed who was walking on the right hand side and was caught between headlights. I vowed if I ever had an opportunity I would introduce this bill for your consideration and I hope you will give it very serious consideration.

According to the records in 1939 on the right hand side of the road there were killed five people, and in 1940 we killed ten. On the left side of the road in 1939 we killed two and in 1940 we killed one.

I think this applies particularly to people in rural sections where still today people do walk a lot on the highways and are entitled, it seems to me, to certain protection.

I hesitate very much to ask that a bill be substituted for a report. I have never done so until now, but I think this bill has merit and I believe it is a safety measure. I do not anticipate any great number of arrests will be made, but I just believe human lives will be saved by it, and I move that when the vote is taken it be taken by a division.

Mr. ELLIOT of Knox: Mr. President and members of the Senate; in order that the members of the Senate may appreciate the length of time the Committee on Motor Vehicles has put on this bill, I will call your attention to the fact that this is Legislative Document No. 1, and the first bill this committee had before it for hearing. The committee itself is in sympathy with the proposition of educating people to walk on the left hand side of the road because it is the safe side to walk on. The Committee on Motor Vehicles called before it the safety director of the state police, Officer Shaw, in an attempt to find out

what bills might be introduced at this session of the legislature which would tend toward decreasing accidents on the highway. We had before the Committee on Motor Vehicles some 20 odd bills which were recommended by the safety director of the state police. Walking on the left hand side of the road was not one of those. In the course of our deliberations it was decided to ask the legal members to study into the legal aspects to find out whether it could be worked out satisfactorily. They reported out unanimously that a satisfactory solution could not be worked out no matter how hard they tried. Not being a legal member I do not understand the legal propositions and therefore, I am going to yield to the Senator from Cumberland, Senator Libby.

Mr. LIBBY of Cumberland: Mr. President, as the Chairman of the Committee on Motor Vehicles has stated, the committee put in a great deal of time on this bill and we felt however desirable it might be in a majority of cases for pedestrians to observe this rule, we felt if we passed this bill, this legislature would be saying to all future pedestrians or their personal representatives, that they are absolutely guilty of contributory negligence in violating this statute, no matter what the circumstances in the particular case might be. I think it can be said without a question of doubt that there will be many cases where with the exercise of due care, pedestrians would be on the left side of the road and not some other side, and at the present time it seems to the legal members of the committee that this matter can be taken care of without this iron-clad rule which will affect every future case that will come before our courts. We think it should be carried on as a campaign of education and if desirable, a campaign of education can accomplish the desired result without putting a hard and fast rule on the statute books.

Miss LAUGHLIN of Cumberland: Mr. President, it seems to me this is a matter for the public safety. Both members of the committee who have spoken have acknowledged that it would promote public safety. They both said that, but nevertheless they oppose passage of the bill. As to the legal side of it, it seems to me it is just as pertinent to make regulations that pedestrians should walk

on the left side of the road as to make a law, as we have, that autos pass on the right, or that we have to stop at stop lights, or any regulations on the statute books that are for the promotion of public safety. In view of the records of the killing of pedestrians and especially in view of the figures presented by the Senator from Aroostook, Senator Findlen, showing how much oftener it is that a person on the right is killed than on the left, it seems to me this is sufficient reason for passing this legislation. It seems to me it is evident that education on this subject has failed to protect the public from the dangers of walking on the right side. It seems to me anybody driving a car, realizing the difficulties, in cooperation with pedestrians walking on the left side, can prevent so many accidents. The pedestrians walking on the left side of the road can cooperate with the drivers of automobiles and keep out of the way of the cars.

As I said, it seems to me the conclusive argument has been presented by those opposing this bill, that it will promote public safety.

Mr. SANBORN of Cumberland: Mr. President, I am opposed on general principles to the enactment of statutes which never can be enforced and which nobody expects that any attempt at enforcement will ever be made, as witness the hitch-hiking law that we have, but I certainly feel that the measure before us is a decided exception and I am unreservedly in favor of this particular bill.

I don't think anything further need be said upon the phase of it which has already been well set forth, that it is a safety measure. That, we must all realize. But I would be willing to champion this measure despite what has been said in the way of legal objection. It is true that it is a rule of law that when one suffers an injury in connection with an accident where they themselves were in violation of some law or ordinance, it is true that there is a presumption against them. But the presumption can always be rebutted by proof. If it be true that one is on the right hand side of the road under conditions which make it clearly safer and wiser for him to be there at that particular time and under those circumstances, he is not going to be prejudiced by the fact that he was on the side of the road which

the law says he shouldn't be, at that particular time.

Moreover, there is another phase of it which I think is of great importance to every one of us who operates a motor vehicle. As the law is today set forth in our decisions, as I recall there was a decision made in the early days of automobiling in an opinion by the late Justice Spear, for whose legal attainments I had the greatest respect, and it was there laid down that the motorist traveling on the highway at night, if oncoming headlights blind him or make it impossible for him to see just what is ahead of him, he must stop and wait until the objection is removed. If, in spite of it he proceeds and does injury he is negligent and is at fault. Now, the application of that rule, and that rule, bear in mind, was laid down as I said many years ago when automobiles were few and traffic conditions far different than at the present time, but today as you are driving, certainly under week-end conditions, if you are traveling toward your home after dark, instead of an occasional car approaching you are confronted perhaps with a string of half a dozen or more in quick succession.

Now let us apply the rule. I am proceeding in the evening on my right hand side of the road in my automobile. You, Mr. President, are approaching me from the opposite direction and are on your right hand side of the road. I am blinded by your headlights so that I cannot see whether or not a pedestrian is in front of me. It is incumbent upon me to stop at that particular time and wait and it is clearly incumbent upon you to stop because my headlights are blinding you. Is it to be supposed that we are to both stop our cars and stand there until daylight? Obviously not only must we proceed but everybody does proceed.

Again, as has been said, after this bill has been enacted into law the person who suffers injury traveling on the right may be deprived on a defense, but what about the fellow today who is traveling on the left? As a matter of fact, the result is bound to be that your pedestrian traffic will more increasingly than ever work over to the left hand side where they belong and where it is safer for them and safer for you and for me as motorists. No one, regardless of his legal rights or the

consequences of an accident, no one wants to be a party to running down a pedestrian any more than—I was about to say—any more than he wants to be a party to running down a dog. We all know the extent to which motorists will go to avoid even hitting a dumb animal in the road.

I sincerely hope, Mr. President, that the motion of the Senator from Aroostook (Senator Findlen) will prevail.

Mr. STILPHEN of Lincoln: Mr. President, I sincerely hope that the motion will not prevail. I want to say that the farmers are in some pretty tough spots now and I believe that if this law is passed they will probably all be heading for concentration camps because they wouldn't understand it. It is a good regulation to walk on the left hand side of the road, but the people out in the country wouldn't know it and they would innocently break the law.

Mr. ELLIOT of Knox: Mr. President and members of the Senate, I think the new Chief of the State Police should be highly commended upon the bulletin that he sent out to members of his force. So far as I know, and I am quite familiar with the functions of the State Police, no such communication has ever been sent out by any Chief of the State Police before.

I think we should give that an opportunity to work before we place on the statute books a law requiring all pedestrians to walk on the left.

Now, before the committee there were a number of specific instances brought to our attention whereby this law might work a hardship and result in more deaths on the highway rather than less. For example, out in the country where children are walking along the highways going to school, in many instances they would have to cross the road twice in order to get to school if this bill is enacted. I think the likelihood of a child being run over would be greater if they had to cross the road twice in order to get to school than if they stayed on the same side of the road.

Mr. BROWN of Aroostook: Mr. President, I wish to speak in favor of the motion to substitute the bill for the report. I have had considerable experience in driving on the road in my lifetime. I live out in the country and years ago I was a

pedestrian, whenever I went downtown I walked. But increasing age and doubtless laziness, and other causes have brought about conditions where I drive.

On Saturday nights a great many of the working people in our community who have no cars—and I live a mile and a quarter from the village—walk to town, some times the men, sometimes the women and sometimes both men and women and children. But I know that in driving home, passing a line of cars it is almost impossible to see people walking on the right hand side of the road. I think the figures show clearly that less people are struck while walking on the left than while walking on the right of the roads, but at the present time there is considerable confusion about it.

I don't understand that there is any law at the present time that compels pedestrians to walk on the right hand side of the road. But that has become such a long established custom that it has the force of the law and today we have a custom, which has the force of a law, where people are walking on the right side of the road while the police are trying to get them to walk on the other side, which is an anomalous condition.

Now I know that a great many states require pedestrians to walk on the left side of the road. We encounter large signs everywhere as we go south from here and get into other states, which say "Save lives: pedestrians walk on the left hand side of the road." So, as a safety measure, both for the pedestrians and for the people who drive in autos, I am in favor of the passage of this bill.

Mr. CHAMBERLAIN of Penobscot: Mr. President, the legal arguments of the Senator from Cumberland, Senator Sanborn, are always so clear and enlightening that in this particular case it seems to me to give complete warrant for substituting the bill for the report as a mere matter of safety.

Mr. LIBBY of Cumberland: Mr. President, there has been some reference made here to the law of the road as applied to motorists. I would like to point out that we seem to be overlooking the rights of the pedestrian because we are building fine roads for motorists and we say, as we have a right to say, "You shall drive on the right hand side

of the road." And yet we are not providing sidewalks for the pedestrians and we are saying to them, "You should use some other roads."

With reference to the statement that the Campaign of Education has failed, we may of course enact a law that resorts to the age-old cure that if you cannot educate the people, put a law on the statute books and that will accomplish the same result in some miraculous way. But we know from reading American history that that is not so and that it will not accomplish the desired result.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is on the motion of the Senator from Aroostook, Senator Findlen, that the bill

be substituted for the "Ought Not to Pass" report of the committee and that Senator has asked for a division.

A division of the Senate was had. Eleven having voted in the affirmative and nineteen opposed, the motion to substitute did not prevail.

Thereupon, on motion by Mr. Elliot of Knox, the report of the committee "Ought Not to Pass" was accepted.

Sent down for concurrence.

On motion by Mr. Friend of Somerset

Adjourned until tomorrow morning at ten o'clock.