

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Third Legislature

OF THE

STATE OF MAINE

1947

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, April 16, 1947.

The Senate was called to order by the President.

Prayer by the Reverend Herbert Aldrich of Augusta.

Journal of yesterday read and approved.

From the House:

Bill "An Act Relating to Weights and Measures." (H. P. 582) L. D. 405)

(In the Senate on April 1, 1947 passed to be engrossed in concurrence.)

Comes from the House, engrossing reconsidered; House Amendment "A" adopted, and the bill as so amended passed to be engrossed in non-concurrence.

In the Senate, House Amendment A was read and on motion by Mr. Cross of Kennebec, the Senate voted to recede from its former action whereby the bill was passed to be engrossed; House Amendment A was adopted in concurrence, and the bill as so amended was passed to be engrossed in concurrence.

From the House:

Bill "An Act Relating to the Control of Rats on Public Dumping Grounds." (S. P. 241) (L. D. 662)

(In the Senate, on March 13th, 1947 passed to be engrossed as amended by Senate Amendments "A" and "B".

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

In the Senate, House Amendment A was read, and on motion by Mr. Morrill of Cumberland, the Senate voted to recede from its action whereby the bill as amended by Senate Amendments A and B was passed to be engrossed; House Amendment A was adopted in concurrence, and the bill as amended by Senate Amendments A and B, and by House Amendment A was passed to be engrossed.

House Committee Reports

The Committee on Judiciary on Bill "An Act Relating to Convictions Affecting Credibility," (H. P. 1507) (L. D. 1132) reported the same in a new draft (H. P. 1682) (L. D. 1399) under a new title, Bill "An Act Relating to Convictions

Affecting Credibility and Constituting Criminal Records," and that the same ought to pass.

The Committee on Legal Affairs on Bill "An Act to Regulate Public Dance Halls," (H. P. 244) (L. D. 189) reported the same in a new draft (H. P. 1685) (L. D. 1400) under the same title, and that it ought to pass.

The Committee on State Lands and Forest Preservation on "Resolve Authorizing Maine State Park Commission to Convey Mount Blue State Park to Town of Weld," (H. P. 1661) (L. D. 1359) reported the same in a new draft (H. P. 1683) (L. D. 1401) under a new title, "Resolve, Authorizing Maine State Park Commission to Lease Mount Blue State Park to Town of Weld," and that it ought to pass.

The same Committee on "Resolve Authorizing the State Tax Assessor to Convey by Sale Certain Interest of the State in Lands in the Unorganized Territory," (H. P. 1410) (L. D. 1025) reported the same in a new draft (H. P. 1684) (L. D. 1402) under a new title, "Resolve Authorizing the State Tax Assessor to Convey by Sale Certain Interest of the State in Lands in the Unorganized Territory and in the City of Bangor," and that it ought to pass.

Which reports were severally read and adopted in concurrence, the bills in new draft read once and tomorrow assigned for second reading.

The Committee on Judiciary on Bill "An Act Providing for Fire Escapes with the Approval Thereof of the Insurance Commissioner or Fire Inspector," (H. P. 444) (L. D. 262) reported that the same ought to pass as amended by Committee Amendment "A."

Which report was read and adopted in concurrence and the bill read once; Committee Amendment "A" was read and adopted in concurrence, and the bill as amended was tomorrow assigned for second reading.

Order

Mr. Leavitt of Cumberland presented the following order and moved its passage:

ORDERED, the House concurring, that the Committee on Appropriations and Financial Affairs be requested to include in its general

appropriation bill an appropriation of \$115,000 for the fiscal year 1947-48 and \$115,000 for the fiscal year 1948-49 for the Maine Maritime Academy at Castine in order that that institution may continue its operation.

Mr. LEAVITT of Cumberland: Mr. President and members of the Senate, if there were any time in the world that I wish I could make a good speech, it is this morning. For the last six years I have been working on this Maine Maritime Academy, until I hardly know where I start and where the academy starts, my thoughts are so intermingled with the operations of that school. The reason for my interest isn't that it is just a school by way of educating a few boys, but it goes back to my forebears. It goes back to the business of shipping. My forebears went to sea, my grandfather and great-grandfather, and the grandfather before that, and they have been linked with the State of Maine for all of these years. They have been connected with the sea and interested in bringing from the sea the wealth which only the sea can give the State of Maine.

For years, the training of the boys in the State of Maine along our coast to go to sea was with their fathers, and their uncles, and their other relatives in windjammers which flocked along the entire coast. These were so numerous that at times ships from Maine outnumbered the ships in foreign ports of all other nationalities.

There were more ships from Maine, for instance, in Havana Harbor at times, Rosario, Rio, than there were from all of the other places in the world. Maine has a great heritage in the sea. If you look at the banner which is behind the President, you will see that the sailor is on the right-hand side of the emblem of the State of Maine, because even back in 1820, when this state was formed, people realized that the sea was the right hand of the State of Maine.

In the past years, with the coming of steam, it was necessary for a boy to have more education than he could get out of the windjammers, especially if he was going into the engine room. For a long time, or for a period of 10 or 15 years, Maine boys began to stop going to sea. There was no place for them. Friends of mine who were connected

with the sea kept coming to my office and telling me how Maine should have a school to train the boys who wanted to go to sea, and who had that love of the sea here in Maine. And so, coming to the legislature, I was given a bill to present here to try to establish such a school.

Now, I was told that a new legislator could not put such a bill through. And I agree that a new legislator could not put a bill like that through, unless in coming to the legislature, he found that heritage of the sea, that feel that man had a part of the sea, in most of the legislators here. And I went to people who I was told were the most hardbitten people of the legislature, people who never would vote for a cent of money, and I would say to them, "Would you help me on this Maritime Academy bill?" and they would say, "Sure, my grandfather was a sea captain," or they would say, my grandfather has been mixed up with the sea, or my grandmother. Everybody had some connection, and so the bill passed without any trouble at all, much to everybody's surprise, including my own.

I then was appointed to the board of trustees to do a job which was beyond my capabilities. I am not an educator. I have never run a school. I know little about it. And yet, there has been a tide that has set along with that school and has kept that school going. We have graduated boys. They have been on every beachhead. I have reports all of the time from people on the Pacific coast, reports from people in New York who have these boys on their ships. They say, give us more and more of your Maine boys. They are the best that we can possibly get on the ships.

And so, when I came to this legislature, and we became economy minded, as I agree we should be, some people thought that we did not need a Maine Maritime Academy any longer. I don't know where that thought originated. Eventually, the Appropriations Committee put out a tentative report which said that they weren't appropriating any money for this Academy. I have tried to find some method to approach this matter and to keep that school alive. And I have had some very able assistance in preparing this order. The reason for this order is that in

the closing days of the legislature, after the appropriation bill comes out, we will be ready to go home, and at that time it will be almost impossible, or should be almost impossible, task to amend the bill. And so, rather than make a last minute stab at that proposition, I have asked this legislature to go along with an order to tell the Appropriations Committee that the Senate and House of the ninety-third legislature want the Maine Maritime Academy to continue.

I believe you want it to continue, and I am willing to take this chance in asking your support in this manner. I believe that this school is a good school. I believe that it is Maine's only chance to take her share of the great commercial development which is coming to us in the next few years. I believe that this school is a part of Maine and that you want it to be a part of Maine. I therefore ask that the order which has been put in have passage.

Thereupon, the order received a passage.

Passed to be Engrossed

"Resolve in Favor of the Maine Historical Society." (H. P. 152) (L. D. 145)

"Resolve in Favor of the Belfast Home for Aged Women." (H. P. 153) (L. D. 118)

"Resolve Relating to Teachers' Pensions for Certain Persons." (H. P. 237) (L. D. 166)

"Resolve Appropriating a Fund to Repair and Recondition the Lot and Monument of a Former Maine Governor." (H. P. 1016) (L. D. 649)

Bill "An Act Relating to Trapping Foxes." (H. P. 1022) (L. D. 653)

"Resolve in Favor of Procuring Testimonials for the Purpose of Marking the Unmarked Graves of the Soldiers of the Revolutionary War." (H. P. 1497) (L. D. 1122)

Bill "An Act Relating to Meetings of Certain School Districts." (H. P. 1654) (L. D. 1347)

Bill "An Act to Permit the Town of Scarborough to Take Advantage of a Proposed Government Project." (H. P. 1657) (L. D. 1352)

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

"Resolve Providing Water Facilities for the Passamaquoddy Indians at Pleasant Point." (H. P. 1535) (L. D. 1166)

Bill "An Act Creating a School District for the Oakfield-Merrill-Smyrna-Dyer Brook Community." (H. P. 1627) (L. D. 1301)

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

Bill "An Act Relating to Trapping of Beaver." (S. P. 508) (L. D. 1398)

Bill "An Act Relative to Operation of Boats." (S. P. 513) (L. D. 1403)

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

Sent down for concurrence.

Bill "An Act Creating an Agency to Rehabilitate the Atlantic Sea Run Salmon." (S. P. 510) (L. D. 1396)

Mr. Morrill of Cumberland presented Senate Amendment A and moved its adoption:

"Senate Amendment A to S. P. 510, L. D. 1396, bill, An Act Creating an Agency to Rehabilitate the Atlantic Sea Run Salmon. Amend said bill by inserting in the 1st line of the 3rd paragraph of that part designated 'Sec. 47-A' after the underlined word 'conditions,' the following underlined words: 'except those which are or may be or become within the jurisdiction of the sanitary water board under the provisions of chapter 72 of the revised statutes of 1944.'"

Which amendment was adopted, and the bill as so amended was given its second reading and passed to be engrossed.

Sent down for concurrence.

Bill "An Act to Change the Charter of the City of Calais" (S. P. 490) (L. D. 1356)

On motion by Mr. Murchie of Washington, the bill was recommitted to the Committee on Legal Affairs.

Sent down for concurrence.

Bill "An Act Relating to Fees for Registration of Motor Trucks and Basis Therefor."

Mr. Cross of Kennebec presented Senate Amendment A and moved its passage:

"Senate Amendment A to S. P. 509, L. D. 1397, bill, An Act Relating to Fees for Registration of Motor Trucks and Basis Therefor.

Amend said bill by drawing a line through the figures '40,000' in the 9th line of section 2 there-

of and adding after said figures the underlined figures '50,000'. Further amend said bill by striking out all of section 4 thereof and inserting in place thereof the following: 'Sec. 4. R. S., c. 19, Sec. 18, amended. The last sentence of the 3rd paragraph of section 18 of chapter 19 of the revised statutes is hereby repealed.'

Which amendment was adopted and the bill as so amended was passed to be engrossed.

Sent down for concurrence.

Tabled Pending Passage to be Enacted

Bill "An Act Permitting Closing of Banks on Saturday." (H. P. 970) (L. D. 628)

Mr. BLANCHARD of Aroostook: Mr. President, I move that the bill lie on the table.

A viva voce vote being doubted A division of the Senate was had. Nineteen having voted in the affirmative and nine opposed, the motion prevailed and the bill was laid upon the table pending passage to be enacted.

Bill "An Act Relating to Eligibility of Certain Clubs for Liquor Licenses," (S. P. 476) (L. D. 1329) (Tabled by Mr. Barnes of Aroostook.)

Passed to be Enacted

Bill "An Act Relating to Salary of Governor." (S. P. 149) (L. D. 343)

(On motion by Mr. Cleaves of Cumberland, tabled pending passage to be enacted.)

Bill "An Act Relating to Permits for Digging Into and Opening Streets and Highways." (S. P. 165) (L. D. 404)

Bill "An Act Relating to Refunds of Gasoline Tax." (S. P. 245) (L. D. 819)

Bill "An Act Relating to Issuance of Capias Execution in Divorce Cases." (S. P. 258) (L. D. 720)

Bill "An Act Relating to Tuition for Pupils from Towns Contracting for Secondary Education." (S. P. 382) (L. D. 1095)

Bill "An Act Relating to the Supreme Court of Probate." (S. P. 383) (L. D. 1096)

Bill "An Act Relating to Control of the Sale of Alcohol." (S. P. 429) (L. D. 1214)

Bill "An Act to Extend the Open Season for Hunting Migratory Birds." (S. P. 448) (L. D. 1273)

Bill "An Act Relating to Privately Owned Airports." (S. P. 497) (L. D. 1361)

"Resolve, Closing Farmer's Brook in Franklin County to Smelting." (S. P. 362) (L. D. 1031)

Bill "An Act Relating to Duties of Insurance Commissioner in Directing Defective Chimneys and Other Dangerous Conditions to be Removed or Repaired." (H. P. 445) (L. D. 263)

Bill "An Act Relating to Inspection of Fire Escapes." (H. P. 446) (L. D. 264)

Bill "An Act Relating to Hunting Seals near Green Island." (H. P. 631) (L. D. 391)

Bill "An Act to Authorize the Transfer by the Spurwink Congregational Church and the Acceptances by the Inhabitants of the Town of Cape Elizabeth of the Spurwink Church and Property." (H. P. 846) (L. D. 502)

Bill "An Act Repealing Mount Bigelow Game Preserve in Franklin and Somerset Counties." (H. P. 899) (L. D. 598)

Bill "An Act Relating to Method of Payment of Alimony." (H. P. 917) (L. D. 614)

Bill "An Act Relating to the Definition of the Term 'Sardine'."

Bill "An Act Relating to Old Town Game Preserve." (H. P. 1161) (L. D. 841)

Bill "An Act to Incorporate the Town of Bridgton School District." (H. P. 1443) (L. D. 1055)

Bill "An Act Creating the Town of Wales School District." (H. P. 1447) (L. D. 1053)

Bill "An Act to Create the Caribou School District." (H. P. 1463) (L. D. 1067)

Bill "An Act to Incorporate the Presque Isle School District." (H. P. 1487) (L. D. 1088)

Bill "An Act Relating to Publication of Applications for Liquor Licenses." (H. P. 1567) (L. D. 1196)

Bill "An Act Relating to Tenure of Office of State Liquor Commission." (H. P. 1568) (L. D. 1197)

Bill "An Act Relating to Reciprocal Contracts of Indemnity." (H. P. 1631) (L. D. 1306)

Bill "An Act Relating to Police Department Pensions of the City of Bangor." (H. P. 1648) (L. D. 1339)

Bill "An Act Relating to Pensions to Employees of the City of Bangor." (H. P. 1649) (L. D. 1340)

Bill "An Act Relating to Term of

Office of Police Department of the City of Bangor." (H. P. 1650) (L. D. 1341)

Bill "An Act Relating to Superintendence of Schools Through Union Towns." (H. P. 1666) (L. D. 1371)

Bill "An Act Regulating Fishing for Smelts in Tidewaters of East Machias River." (H. P. 1672) (L. D. 1376)

Finally Passed

"Resolve, Closing the Tributaries to Wassookeag Lake in Dexter in Penobscot County to All Fishing." (H. P. 904) (L. D. 603)

"Resolve, Opening Pleasant Lake, in Washington County, to Ice Fishing." (H. P. 912) (L. D. 542)

"Resolve, Relative to Fishing in Certain Somerset County Waters." (H. P. 1501) (L. D. 1126)

"Resolve, Authorizing the State of Maine to Convey Certain Land in Presque Isle." (H. P. 1551) (L. D. 1181)

"Resolve, Regulating Dipping of Smelts in Lake Cobbosseecontee." (H. P. 1594) (L. D. 1250)

"Resolve, Closing Lily Lake in Washington County to Ice Fishing." (H. P. 1668) (L. D. 1377)

Emergency Measure

Bill "An Act Relating to Seed Potato Board Appropriation." (H. P. 1663) (L. D. 1366)

Which bill being an emergency measure, and having received the affirmative vote of 30 members of the Senate, and none opposed, was passed to be enacted.

Orders of the Day

On motion by Mr. Ela of Somerset, the Senate voted to take from the table bill, An Act Relating to Fees in the Small Claims Law (H. P. 1299) (L. D. 906) tabled by that Senator on March 27 pending passage to be enacted; and on further motion by the same Senator, under suspension of the rules, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed.

Mr. ELA of Somerset: Mr. President, it is my intention to offer an amendment. I have checked with the sponsors of the bill and the committee which considered it, and the amendment has their approval. I offer Senate Amendment A and move its adoption:

"Senate Amendment A to bill, An Act Relating to Fees in the Small

Claims Law, H. P. 1299, L. D. 906. Amend said bill by striking out in the last line of that part designated Section 3 of Section 1 thereof the underlined figures '\$2.75' and inserting in place thereof the underlined figures '\$2.00'. Further amend said bill by striking out all of that part designated Section 4 of Section 2 thereof and inserting in place thereof the following: 'Section 4. Disposition of fees. Of the amount of the entry fee, the Judge shall receive 75c; of the \$1.25 remaining, a sufficient sum shall be applied directly on the registered postage mentioned in Section 6, and the balance shall be retained by the clerk or recorder or in towns where there is no clerk or recorder by the judge in addition to the 75c fee mentioned above.'"

Which amendment was adopted and the bill as so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Cross of Kennebec, the Senate voted to take from the table, bill, An Act Relating to Town, City and Village By-Laws and Ordinance Relating to Buildings and Structures, (H. P. 1188) (L. D. 778) tabled by that Senator on April 10 pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed in concurrence.

On motion by Mr. Cleaves of Cumberland the Senate voted to take from the table bill, An Act Relating to Taxation of Savings Banks (H. P. 692) (L. D. 467) tabled by that Senator on April 11 pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed in concurrence.

On motion by Mr. Leavitt of Cumberland, the Senate voted to take from the table, bill, An Act Prohibiting Erection of Billboards Adjacent to Turnpikes (S. P. 349) (L. D. 1161) tabled by that Senator on April 9 pending motion by the Senator from Washington, Senator Dunbar, that the Senate recede from its action whereby the bill was passed to be engrossed.

Mr. LEAVITT of Cumberland: Mr. President, I put this on the table the other day in order that we might have a little more thought

on the subject. I have studied the bill quite thoroughly and I believe we should not recede on this matter.

Mr. DENNY of Lincoln: Mr. President and members of the Senate, believing that the Senators want to be as fair with the billboard interests as they do with any other interest or industry, I am going to offer an amendment, if it will be permitted by your action, which will modify this bill as it has come back to the Senate.

I think it might be well just to review the progression of this bill in the past week or so. As you know, it came from the Judiciary Committee "ought to pass" with Committee Amendment. The Committee Amendment took away from the bill the next to the last sentence which restricted or limited billboards on property on the fronts of buildings. It was then passed to be engrossed, and then came back to the Senate with a House amendment.

The House amendment seems to have caused quite a furor, replacing the word "turnpike" with the word "highways." You know and I know, and I think there is nothing to be concealed, that the acceptance of this amendment would do away with a large percentage of the billboards in the State. I think that has been explained very well and very carefully by the Senator from Somerset, Senator Ela, the other day. This does not affect, however, directional signs, or signs on property of the owner. This has been tabled for a week, giving ample time to consider the merits of the bill, and ample time for proponents and opponents to contact members of the Senate, which has been done.

So, I think in all fairness to the industry, this bill has had time for proper consideration. You well know that during the past ten years, perhaps more than ten years, but at least as long as I can remember, garden clubs, women's clubs, citizens of the State of Maine, summer visitors and other people coming from out of the state into the State of Maine have criticised the billboards in the State of Maine.

In some places, and I think you can readily recall many places, billboards are so thick, and so confusing, that their advertising value is questionable, aside from the hiding of scenery. We ask our vis-

itors, and we make a great deal of effort every year to bring outside of Maine people into the state, to see our one great, natural resource, scenery. As one out-of-state man has stated—he is an author who has a summer residence in the State — rather crudely, but quite pointedly, I think, that we do not spit in the well from which we intend to drink. I think that explains pretty well the hiding of our scenery.

Also, I think the thickness of the billboards in certain sections possibly gave rise to the author who proposed this poem which may be familiar to some of you.

"I think that I shall never see
a billboard lovelier than a tree.
Some day unless the billboards
fall I'll never see a tree at all."

I think all of the cards have now been laid on the table, and I think nothing has been concealed. The amendment which I would like to offer would change the House amendment so that the bill would read as follows in the 7th line of the original printed bill beginning with the word "no", and following from then on, it would change it as follows: "No person shall hereafter erect or hereafter for more than five years maintain within 500 feet of the nearest right-of-way boundary line of any state"—and as amended would say, "highway."

This would permit two things. First, it would eliminate future erection of billboards within 500 feet of the highway. Next, it would give the present billboard industry, or anyone owning billboards, a period of five years, serving notice on them that in five years they must move the billboards back 500 feet from the highway. Now, if this is not permitted, it seems that is an advantage to the billboard industry. If this is not permitted, I think it is not unreasonable to expect that possibly in the next session of the legislature a bill might be passed which would eliminate or take away from the highways the billboards, moving them back 500 feet, or taking them away altogether, at which time the industry might have three months, or at least less than five years, to do that job.

That would seem quite unfair. This does give them a five-year period to do it, and it gives two sessions, at least, of the legislature to come back and amend or repeal the bill.

Therefore, I hope the motion of the Senator from Washington prevails, so that we may adopt House Amendment A, so that I can offer this amendment which would give the industry five years.

Mr. ELA of Somerset: So that there may be no scarcity of motions, I move that we adhere. Of course, I realize the other motion has precedence. I think all I will do is briefly reiterate a few remarks I made the other day.

I am not too much concerned with the wisdom of this amendment. My main concern is with the keeping faith with the State of Maine and its citizens — keeping their faith in our legislative procedure, may I say. This bill as it was advertised and heard in committee referred only to that section of highway being built under the Maine Turnpike Authority. This was a highly particular piece of road and didn't concern anybody who had property in existence of that nature. And as such, the people who remember our advertisements of hearings, and who were interested in billboards, made no effort to appear and defend whatever property rights they may have had.

Now, I believe we have one of the best, one of the fairest, legislatures in the United States of America, which is in my opinion the best and fairest, and the most democratic country in the world. I treasure that faith a little bit. I believe when we adopt rules, whether they are written into law or not, but where we follow by precedent and by rules a certain procedure by which we say in effect to our citizens, when a bill is introduced into this legislature, we will advertise the same, we will conduct a public hearing where every person who wishes to express himself in a decent, fair and orderly manner may be heard — when we say that to the public, and continue that practice more or less firmly over a period of years, they do have faith in our procedure. They sleep well of nights and don't wonder what's going to happen to them down here while they are not looking.

Now, any such amendment as was introduced and is under consideration doesn't meet that specification in my book. Any such amendment as may be introduced, and which has been explained briefly to us, would not meet that specification in my book. To be sure,

some organized group has heard about this amendment. They have come here. They have contacted some people. But there are many other owners of similar property who perhaps don't know about it.

Now, as I said, I am not too much concerned whether you have billboards, or whether you don't. But if you are going to introduce a five-year waiting period, during which period they can get rid of their billboards, and during which period nobody else can build one, that meets two objections from me. One is, if the five-year period is all right, there is plenty of time in a succeeding legislature to pass the bill. The other is, that you are treating the same class of property owner differently. To the fellow who has his billboard all built, you are saying, "O.K., you can keep it for five years." To the fellow who doesn't have his built, "You are out." That isn't treating people equally.

Mainly for the reason that I wish to keep faith with the public, and I wish the public to retain their faith in us, I hope that the motion of the Senator from Washington, Senator Dunbar does not prevail.

Mr. MORRILL of Cumberland: Mr. President, I would like to echo the sentiments of the Senator from Somerset, Senator Ela, and go on record as supporting his motion, and in so supporting that motion, I do hope that the motion of the Senator from Washington, Senator Dunbar, will not prevail.

The PRESIDENT: The question before the Senate is on the motion of Senator Dunbar that the Senate recede from its action whereby this bill pass to be engrossed. The Chair will state for the benefit of the Senators that the motion to adhere is not in order until the motion to recede has been disposed of.

Mr. CROSS of Kennebec: Mr. President and members of the Senate, I, like my friend, the Senator from Somerset, am not too concerned whether this bill passes or not. I have quite decided ideas of my own, and I only rise to differ with him in respect to what we are elected to do here in this legislature.

I am not at all concerned about the methods used by the proponents of the amendment. I feel that we have been elected to represent all of the people, not just one special interest, and that we as Senators will carefully weigh the facts, and weigh them in the light of what

will benefit or concern the majority of the people of the State.

As to the methods used, if you will recall, probably every day on some committee there comes a new drafting of bills which have been heard in public hearing, and in this new draft there may be things completely foreign, completely changing the bill, and no criticism is ever heard of the new draft. No further opportunity is had by the public, and they must rely upon our opinions and our judgment.

So, I think that the particular statement as to the strategy used does not apply in this case. I think we can well rely upon the judgment of the individual senators to protect the people of the State of Maine.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Washington, Senator Dunbar, that the Senate recede from its former action whereby the bill was passed to be engrossed.

Mr. ELA of Somerset: Mr. President, I ask for a division.

A division of the Senate was had. Six having voted in the affirmative and twenty-two opposed, the motion did not prevail.

Thereupon, on motion by Mr. Ela of Somerset, the Senate voted to adhere.

On motion by Mr. Dunbar of Washington, the Senate voted to take from the table bill, "An Act Relating to Registers of Probate Accounting Quarterly for Fees." (S. P. 284) (L. D. 1097) tabled by that Senator on March 28 pending passage to be engrossed.

Mr. BARNES of Aroostook: Mr. President and members of the Senate, Legislative Documents 1097 and 1098 are related. There has been some confusion in the various counties in the State of Maine as to what shall be done with fees that come to registers of probate from foreign estates. In a few of the counties, the register of probate has thought that he was entitled to retain those fees, and in most of the counties they have been turned over to the county.

Now, registers of probate all over the State of Maine are the poor boys of the county offices. In a very few instances is there enough income from fees to maintain and support the offices, but these two bills were both put in for exactly

the same purpose. You will notice in Legislative Document 1098 it formerly read that the register shall have a reasonable compensation from non-resident estates, and that has been changed by striking out the words, "shall have a reasonable compensation," and the words, "Shall be paid for the use of the county reasonable fees" are inserted.

Now, that bill has passed to be enacted, and has been signed by the Governor some time since. Number 1097 would accomplish exactly the same job and would serve about the same effect as a man wearing two pairs of suspenders. It is entirely unnecessary, and was placed upon the table for the purpose of seeing what action was taken on 1098, and now that 1098 has passed, I move the indefinite postponement of 1097.

On motion by Mr. Morrill of Cumberland, the Senate voted to take from the table bill, An Act to Prevent Drinking in Public Places (S. P. 505) (L. D. 1391) tabled by that Senator on April 14 pending its first reading.

Mr. MORRILL of Cumberland: Mr. President and members of the Senate, first of all I want to make clear to the members of the Senate that I am not a prohibitioner and I don't believe in prohibition or the results thereof as demonstrated by the era we have gone through in the past. This bill which I have presented, and which dates in history back before I took it over, was requested by various groups in the State of Maine the sheriffs' departments, state police, various church groups, and other groups in the state who felt that conditions within our state under the present liquor laws were detrimental to the continuance of the privilege of drinking alcoholic beverages in the State of Maine, and decided that they would like to see some kind of a law passed which would put teeth in our present law.

The present wording of the law depends on the word 'intoxication' or 'intoxicated' and when an arrest is made on that ground I believe it has been the experience of many law enforcement officers that when they have their prisoner in court the interpretation of that word is as varied as there are judges and it was thought that if a bill could be introduced and a law passed that

would enable a law enforcement officer to make an arrest for drunkenness that would stick when he took it to court, it would be of benefit to the state. The bill is very short and I will read it. It provides under sub-section 1. "Any person taking a drink of liquor or offering a drink of liquor to another or knowingly permitting drinking at or in a public place, except places licensed for on-premise sale of liquor, or any person taking a drink of liquor or offering a drink of liquor in any vehicle not licensed for sale of liquor shall be punished by a fine of not less than \$10 nor more than \$200."

Sub-section 2 defines "public place" as follows: "Public place as used in this section shall mean: any building, conveyance, dance, entertainment, amusement or sport or parking place or grounds adjacent thereto or used in conjunction therewith or any highway, street or lane, to which the public is invited or has access." That is aimed particularly at the grounds adjacent to dance halls, automobiles, public highways and the definitions that come under that sub-section.

The original bill — this is a new draft — the original bill presented to me some unfavorable aspects in that it included parks or places of resort, which had a very broad definition. I felt that any husband taking his family on a picnic should be entitled to drink a bottle of beer on a hot summer afternoon if he wished to. That was a hardship and we took it out. We have a bill now which I think is a good bill.

I have, and I would like to read, some letters which I have received since Sunday. I wrote a letter to each sheriff in each county in the State of Maine and to Chief Upton of the State Police and I would like to read some of these to you.

The first is a telegram from Herbert L. Pinkham, Sheriff of Lincoln County: "Wholeheartedly in favor of your bill to forbid drinking in public places, in my opinion the first step in our combat against juvenile delinquency."

From Jasper S. Lycette, Sheriff in Aroostook County:

"Dear Senator:

"In reply to your inquiry of the 11th regarding my sentiments on the public drinking law, L. D. 1391,

I wish to advise that I am heartily in favor of this measure.

"Under the present set-up a person can drink in a public place or on the street, thereby putting an officer in an embarrassing position because the onlookers expect him to take some action. In many instances this is impossible, because this person may not be drunk enough to arrest, despite the fact the officer knows the act is often committed in a spirit of defiance.

In this county, it is becoming almost impossible for any group to run a public dance without having a squad of officers present, and it would be someone more courageous than I who would have the courage to drive his car on the highways adjacent to that particular spot at the time one of these affairs break up. Bootleggers frequent these gatherings, thus contributing the medium to promiscuous drinking and drunken driving. One of my officers has a cottage near the highway that leads to some of these places, and he tells me they get very little sleep Saturday night and Sunday morning on account of the speeding cars and shouting from their occupants. He further states that the highway from there to his farm, a distance of a dozen miles, is strewn with empty bottles. Surely many of these bottles were 'killed' in transit.

"As I am about to go away over the week-end, I do not have the time to contact my representatives on this matter, but I cannot see how any of them could oppose this bill if they are interested in the moral uplift of our county and state."

And one from Martin J. Gallant, Sheriff of Somerset County:

"Dear Senator:

I am in receipt of your letter and a copy of the new draft of the Public Law, L. D. 1391. The copy, I believe is along the thoughts and intent of the sheriffs when they discussed the bill in the past."

This letter is from Ray S. Foster, Sheriff of Washington County, and I believe, President of the Sheriffs Association:

"Dear Senator Morrill:

Your letter with a copy of L. D. 1391 was received Saturday, and I appreciate your courtesy. I am glad to go on record as being 100% in favor of it, and as the Sheriffs Association was unanimously in

favor of the broken seal law, I feel perfectly safe in saying that all the Sheriffs will be in favor of it.

"The Sheriffs are having a meeting in Augusta on Wednesday, the 16th and we will get a vote at the meeting if that will be in time.

"I talked with Chief Upton of the State Police on Saturday, and he is heartily in favor.

"If this bill becomes law, it will give the officers a chance to correct the nuisances, and every one I have talked with about it, is in favor of it. I am coming to Augusta on Tuesday and will try and see you then."

The next letter is from J. Addison Linscott, Deputy sheriff of Franklin County:

"Dear Senator:

Am in receipt of copy of the new draft of the Public Drinking law, which will come before the legislature this coming week. The bill meets with my approval, in fact I heartily endorse its enactment. With the passage of this bill my department will be able to cope with a situation that has grown by leaps and bounds, and one that has a direct influence on Juvenile Delinquency.

"In the past our hands have been tied in matters pertaining to drinking in public and disturbances caused at dances. We have been subjected to much criticism for not stopping this vulgar display.

"Please know that I recommend the passage of the bill."

And I will read now a letter from Laurence C. Upton, Chief of the Maine State Police:

"Dear Senator Morrill:

Reference is made to your communication of April 11 relating to the new draft of the Public Drinking Law, L. D. 1391.

"I have made a careful study of this proposed law and it is my opinion that the enactment of it by the 93rd legislature would be sound and constructive procedure. While it will be more difficult to enforce than the open bottle law which was recommended by the Maine Sheriffs' Association, it will to a large extent accomplish the purpose in which the law enforcement officers were interested.

"I believe that it is a well established fact that the only real objection that the majority of the people of Maine have to the legal sale of liquor is the nuisance which is created by so much drinking in

public. Under our present laws we are turning many of our public buildings, conveyances and highways into open saloons. If some restrictions are not placed on public drinking, the voters of Maine will act and when they do we will return to the days of Neal Dow and State Prohibition."

The main objection I have heard to this bill has been that if the bill were enacted and made into law, the law would be unenforceable. We have a great many laws on our books. I am going to read some of them later which in my opinion are unenforceable, and I agree that if you are going to dot your i's in matters of this kind that perhaps this bill isn't enforceable, but it was designed to place in the hands of law enforcement officers a weapon they can use when in their discretion they feel it is necessary.

One of the most common questions asked of me is, "If I go to a football game and want to take a drink out of a bottle, will I be arrested?" And I have answered it by saying, "If you were at a football game with four or five thousand other people and minding your own business and want to take a drink nobody will molest you but if you start to throw bottles and get obnoxious, you will be arrested and the officer arresting you will have something to hang his hat on when he takes you into court."

I would like to read to you some of the sections of the revised statutes of 1944, which seem to me less enforceable than this. First, Section 20, Chapter 120, entitled, "Entering for premiums any horse that has been disguised etc.; penalty. R. S. c. 138, sec. 17. Whoever, for the purpose of competing for purses or premiums, knowingly and designedly enters or drives any horse that shall have been painted or disguised, or that represents any other or different horse from the one which is purported to be entered, or shall knowingly and designedly, for the purpose of competing for premiums or purses, enter or drive a horse in a class to which it does not properly belong shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, and such horse, after such notice to the owner as the court may order and a hearing thereon, may be forfeited in the discretion of the court and sold; ½ of the net proceeds of such sale shall go to the informant—" There

is a point there. There is an informant in this. The law evidently is so unenforceable that they have an informant. “—and the other ½ to the county in which the offense is committed. The pecuniary penalty shall be enforced by indictment and the forfeiture by a libel filed by the informant and proceedings in the manner provided in chapter 165.” There is the case of a law on our statutes where the State of Maine relies on an informant to enforce the law. The law enforcement officers are apparently not capable of it.

And now let me read from Section 8 of Chapter 121: “Fornication; penalty. R. S. c. 135, sec. 7. If an unmarried man commits fornication with an unmarried woman, they shall be punished by a fine of not more than \$100 and imprisonment for not more than 60 days.” Gentlemen, there is an old saying that all the world loves a lover and yet, if two young people in their innocence and first love affair, and I mean innocence, because if it is their first love affairs it is innocence, if they go beyond the bounds of the Hays Office in regard to their love affair, they are criminals in the eyes of the state and the law. I don't believe that is enforceable.

Sec. 34, Chap. 121. “Profanity; penalty. Whoever being of years of discretion, profanely curses or swears shall, on complaint made within 20 days thereafter, be punished by a fine of not more than \$2; and if, after conviction, he is again guilty, by a fine of not more than \$5”. Gentlemen, I dare say if anybody made a complaint, a great many of us would be criminals under that section.

Section 43, Chapter 121. “Innholders and victualers not to allow gambling, diversion, or business on Lord's Day. If an innholder or victualer, on the Lord's Day, suffers any persons, except travelers, strangers, or lodgers, to abide in his house, yard, or field, drinking or spending their time idly, at play, or doing any secular business, except works of charity or necessity, he shall be punished by a fine of not more than \$4 for each person thus suffered to abide; and if after conviction he is again guilty, by a fine of not more than \$10 for each offence and upon a 3rd conviction if he is again guilty, he shall also be incapable of holding any license; and every person so abiding shall be

punished by a fine of not more than \$4 for each offense.” It doesn't say for how long, it just says that his license shall be taken away. That section is in our statutes. I don't think it is enforceable. I am not a lawyer, but it doesn't appear so to me.

Section 35 of Chapter 124. “All rogues, vagabonds and idle persons going about in any town in the county begging; persons using any subtle craft, jugglery, or unlawful games or plays, or for the sake of gain pretending to knowledge of physiogony, palmistry, to tell destinies or fortunes, or to discover lost or stolen goods; common pipers, fiddlers, runaways, drunkards, night-walkers, railers, brawlers, and pilferers; persons wanton or lascivious in speech or behavior, or neglecting their callings or employments, mispending what they earn and not providing for the support of themselves and their families, all idle and disorderly persons having no visible means of support, neglecting all lawful calling or employment; and all idle and disorderly persons who neglect all lawful calling or employment and mispend their time by frequenting disorderly houses, houses of ill fame, or gambling houses may, on complaint under oath before a municipal court or trial justice in his county, be committed to jail or to the house of correction in the town where the person belongs or is found, for a term of not more than 90 days.” There are a lot of things in that section. I don't think they are enforceable.

Section 5, Chapter 126 “Whoever, upon any railroad-train or in any railroad-car, or upon any steamboat gambles or bets upon any person gambling shall be punished by a fine of not less than \$100, or by imprisonment for not less than 3 months.”

I have seen a lot of card games on railroad trains, and nobody stopped them. “Every conductor or other person having charge of a railroad-train is required to arrest or cause to be arrested all persons gambling on his train, and to detain them in his custody until a warrant can be procured from the proper authorities, and he may employ all necessary aids for such purpose.”

Now, it says he is required to arrest him. I never saw a conductor arrest a man for playing poker on

a train. Gentlemen, there are a lot more sections like that. There are about 150 pages in that section. I am not arguing for morality or immorality, or anything. I am trying to point out that the only objection I have heard to this is that it is unenforceable. I think it is probably as unenforceable as some of those other sections, but I do think that as a law designed to put in the hands of law enforcement officers, a weapon they can use when they need it and desire it, it is a good law and I move the acceptance of the committee report.

The PRESIDENT: The Chair will state that the pending question is the first reading of the bill.

Thereupon, the bill received its first reading and was tomorrow assigned for second reading.

On motion by Mr. Hopkins of Kennebec, the Senate voted to take from the table bill, An Act Permitting the Declaration of Graduated Dividends by Savings Banks (S. P. 167) (L. D. 426) tabled by that Senator on March 26 pending passage to be engrossed, and that Senator yielded to the Senator from Oxford, Senator Edwards.

Mr. EDWARDS of Oxford: Mr. President and members of the Senate, this seems to be a dual purpose bill, and I'll try to explain briefly each of those purposes. It seems that during the war when money was circulating so freely, savings banks were called upon to accept large sums of money which in no way could be classed as a savings account and were only to be left there for a short time, and they could not pay the regular rate of dividends. So, they thought by this bill, by declaring different rates on different groups, they might be able to pay, possibly a fraction of one per cent on these different amounts.

I have talked to several bankers and they tell me that that condition for the last year or two is washing itself out; that they are not being called upon now to accept those large sums of money for a short time, and they feel that in another year or so, that that will entirely wash itself out. That was one purpose of this bill.

Another purpose which I'll try to explain is that it seems that some banks have had a ruling that they would not pay dividends on unclaimed deposits which have been lying there for a long time. But it seems that one claimant, after

he had established his claim to his deposit, demanded that they pay the interest for the full time that the money had been there on deposit, and he took it to court, and the court ruled in his favor. The bank was obliged to pay dividends for the full time it was there.

Well now, the bankers are somewhat worried about that court decision, inasmuch as they now have a minimum and a maximum amount over which they pay no dividends at all. They are afraid that by taking advantage of that court decision somebody may come in and demand that they pay interest on the full amount of money in the bank.

I propose to offer an amendment which will protect them. The undesirable part of this bill, I think, which Senator Hopkins objects to is this setting up of groups upon which they could pay different rates. For instance, if any of us had \$5,000 in a savings account, they might say, we'll pay you one per cent on the first \$2,000 and possibly $\frac{3}{4}$ of a per cent on the next \$2,000, and so forth.

I think that is an objectionable feature, and I was somewhat reluctant to sign the report out of the committee, but I see now it is an objectionable feature. I think the first condition there, the "hot money" as the bankers call it, is washing itself out, and this will protect the banks from any legal action to collect interest on the full amount on deposit, and it also does away with this objectionable feature of establishing different groups on which they pay different rates of interest.

I, therefore, Mr. President, present Senate Amendment A and move its adoption.

"Senate Amendment 'A' to S. P. 167, L. D. 426, Bill 'An Act Permitting the Declaration of Graduated Dividends by Savings Banks.'

Amend said Bill by striking out all of the underlined sentence at the end thereof and inserting in place thereof the following underlined sentence:

'In determining dividends to be paid under the foregoing provisions, nothing herein contained shall affect the validity of by-laws providing that deposits below a prescribed minimum or above a prescribed maximum shall not be entitled to any dividends.'

Which amendment was adopted

and the bill as so amended was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Cross of Kennebec, the Senate voted to take from the table bill, An Act to Increase the Salaries of Members of the State Police (S. P. 297) (L. D. 796) tabled by that Senator on

March 20 pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. MacKinnon of Oxford

Adjourned until tomorrow morning at ten o'clock.