

MAINE STATE LEGISLATURE

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



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

LEGISLATIVE RECORD

OF THE

Ninety-Sixth Legislature

OF THE

STATE OF MAINE

1953

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, February 26, 1953.

The Senate was called to order by the President.

Prayer by the Rev. Edwin W. Grilley, Jr. of Augusta.

Journal of yesterday read and approved.

Order

On motion by Mr. Haskell of Penobscot, out of order and under suspension of the rules, it was

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet meet on Tuesday, March 3, 1953, at ten o'clock in the forenoon. (S. P. 432)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House, having been read and passed in concurrence.

House Papers
Joint Order

WHEREAS, estimated revenues of the department of Inland Fisheries and Game amount to \$1,476,577 in the 1953-54 year and \$1,465,327 in the 1954-1955 year; and,

WHEREAS the department of Inland Fisheries and Game has submitted to both the Budget Committee and the Committee on Appropriations and Financial Affairs that this biennial income of \$2,941,904, increased to \$3,096,433 by the estimated carrying balance of \$154,529, is not sufficient to finance desirable capital needs and is barely sufficient to meet their expanded expenditure needs;

WHEREAS Chapter 355 of the Public Laws of 1947 does dedicate the afore-mentioned sums to the department for their expenditure without legislative consideration of what may be the reasonable needs of the department;

NOW THEREFORE BE IT **ORDERED**, the Senate concurring, that

1. The Joint Standing Committee on Inland Fisheries and Game proceed forthwith to

a. Study the problem presented by the apparent inadequacy of existing revenues to carry out the legislative intent expressed by the passage of Chapter 355 of the Laws of

1951 whereby dedicated revenues was to be sufficient to meet all department needs.

b. Determine whether or not a sounder financial control could be accomplished by requiring specific legislative appropriation of department revenues in a manner generally followed in the highway appropriation measure.

c. Make such further study as the Committee may determine to be desirable in accomplishing maximum efficiency and economy in the department of Inland Fisheries and Game.

In carrying out the purposes of this Order the Committee on Inland Fisheries and Game may consider that it should take unto itself without reference to the Committee on Appropriations and Financial Affairs the task of reporting to the Legislature, bills, resolves or otherwise, such recommendations as it may wish to make. (H. P. 1031)

Which was read and passed in concurrence.

Bill "An Act Relating to Travel by State Employees." (H. P. 959) (L. D. 1049)

"Resolve in Favor of the Town of New Gloucester." (H. P. 960) (L. D. 1050)

Which were severally referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act Relating to Fire Inspection of Hospitals and Boarding Homes." (H. P. 961) (L. D. 1051)

Which was referred to the Committee on Business Legislation in concurrence.

"Resolve in Favor of Mary Heckman Leathers of Kennebunkport." (H. P. 962) (L. D. 1047)

Which was referred to the Committee on Claims in concurrence.

Bill "An Act Relating to Discontinuance of State or State Aid Highways." (H. P. 964) (L. D. 1052)

Bill "An Act Relating to Form of Guarantee Filed with Highway Commission." (H. P. 965) (L. D. 1053)

Which were severally referred to the Committee on Highways in concurrence.

Bill "An Act Relating to Saturday Closing of Courthouse Offices." (H. P. 966) (L. D. 1054)

Bill "An Act Relating to Witnesses in Criminal Proceedings." (H. P. 967) (L. D. 1055)

Bill "An Act Redefining the Crime of Perjury." (H. P. 968) (L. D. 1056)

Bill "An Act Amending the Charter of the Waldo County Municipal Court." (H. P. 969) (L. D. 1057)

Bill "An Act Relating to Residence Requirement for Divorce." (H. P. 970) (L. D. 1058)

Bill "An Act Relating to Acknowledgment of Certain Deeds." (H. P. 971) (L. D. 1059)

Bill "An Act Relating to Appointment of Recorder of Eastport Municipal Court." (H. P. 972) (L. D. 1060)

Bill "An Act Establishing Right of Way to Great Ponds of the State." (H. P. 973) (L. D. 1061)

Which were severally referred to the Committee on Judiciary in concurrence.

Bill "An Act Relating to Local Option for Horse Racing." (H. P. 974) (L. D. 1062)

Bill "An Act Relating to Opening a Disinterred Casket." (H. P. 975) (L. D. 1063)

Bill "An Act Relating to Pari Mutuel Pool Contributions and Night Running Racing." (H. P. 976) (L. D. 1064)

Bill "An Act Relating to the Charter of the Old Town High School District." (H. P. 977) (L. D. 1065)

Bill "An Act Relating to Annual Meeting of Cousins and Littlejohns Islands Village Corporation." (H. P. 978) (L. D. 1066)

Bill "An Act Relating to Special Town Meetings in Town of Fairfield." (H. P. 979) (L. D. 1067)

Bill "An Act Relating to Pensions for Firemen of the City of Bangor." (H. P. 980) (L. D. 1068)

Which were severally referred to the Committee on Legal Affairs in concurrence.

Bill "An Act Relating to Self-Service of Liquor." (H. P. 981) (L. D. 1069)

Bill "An Act Relating to Malt Liquor License Fees in Unorganized Territory." (H. P. 982) (L. D. 1070)

Bill "An Act Prohibiting Sale of Liquor in Connection with Pari-

Mutuel Betting." (H. P. 983) (L. D. 1071)

Bill "An Act Relating to Definition of 'Premises' in Liquor Law." (H. P. 984) (L. D. 1072)

Bill "An Act Relating to Location of Licensed Premises in Liquor Law." (H. P. 985) (L. D. 1073)

Bill "An Act Relating to Age of Employees on Licensed Liquor Premises." (H. P. 986) (L. D. 1074)

Which were severally referred to the Committee on Liquor Control in concurrence.

Bill "An Act Relating to Outdoor Religious Signs." (H. P. 987) (L. D. 1075)

Bill "An Act Regulating Boats for Hire on Inland Waters." (H. P. 988) (L. D. 1076)

Which were severally referred to the Committee on Natural Resources in concurrence.

Bill "An Act Relating to Removal of Bodies to Crematories." (H. P. 989) (L. D. 1077)

Bill "An Act Relating to the State Board of Examiners of Funeral Directors and Embalmers." (H. P. 990) (L. D. 1078)

Which were severally referred to the Committee on Public Health in concurrence.

Bill "An Act Relating to Signs Yielding Right of Way at Intersections." (H. P. 1005) (L. D. 1048)

Bill "An Act Relating to Following Motor Vehicles." (H. P. 1006) (L. D. 1092)

Which were severally referred to the Committee on Transportation in concurrence.

Bill "An Act to Incorporate the Addison Point Water District." (H. P. 991) (L. D. 1093)

Which was referred to the Committee on Public Utilities in concurrence.

Bill "An Act Relating to the Taking of Clams and Marine Worms in the Town of Searsport." (H. P. 992) (L. D. 1079)

Which was referred to the Committee on Sea and Shore Fisheries in concurrence.

Bill "An Act Relating to the Exemption from Taxation of Agricul-

tural Fair Associations." (H. P. 993) (L. D. 1080)

Bill "An Act Relating to Exemptions from Taxation of Veterans." (H. P. 994) (L. D. 1081)

Bill "An Act Exempting Gas for Domestic purposes from Sales Tax." (R. P. 995) (L. D. 1082)

Which were severally referred to the Committee on Taxation in concurrence.

Bill "An Act Relating to Number of Members of Superintending School Committee of Stonington." (H. P. 996) (L. D. 1083)

Bill "An Act Authorizing Aroostook County to Contribute Funds to the Unorganized Territory Capital Working Fund." (H. P. 997) (L. D. 1084)

Bill "An Act Relating to the Taking of Alewives in the Town of Gouldsboro." (H. P. 998) (L. D. 1085)

Bill "An Act Relating to the Salaries of Various Officers in Waldo County." (H. P. 999) (L. D. 1086)

Bill "An Act Relating to Clothing Allowance for Detectives and Police Matron of Police Department of City of Lewiston." (H. P. 1000) (L. D. 1087)

Bill "An Act Relating to Salaries of Certain County Officers of Sagadahoc County." (R. P. 1001) (L. D. 1088)

Bill "An Act to Increase the Salary of the Judge of the Eastport Municipal Court." (H. P. 1002) (L. D. 1089)

Bill "An Act Relating to Payment of Blood Tests in Certain Motor Vehicle Cases." (H. P. 1003) (L. D. 1090)

Bill "An Act Relating to the Powers of the City of Calais." (H. P. 1004) (L. D. 1091)

Which were severally referred to the Committee on Towns and Counties in concurrence.

"Resolve Providing for State Pension for Helen J. Lindsay of Damariscotta." (H. P. 1029)

Which was referred to the Committee on Welfare in concurrence.

House Committee Reports

The Committee on Inland Fisheries and Game on "Resolve, Regulating Fishing in Upper Dam Pool, County of Oxford," (H. P. 264) (L.

D. 294) reported that leave be granted to withdraw the same.

The Committee on Liquor Control on Bill "An Act Prohibiting the Sale of Malt Liquor in Non-Returnable Bottles," (H. P. 350) (L. D. 366) reported that leave be granted to withdraw the same.

Which were severally read and accepted in concurrence.

The Committee on Claims on "Resolve, in Favor of Edward Carrier, of Rumford," (H. P. 494) reported that the same ought not to pass.

The Committee on Inland Fisheries and Game on "Resolve Regulating Fishing in Moosehead Lake," (H. P. 166) (L. D. 210) reported that the same ought not to pass.

The same Committee on Bill "An Act Closing Little Lary Brook and Evans Brook, Oxford County, to All Fishing," (H. P. 43) (L. D. 44) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Use of Gill Nets in First Debsconeag Lake and Thoroughfare, in Piscataquis County," (H. P. 97) (L. D. 99) reported that the same ought not to pass.

The Committee on Judiciary on Bill "An Act Relating to Requirements of Deeds," (H. P. 28) (L. D. 22) reported that the same ought not to pass.

The Committee on Natural Resources on Bill "An Act Relating to Disposal of Slash," (H. P. 276) (L. D. 263) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Claims on "Resolve, in Favor of Henry J. Deabay, of Ashland," (H. P. 140) (L. D. 77) reported that the same ought to pass.

The same Committee on "Resolve, in Favor of Leon C. Roberts and Sons, of Winthrop," (H. P. 495) (L. D. 978) reported that the same ought to pass.

The Committee on Education on Bill "An Act Relating to Clarification of Secondary School Tuition," (H. P. 252) (L. D. 282) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Length of School

Year," (H. P. 253) (L. D. 283) reported that the same ought to pass.

The same Committee Bill "An Act Repealing the School Building Assistance Commission," (H. P. 255) (L. D. 285) reported that the same ought to pass.

The Committee on Highways on "Resolve, in Favor of the Town of Kennebunkport," (H. P. 162) (L. D. 161) reported that the same ought to pass.

The same Committee on "Resolve, in Favor of the Town of Waterford," (H. P. 92) (L. D. 979) reported that the same ought to pass.

The Committee on Inland Fisheries and Game on "Resolve, Regulating the Taking of Smelts in Oxford County," (H. P. 331) (L. D. 353) reported that the same ought to pass.

The same Committee on "Resolve, Regulating Fishing in Certain Ponds in Hancock County," (H. P. 168) (L. D. 212) reported that the same ought to pass.

The same Committee on Bill "An Act Repealing Simpson's Pond Bird Sanctuary," (H. P. 327) (L. D. 395) reported that the same ought to pass.

The Committee on Judiciary on Bill "An Act Relating to Oaths, Acknowledgments and Nominations of Guardians in Probate Court," (H. P. 72) (L. D. 68) reported that the same ought to pass.

The Committee on Natural Resources on "Resolve, Authorizing the Forest Commissioner to Convey the Interest of the State in Lot 102, in St. Agatha," (H. P. 354) (L. D. 370) reported that the same ought to pass.

The same Committee on "Resolve, Changing Name of Lily Pond, Waldo County," (H. P. 353) (L. D. 369) reported that the same ought to pass.

The same Committee on "Resolve, Authorizing the Forest Commissioner to Convey the Interest of the State (Maine Forestry District) in a Lot of Land in the Town of Brownville," (H. P. 352) (L. D. 368) reported that the same ought to pass.

The Committee on Public Utilities on Bill "An Act Enlarging the Purposes of New England and Eustis

Telephone and Telegraph Company and Changing Its Name to Somerset Telephone Company," (H. P. 437) (L. D. 497) reported that the same ought to pass.

The Committee on Towns and Counties on Bill "An Act Relating to Clerks for Voting District in Town of Cranberry Isles," (H. P. 240) (L. D. 221) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to School Bands and Other Organized Activities," (H. P. 287) (L. D. 272) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Rental for the Winthrop Municipal Court," (H. P. 284) (L. D. 269) reported that the same ought to pass.

The Committee on Welfare on Bill "An Act Relating to Old Age Assistance and Aid to the Blind," (H. P. 49) (L. D. 50) reported that the same ought to pass.

(On motion by Mr. Reid of Kennebec, tabled pending consideration of the report.)

The same Committee on Bill "An Act Relating to Funeral Expenses of Deceased Recipients of Old Age Assistance and Aid to the Blind," (H. P. 198) (L. D. 208) reported that the same ought to pass.

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

The Committee on Inland Fisheries and Game on "Resolve Regulating Fishing in the Kennebec River," (H. P. 167) (L. D. 211) reported the same in a new draft (H. P. 1013) (L. D. 976) under the same title, and that it ought to pass.

Which report was read and accepted in concurrence, the resolve in new draft was read once and tomorrow assigned for second reading.

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Propagating Wild Rabbits," (H. P. 409) (L. D. 458) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on "Resolve, Regulating Fishing in Mosquito Brook, Metallic Brook and Mill Brook, County of Oxford," (H. P. 263) (L. D. 293) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Public Utilities on Bill "An Act to Incorporate the Madawaska Water District," (H. P. 438) (L. D. 482) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Welfare on Bill "An Act Relating to Divesting Property in Qualifications for Old Age Assistance and Aid to the Blind," (H. P. 199) (L. D. 209) reported that the same ought to pass as amended by Committee Amendment "A".

(On motion by Mr. Dunham of Hancock, recommitted to the Committee on Welfare and sent down for concurrence)

Which reports were severally read and accepted in concurrence and the Bills and resolve read once; Committee Amendments "A" were severally read and adopted in concurrence, and the bills and resolve as amended were tomorrow assigned for second reading.

Ought to Pass

The Committee on Education on Bill "An Act Relating to Inspection of Schools," (H. P. 254) (L. D. 284) reported that the same ought to pass.

Comes from the House, the report read and accepted and the bill passed to be engrossed as amended by House Amendment "A".

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

The Committee on Education on "Resolve, in Favor of the Town of Waldboro," (H. P. 406) (L. D. 980) reported that the same ought to pass.

Comes from the House, the report read and accepted and the bill passed to be engrossed as amended by House Amendment "A".

In the Senate, the report was read and accepted and the resolve read once; House Amendment A

was read and adopted in concurrence, and the resolve as so amended was tomorrow assigned for second reading.

The Committee on Towns and Counties on Bill "An Act Relating to Salaries of Judge and Recorder of Bath Municipal Court," (H. P. 286) (L. D. 271) reported that the same ought to pass.

Comes from the House, the report read and accepted, and the bill passed to be engrossed as amended by House Amendment "A".

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

The Majority of the Committee on Liquor Control on Bill "An Act Relating to Limitation of Liquor Licenses," (H. P. 192) (L. D. 203) reported that the same ought not to pass.

(signed)

Senators:

TABB of Kennebec
DENNETT of York
BOUCHER of Androscoggin

Representatives:

ALBERT of Augusta
LARRABEE of Westbrook
CHASE of Whitefield
DOSTIE of Winslow
ANDERSON of Greenville

The Minority of the same Committee on the same subject matter reported that the same ought to pass.

(signed)

Representatives:

CHRISTIE of Presque Isle
BROWN of Robbinston

Comes from the House, the Majority Report read and accepted.

In the Senate, on motion by Mr. Boucher of Androscoggin, the Majority Report was read and accepted in concurrence.

The Majority of the Committee on Liquor Control on Bill "An Act Regulating Liquor Advertising," (H. P. 191) (L. D. 202) reported that the same ought not to pass.

(signed)

Senators:

TABB of Kennebec

DENNETT of York
BOUCHER of Androscoggin

Representatives:

ALBERT of Augusta
LARRABEE of Westbrook
BROWN of Robbinston
CHASE of Whitefield
DOSTIE of Winslow
ANDERSON of Greenville

The Minority of the same Committee on the same subject matter reported that the same ought to pass.

(signed)

Representative:

CHRISTIE of Presque Isle
Comes from the House, the Minority Report read and accepted, and the bill passed to be engrossed as amended by House Amendment "A".

In the Senate:

Mr. DENNETT of York: Mr. President, inasmuch as this document comes in to us amended, and with an amendment that is not quite clear, the Liquor Control Committee deems the public interest can best be served if this bill be recommitted to the committee, and I so move.

The motion prevailed and the bill was recommitted to the Committee on Liquor Control in non-concurrence.

Sent down for concurrence.

Mr. HASKELL of Penobscot: Mr. President, I present a bill and move that it be accepted by unanimous consent and referred to the Committee on Education. I assure the Senate that it is a very minor bill, of interest only to the committee itself, and that committee has assured me that it will not delay their efforts in any manner.

Thereupon, bill, An Act Relating to Membership on the Maine School Building Authority was received by unanimous consent and referred to the Committee on Education.

Ordered printed.

Sent down for concurrence.

Mr. WEEKS of Cumberland: Mr. President, I ask unanimous consent to introduce a resolve and in explanation I will say that because of construction of the new highway bridge, it is necessary for the Portland Water District to relocate its main pipe lines in that vicinity

and in order to do that, they must use part of the property now used by the State School for Boys, which is state property, and this bill, gives the Commissioner of Institutional Service the authority to grant a right of way.

Thereupon, Resolve Authorizing the Commissioner of Institutional Service to Convey to Portland Water District a Right of Way for a Pipe Line over Land of the State School for Boys in South Portland, was received by unanimous consent and referred to the Committee on Natural Resources.

Sent down for concurrence.

Mr. BOUCHER of Androscoggin: Mr. President, I come with a similar request. Since the Senate has been so gracious as to receive two bills from the Republican party, I thought they might go along and receive one bill from the Democratic Party for this concerns both parties. It has to do with salaries in Androscoggin County and concerns both Republicans and Democrats. I ask unanimous consent to introduce it at this time.

Thereupon, bill, An Act Relating to Salaries of Certain Officers in Androscoggin County was received by unanimous consent and referred to the Committee on Towns and Counties.

Ordered printed.

Sent down for concurrence.

Communication

State of Maine
House of Representatives
Office of the Clerk
Augusta

February 25, 1953

Honorable Chester T. Winslow
Secretary of Senate
96th Legislature

Sir:

The Speaker of the House today appointed the following House Members of the Joint Select Committee on Apportionment of Representatives created by Senate Paper 157

Messrs. JACOBS of Auburn
HAND of New Limerick
CENTER of Standish
CASWELL of New Sharon
BUTLER of Franklin
MARTIN of Augusta

WINCHENPAW of Friend-
ship

CHASE of Whitefield
FORD of Waterford
LATNO of Old Town
CAMPBELL of Guilford
CAVERLY of Bath
CIANCHETTE of Pittsfield
DICKEY of Brooks
HANSON of Machiasport
BIBBER of Kennebunkport

Respectfully,

HARVEY R. PEASE
Clerk of the House

Which was read and ordered placed on file.

Senate Papers

The following Bills were transmitted by the Director of Legislative Research, and on recommendation by the Committee on Reference of Bills, were referred to the following committees:

Judiciary

Mr. Broggi of York presented Bill "An Act Relating to Sheriffs' Indemnity Policies." (S. P. 427)
(Ordered printed.)

Sent down for concurrence.

Legal Affairs

Mr. Boucher of Androscoggin presented, by request, Bill "An Act Amending the Charter of the City of Lewiston." (S. P. 428)
(Ordered printed.)

Sent down for concurrence.

Natural Resources

Mr. Squire of Kennebec presented Bill "An Act for the Classification of Certain Surface Waters." (S. P. 429)

The same Senator presented Bill "An Act Amending the Water Improvement Commission and Creating Standards of Classification." (S. P. 430)

(1500 copies of each ordered printed.)

Sent down for concurrence.

Welfare

Mr. Fuller of Oxford presented Bill "An Act Relating to Requirements for Old Age Assistance." (S. P. 431)

(Ordered printed.)

Sent down for concurrence.

Senate Committee Reports

Mr. Chapman from the Committee on Legal Affairs on Bill "An Act Authorizing Husson College to Confer Degrees," (S. P. 87) (L. D. 193) reported that the same ought to pass.

Mr. Tabb from the Committee on Liquor Control on Bill "An Act Relating to Numbers Boards in State Stores," (S. P. 227) (L. D. 589) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to Liquor Commission Functions," (S. P. 223) (L. D. 593) reported that the same ought to pass.

Mr. Dennett from the same Committee on Bill "An Act Relating to Delisting and Discontinuance of Purchasing Liquor by the Commission," (S. P. 224) (L. D. 592) reported that the same ought to pass.

Which reports were severally read and accepted, the bills read once and tomorrow assigned for second reading.

Passed to Be Engrossed

"Resolve Opening Center Pond in the Town of Lincoln to Ice Fishing." (H. P. 102) (L. D. 103)

"Resolve Regulating Fishing in Abbott Brook, Oxford County." (H. P. 173) (L. D. 168)

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

Bill "An Act Relating to Town Dumps." (H. P. 73) (L. D. 69)

"Resolve Opening Crane Pond to Ice Fishing." (H. P. 103) (L. D. 104)

Bill "An Act to Amend the Charter of the Freeport Sewer District." (H. P. 280) (L. D. 267)

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

Bill "An Act Relating to Guaranteed Loans to Veterans." (S. P. 80) (L. D. 186)

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

Sent down for concurrence.

Enactors

Bill "An Act Relating to Closed Season on Bass in Inland Waters

of Cumberland County." (H. P. 14) (L. D. 8)

Bill "An Act Relating to the Power of the Bridgton Centre Village Corporation to Install Parking Meters." (H. P. 75) (L. D. 71)

Bill "An Act Relating to Material Borrowed from State Library." (H. P. 108) (L. D. 110)

Bill "An Act Authorizing City of Old Town to Use Certain Lands of State of Maine." (H. P. 109) (L. D. 111)

Bill "An Act Relating to the Protection of Alewives in the Town of East Machias." (H. P. 119) (L. D. 120)

Bill "An Act Relating to Classification of Coastal Waters." (H. P. 149) (L. D. 146)

Bill "An Act Relating to Field Trials for Retrieving Dogs." (H. P. 163) (L. D. 162)

Bill "An Act Relating to Inspection of Motor Vehicles." (H. P. 290) (L. D. 275)

Bill "An Act Relating to Mirror Attached to Passenger Cars." (H. P. 291) (L. D. 276)

"Resolve, Authorizing State Librarian to Dispose of Certain Newspapers." (H. P. 115) (L. D. 117)

"Resolve, Relating to Ice Fishing in Adams Pond, Cumberland County." (H. P. 174) (L. D. 169)

Bill "An Act Relating to Guide's License." (S. P. 78) (L. D. 185)

"Resolve Relating to the Protection of Smelts in the Montsweag River." (S. P. 53) (L. D. 81)

The PRESIDENT: In order that there may be no possible confusion on the matter, the Chair at this time calls to the attention of the Senate the fact that Item Six on the list of bills in order for enactment at today's session, on the printed calendar, is recited to be bill, An Act Relating to Classification of Coastal Waters (H. P. 149) (L. D. 146). The correct title of the bill now pending enactment, (H. P. 149) (L. D. 146) is bill, An Act Relating to Classification of Coastal Wardens.

Thereupon, the foregoing bills were severally passed to be enacted and the resolves finally passed.

Emergency Measures

Bill "An Act Relating to Financial Provisions of Rockland School District." (H. P. 32) (L. D. 26)

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.

Bill "An Act Relating to Definition of 'Base Period' Under Employment Security Law." (S. P. 34) (L. D. 37)

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

The President laid before the Senate, House Reports from the Committee on Liquor Control; Report A "Ought to Pass with Committee Amendment A"; Report B "Ought Not to Pass" on bill, An Act Relating to Sale of Malt Liquor in Non-Returnable Bottles (H. P. 145) (L. D. 143) tabled on February 25, 1953 by the Senator from Piscataquis, Senator Parker, pending consideration of the reports, and especially assigned for today.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate, at the conclusion of my remarks I shall move that Report A, the Ought to Pass as Amended Report of the Committee be accepted. I rise to support this bill because I believe it will do a certain job, a job of removing from our roads and roadsides the predominating menace to automobiles and tractor tires, as well as danger to animals who are pastured in pastures along our roadsides. And let me say right here, I do not consider this bill a "Liquor Control" bill. I consider it a common sense bill which if enacted into law will do more to make our roadsides beautiful, our roads safe, than any other that has come before this session of the legislature.

I ask you how many fires have been caused by the hot sun shining through bottles on our roadsides? How many dollars, how many taxpayers dollars have been spent on tires that were cut and ruined? How many accidents have been caused by broken glass? There are three principal reasons why I think this bill should be enacted.

1. Because I believe it will clean up our roadsides.

2. It will save the State of Maine many thousands of dollars now being paid by the Highway Department to pick up and truck away these empty bottles.

3. My third point is that it will make our highways safer to travel on and our fields and pastures bordering the highways more safe for our livestock.

Let us discuss the first point a little more fully. Our roadsides. What do we find today littering up the roads and ditches and even in the nearby fields? I grant you there are other objects besides bottles, but, the predominating menace is beer and ale bottles. Probably 90% are beer and ale bottles with 6 or 8% being pop or some other type of bottle. What part of the 90% of beer and ale bottles are returnable? A very small part, and getting smaller all the time. Those that are returnable and immediately picked up are the pop bottles, as they are returnable. But what becomes of the vast majority of malt beverage bottles? And that brings up point 2.

A little later in my remarks I can tell you from information I have received from the Department of Highway, what they estimate the thousands of dollars that it costs them through their patrolmen to remove this menace. There are those who would have you believe that there are only occasional bottles on the roadsides. I wish to mention two instances that I believe to be true. One, a single patrol district leading out of one of our Maine cities in the spring of 1952 spend more than \$500 to pick and remove bottles along their road. In my own county last spring there were four truckloads of empty beer and ale bottles picked up on a mile stretch of road near a beer distributing store. Now I want to present some figures from the Highway Department, namely, Mr. Churchill's department. He is the head of Maintenance.

These are his figures and not mine. He estimates that the last fiscal year, it cost the State of Maine taxpayer seventy five thousand dollars—seventy five thousand dollars to clean up the roadsides. Five thousand five hundred cubic yards of debris each spring. We all

know that there are more in the spring than at any other time of year because they accumulate during the time that snow is on our highways. He also estimated that this amount of debris would pave one of our state highways a stretch three miles long, six inches deep. He estimated one quarter, now get this, one fourth of the debris is bottles, costing according to his figures, in the neighborhood of twenty thousand dollars to remove and truck off.

He also estimated that the majority of these are non-returnable beer and ale bottles. Those figures are not mine. I got them at the Highway Department and anyone interested can check with Mr. Churchill. I am very sure he will cooperate with you as he did with me.

I ask you, do you not agree that you and I as taxpayers are paying too much when this can be done with not any cost to use as taxpayers.

And now for part 3. Safety on our highways. Maine is spending many millions of dollars to construct and maintain its roads each year. The state police through the press and over the radio caution us as drivers, to drive carefully and avoid accidents. Yet we allow beer and ale bottles in ever increasing numbers to be thrown through car windows onto our roadsides. This I believe to be a menace to safe driving as glass from the broken bottles cuts into our tires to the point that when we need them and need them the worst, they go flat or perhaps we have a blowout.

In conclusion, let me say that these, members of the Senate, are the reasons why I am supporting this bill. I feel confident that if our malt beverages are sold in returnable bottles, even at the low fee of two cents each, it will accomplish these certain objectives—clean up our roadsides, save the State Highway Department and you and I as taxpayers many thousands of dollars, and make our highways safer to drive on and our fields and pastures safer for our livestock. When the vote is taken, I ask for a Yea and Nay vote. I believe the people of Maine should know how we vote on this bill.

The PRESIDENT: The Chair would inquire of the Senator if it was his intent to make a motion? The Chair does not understand that a motion has yet been made.

Mr. PARKER: Mr. President, I move that Report A "Ought to Pass with Committee Amendment A" be accepted.

Mr. DENNETT of York: Mr. President and members of the Senate, I rise in opposition to the motion of the Senator from Piscataquis, Senator Parker. Before I begin, however, I would like to compliment the Senator from Piscataquis on a most able presentation of his cause. However, as a member of the Committee on Liquor Control, the committee to which this measure was referred, and as a signer of the Ought Not to Pass report, I feel deeply obligated to rise in defense of my action.

First, I am against this measure because I feel it is discriminatory legislation inasmuch as only beer and ale bottles are named. True, I will agree that there are many types of bottles that are scattered over the landscape, not only over our highways but also over our lake shores, our parks, and so forth, but they are not all beer and ale bottles and they are not all non-returnable bottles.

I would like to answer the Senator point by point, if I may. I do not recall exactly the order in which he presented his arguments but first of all let us consider the main reason why these bottles of various types are thrown from automobiles. In some cases, of course, they are thrown merely to get rid of them. There are many things thrown from automobiles, garbage, bags, and other things. I find this refuse on my own front lawn. People had rather throw it there than go to a dump. But whiskey and wine and beer bottles are thrown out from automobiles for one reason only, that they are evidence that people in the car have been drinking and should they be stopped by a policeman or enforcement officer those empty bottles would be evidence that could be used against them. That is the reason why those bottles are thrown from automobiles. I strongly believe that if you had a dollar return on such bottles they

would still be thrown from automobiles because they certainly would not keep them for anything that could be obtained from them when they could be used as evidence against them.

Now as to the first point, cattle grazing by the roadside. If a bottle is thrown from an automobile and broken and the cattle should consume it I presume it would be with disastrous results. However, a broken bottle is not returnable and I can just picture even a cow swallowing a quart bottle that once contained ale or even a smaller bottle, but in any event a bottle thrown from an automobile and broken could not be returned anyway, so I think that takes care of that point.

The second point, hazard of fire. That has always been a much disputed point but I believe I could defy anyone to prove that there ever was a fire started from a beer bottle, first, because a beer bottle is invariably colored brown to protect the contents from the rays of the sun and spoiling. There may have been fires started from bottles that were white, such as vinegar bottles, catsup bottles and what have you, that might in some rare instances tend to magnify the rays of the sun and might possibly start a fire, particularly in woodlands, but the beer bottle is brown, the rays of the sun cannot penetrate it and cannot in any manner start a fire. Furthermore, there is 25% less glass in a non-returnable bottle than there is in a regular bottle and the rays of the sun absolutely cannot penetrate it and I don't believe there is a single instance in the history of Maine where a forest fire or a fire of any kind was ever caused by an empty beer bottle.

Now the third point—and I think it is very important—is the hazard of bottles on the highway. Again, if your bottle is thrown on the highway and broken—and it could be a returnable or a non-returnable bottle broken on the highway, it could be a whiskey bottle or what have you—it could of course cause a flat tire. But in most instances—and in talking with men in the garage business, filling stations, and so forth who are fully qualified to answer this, they say that less

than four percent of the flat tires on the road are caused by particles or pieces of glass, that most of it is caused by iron or other metallic objects thrown on the highway, and to break it down that that four percent is caused by bottles, none of them can say it is caused by beer bottles or what type of bottle causes damage to tires.

I wish to be as brief as possible but I certainly believe it is the wrong approach to the problem by introducing punitive legislation against any type of industry that is already taxed to the hilt. And last but not least, I remind everyone in the Senate that the ultimate conclusion and the last word on this rests now with the people of the State of Maine and has ever rested with them. If they don't want beer to be sold in any kind of bottles all they have to do is vote it out of the communities in which they live.

Mr. President, I do not make any motion but will simply vote in opposition to the motion.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, as one of the signers of the Ought Not to Pass report I feel it is my duty to give some of the reasons that force me to vote that way.

This same bill has been before this legislature, I don't know exactly how many times but I will say at least half a dozen times or perhaps more, and I feel that we now have on our books enough laws concerning the throwing of bottles from automobiles that if they were enforced we certainly would not need this law. I agree with Senator Dennett that the law is discriminatory because it does not call for the returnable bottles or all bottles but only for non-returnable ale or beer bottles. I drive about 35,000 miles, on the highways of our state of Maine mostly, a year. I have not noticed any great amount of bottles. Very recently I had occasion to drive down east in the Welfare Committee's state-owned car and I drove for 500 miles, and there were in that car four members of this legislature. Two ladies were members of that group and they took particular pains to watch out for bottles because they knew this was coming up and would be heard in

committee. One reported she saw one bottle in that 500 mile trip and the other reported she saw three bottles. I also saw a few bottles but I want to assure this Senate that they were not all non-returnable bottles, and although I didn't stop to examine them they weren't all beer or ale bottles either. I saw plenty of whiskey bottles, milk bottles, catsup bottles, and a lot of other refuse thrown on the roadside. I had occasion to drive through New Hampshire where they have a similar law to what we have on the books that says a fine is applicable to anyone throwing anything out of a car, and I find that signs are posted in New Hampshire along the highways at about every mile or so notifying the traveling public of the law and of the fine if they break the law.

I saw very few bottles along the roads in New Hampshire, quite contrary to the roads in Maine. And I say that this bill does not accomplish what the people who favor it are trying to do. If they want to clean up the roads of Maine — and I will go along with them one hundred percent on that — let them try to make the State of Maine enforce the present laws on its books and not add more laws that will not be enforced. The problem is not whether we have sufficient law or not. We have the law. The problem is that it is not being enforced and I say to you that if three or four or five were haled into Court and the matter publicized throughout the state that others might be a lot more careful not to throw bottles out of their car.

To put the price of the return at ten cents as the original bill called for or at two cents as it is now amended, or even at a dollar, would not make a bit of difference. I know and you know that if you have an empty bottle in your car you certainly do not want to keep it there in case you have an accident and it might be proved against you that someone in that car had been drinking, not necessarily the operator of the car but someone in that car. And it is human nature to get rid of that evidence and that is what they are doing and

this bill will not correct that situation. If I thought it would, I would have voted to report it out Ought to Pass but in my own mind it doesn't do the trick. Let us enforce the present law and see what happens and then if that doesn't do it let us present a bill that will do it, not only for non-returnable beer and ale bottles but on all refuse thrown from automobiles along our Maine highways.

So, Mr. President, I hope the Senate will not go along with the motion of my good colleague, Senator Parker.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate, it seems that we should not allow ourselves to become confused in the points we are trying to bring out, that this bill is to remove beer and ale bottles from our roads and roadsides.

My good friend, Senator Boucher, who was with the group that I happened to be a member of, which went to Eastport, admits that if he has a bottle in his car, he is going to throw it out. We would all do the same thing probably. We have no quarrel with that. What we propose to do with this bill is to try and remove what bottles Mr. Boucher and others throw out and which do make a menace on our roads and roadsides.

We want to remove them so that they won't cut our tires, and in spite of possible evidence to the contrary, sometimes this glass does start fires and it certainly is dangerous to our cattle. We propose with this bill to eliminate to a great extent, that menace.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Piscataquis, Senator Parker, that the Senate accept Report A "Ought to Pass as amended by Committee Amendment A", and that Senator has requested that the vote be taken by the Yeas and Nays. To order the Yeas and Nays requires the affirmative vote of one fifth the members present.

A division of the Senate was had.

Obviously less than one-fifth having risen, the Yeas and Nays were not ordered.

Thereupon, on motion by the Senator from York, Senator Dennett, a division of the Senate was had.

Five having voted in the affirmative and 23 opposed, the motion to accept Report A did not prevail.

Thereupon, on motion by Mr. Boucher of Androscoggin, Report B "Ought Not to Pass" was accepted in non-concurrence.

Sent down for concurrence.

The President laid before the Senate House Report "Ought to Pass" from the Committee on Inland Fisheries and Game on Resolve Regulating Fishing in East Branch Tributaries of the Penobscot River (H. P. 101) (L. D. 102) tabled on February 25 by the Senator from Penobscot, Senator Wight, pending consideration; and on motion by that Senator, the "Ought to Pass" report of the committee was accepted in concurrence and the bill read once and tomorrow assigned for second reading.

Mr. HASKELL of Penobscot: Mr. President, in spite of the great merit of that motion, I move that the Senate reconsider its action taken earlier in today's session whereby the Senate passed to be enacted, Item 6 under the enactors, a bill which relates to coastal wardens. If the motion prevails, I will make a motion that the bill be laid upon the table pending enactment.

The motion prevailed and the Senate voted to reconsider its previous action; and on further motion by the same Senator, the bill was laid upon the table pending passage to be enacted.

On motion by Mr. Chase of Cumberland, the Senate voted to take from the table Petition of Velma G. Peabody of Cape Elizabeth and six others, re reapportionment of Representatives (S. P. 268) tabled by that Senator on February 12 pending reference, and on further motion by the same Senator the petition was referred to the Committee on Reapportionment.

Sent down for concurrence.

On motion by Mr. Dennett of York, the Senate voted to take

from the table Petition of Carroll H. Sterling, Joseph W. Cutts and Raymond E. Harrow, Selectmen of the town of Kittery, re reapportionment of Representatives (S. P. 344) tabled by that Senator on February 18 pending reference, and on further motion by the same Senator, the petition was referred to

the Committee on Reapportionment.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot

Adjourned until Tuesday, March 3, at ten o'clock in the forenoon.