

MAINE STATE LEGISLATURE

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Interstate Cooperation

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State of Maine

REPORT

OF THE

Maine Commission on Interstate Cooperation



FOR THE PERIOD

January 1, 1947 — January 20, 1949

JAN 17 1951

STATE OF MAINE

January 20, 1949

*To His Excellency Frederick G. Payne
Governor of Maine:*

In accordance with the provisions of Section 39 of Chapter 9 of the Revised Statutes of 1944, the Commission on Interstate Cooperation respectfully submits herewith its report for the period January 1, 1947, to January 20, 1949.

Respectfully submitted,

SEN. BURTON M. CROSS, *Chairman*

SEN. CLARENCE S. CROSBY

SEN. GEORGE MORRILL

REP. WENDELL R. ATHERTON

REP. CHAUNCEY ROBBINS

REP. CLEVELAND SLEEPER, JR.

FRANK E. SOUTHARD

DAVID H. STEVENS

HAROLD I. GOSS, *Secretary*

STATE OF MAINE
MEMBERS OF THE COMMISSION ON
INTERSTATE COOPERATION

as of January 20, 1949

Ex-officio Members

Frederick G. Payne, *Governor*
Burton M. Cross, *President of the Senate*
Nathaniel M. Haskell, *Speaker of the House*

Senate Members

Clarence S. Crosby, Farmington
Bryant L. Hopkins, Waterville
Cleveland Sleeper, Jr., Rockland

House Members

Wendell R. Atherton, Bangor
R. Chauncey Robbins, Houlton
C. Stanton Carville, Eustis

State Officials

Harold I. Goss, *Secretary of State*
Frank E. Southard, *Public Utilities Commission*
David H. Stevens, *Department of Health and Welfare*

**COMMITTEE ASSIGNMENTS OF THE
COMMISSION ON INTERSTATE COOPERATION
IN THE STATE OF MAINE, JAN. 19, 1949**

Legislative Members

Advisory Members

Aviation

Senator Bryant L. Hopkins
Rep. R. Chauncey Robbins

Harry Umphrey, Washburn
*Chairman, Maine Aeronautic
Commission*

John T. Clark, Waterville
*Director of Maine Aeronautic
Commission*

Agriculture

Senator Clarence Crosby
Rep. R. Wendell Atherton

Hon. A. K. Gardner
Commissioner of Agriculture
Hon. Earl P. Osgood
Chairman Milk Control Board

Crime Control and Law Enforcement

Senator Cleveland Sleeper, Jr.
Rep. C. Stanton Carville

Francis J. McCabe
Chief of State Police
Hon. Ralph W. Farris
Attorney-General

Highway and Motor Vehicle Problems

Senator Clarence Crosby
Rep. R. Chauncey Robbins

Hon. Lloyd Morton
*Chairman Maine Highway
Commission*
Hon. John Burnham
State Highway Department

Safety Education and Traffic Regulation

Senator Bryant Hopkins
Rep. Stanton Carville

John DeWinter, *Safety Director*
Maine State Police
Hon. Ralph Sawyer, *Traffic*
Engr., State Highway Dept.

Highway and Bridge Program

Senator Clarence Crosby
Rep. Wendell Atherton

Hon. Lewis Barrows
Chief Engr., Maine Highway
Department
Hon. Max L. Wilder
Chief Bridge Engineer

Uniform Highway and Motor Vehicle Legislation

Senator Bryant Hopkins
Rep. Chauncey Robbins

Hon. Harold I. Goss
Secretary of State
Hon. Stanton Weed
Director of Motor Vehicles,
Motor Vehicles Dept.

Liquor Control

Senator Cleveland Sleeper
Rep. Stanton Carville

Hon. E. A. Stover, *Chairman,*
Maine State Liquor Com.
Timothy J. Murphy
Enforcement Director, Maine
State Liquor Commission

Social Welfare and Relief

Senator Bryant L. Hopkins
Rep. Wendell Atherton

Hon. Daniel H. Stevens
Commissioner of Health and
Welfare
Dr. Dean Fisher
Director of Health

Membership in Atlantic States Marine Fisheries Commission

Senator Cleveland Sleeper, Jr.

Hon. Richard Reed
Commissioner of Sea and
Shore Fisheries

**LIST OF OFFICERS OF
COUNCIL OF STATE GOVERNMENTS**

Executive Committee

President

Hon. William Preston Lane, Jr.
Governor of Maryland

First Vice-President and Chairman of the Board of Managers

Hon. Burton M. Cross, President of Senate
Maine

Second Vice-President

Hon. Carl Hendrix, Member of General Assembly
Arkansas

Third Vice-President

Hon. Robert L. Larson, Attorney General
Iowa

Auditor

Hon. J. H. Rester, Director of the Budget
Louisiana

Honorary President

Henry W. Toll
Colorado

Frank Bane

Executive Director, Council of State Governments

**REPORT OF THE
COMMISSION OF INTERSTATE COOPERATION
for the Period January 1, 1947 to January 20, 1949**

This report covers a period of time in which many things were accomplished of value to the State of Maine in relation to Interstate Cooperation in the fields of uniform legislation, reciprocal legislation, and the removal of trade barriers between the states in this area. Foremost among them was the final passage of reciprocal legislation affecting motor truck registration between the states, or the so-called Reciprocity Law. This ended a long period of maladjustment on this problem between this State and those to the South, as all the other Atlantic and New England States enjoyed that privilege on motor trucks, as well as on pleasure cars.

The Atlantic States Marine Fisheries Commission, on which Senator Cleveland Sleeper, Jr., of the Maine Interstate Cooperation Commission, is a representative, has worked long and earnestly on a program to improve and protect our Atlantic Fisheries. An account of its activities over the last two years in general and its effects in Maine is given by Senator Sleeper in a separate part of this report.

A list of the bills approved or sponsored by the Commission and passed by the 93rd Legislature follows in detail.

Several Regional Meetings have been attended by the different members of the Commission on matters concerning the State, also by the Chairman as a member of the Drafting Committee, Council of State Governments. Most of the members attended the Biennial Meeting of 47 States at Detroit to map out suggested Legislation for the next two years. Attending this meeting were Senator Cross, Senator Crosby, Senator Sleeper, Representative Robbins, Representative Atherton. Also attending was Governor Horace Hildreth in his capacity of President of the Council of State Governments.

Of particular value have been the Regional meetings at Boston regarding Forest Fire Legislation from an interstate angle. The Commission has been represented by Senator Clarence Crosby at these meetings and legislation will be offered in regard to this

problem. Much of value seems to have been accomplished and much remains to be done in the future to the end that better cooperation shall exist between the States in this region. Of special importance is a suggested model act to be sponsored by the Commission to be offered to the 94th Legislature. This act is known as The Enforcement of Liability in Non-Support Cases. This is reciprocal Legislation relating to enforcement of support of family when a husband has left the state to avoid support, and would do much to correct a very bad situation in family responsibility cases.

Respectfully submitted,
BURTON M. CROSS, *Chairman*

REPORT OF MAINE MEMBER OF ATLANTIC MARINE FISHERIES COMMISSION

The Maine members of the Atlantic States Marine Fisheries Commission were organized early in January, 1947, with three members. Representative Cleveland Sleeper, Jr., was the Legislative member appointed from the Commission on Interstate Cooperation, Carrol Peacock was the member appointed from Industry by Governor Hildreth, and Richard E. Reed, as Commissioner of Sea and Shore Fisheries, was the ex-officio member. At the first meeting Mr. Reed was elected the Executive Secretary of the Commission.

The Commission held two annual meetings, both in New York City, which all three members attended, the first in July, 1947, and the second in September, 1948. The Commissioners also attended three separate meetings of the special Clam Technicians Committee, the first held in Portland, Maine, September, 1947, the second in Woods Hole, Massachusetts, in May, 1948, and the third held in Boston in October, 1948. Mr. Reed, our member, was the chairman of this special committee. We also attended two lobster Technicians' meetings in Boston, June, 1948, and October, 1948. All three members also attended a special meeting of the North Atlantic Section in May, 1947, also held in Boston.

Among the subjects pertinent to Maine which the Commission deliberated was the haddock and ground fish situation along our coast and the bank at Georges. Depletion and possible remedies

were discussed as well as offshore jurisdiction of the fishing grounds. We also discussed and studied the general program for restoration of Shad resources along the Atlantic coast, restoration of Atlantic Salmon in Maine rivers, revision of the State Conservation laws in view of recent Supreme Court rulings (U. S. Supreme Court); the effects and value of lobster rearing. We further studied the anti-pollution programs and sanitation rulings by the Pure Food and Drug, and the United States Public Health Service as it affected our Maine Fish products, the establishment of a National Fisheries research program and other items. The groundwork has already been laid for the adoption of many of these items with the view of increasing the Conservation, the value and importance of Maine's growing Fishing Industry.

The Commission took the lead in securing an authorization through Congress for a \$500,000 five-year program to increase and safeguard soft-shell clam and quahaug resources. Of this money, \$38,500 was made available the first year and the President's Budget message calls for \$92,500 for the next Federal fiscal year, July 1949 to July 1950. Maine has been established as one of the principal seats for this work. At Boothbay Harbor several scientists will be assigned and will make a thorough study of our clams and clam problems, and recommend steps to safeguard and develop this valuable resource.

All three Maine members served and worked on the various sub-committees. The object of this Commission is to bring the States together for the cooperative handling of all Fisheries problems and to present a united front for the protection and development of Atlantic Fisheries resources and to generally keep Maine in the forefront as a great and important fishing state, second to none.

CLEVELAND SLEEPER, JR.

IMPORTANT DECISIONS BY THE UNITED STATES SUPREME COURT

**Reprinted for the benefit of the members of the
Legislature to bring to their attention the far
reaching importance as related to the fishery laws
in the states along the Atlantic seaboard**

The decision of the United States Supreme Court in the so-called tidelands case, under which the federal government asserted its jurisdiction over California tidelands, raised a question as to the status of state jurisdiction over the coastal fisheries. The decision appears to have distinguished the fisheries, however, and left the states' jurisdiction over them unimpaired. Nevertheless litigation challenging this interpretation has recently been instituted in South Carolina, while commercial fishermen have themselves challenged the jurisdiction of the State of California in enforcing regulations within the three-mile limit, as a result of the tidelands decision.

In an effort to clarify and settle this problem, the National Association of Attorneys-General, a unit of the Council of State Governments, has prepared a bill, now pending in Congress, which would confirm and establish the title of the states to land and resources in and beneath navigable waters within state boundaries. The bill, known as S1988, specifically disclaims any intention to affect the ownership or control of the subsoil and seabed lying to the seaward of the lands lying within the three-mile limit or other established state boundaries. This bill was given support by the Intercoastal Conference Committee, including the Atlantic Commission.

Proposed Amendment to the Atlantic States Marine Fisheries Compact

Two amendments to the Atlantic States Marine Fisheries Compact have been prepared by the drafting committee of the Commission the first of which has received the approval of the Commission and will be submitted to some of the Atlantic compacting states for action. This amendment reads as follows:

"The states consenting to this amendment agree that any two or more of them may designate the Atlantic States Marine Fisheries Commission as a joint regulatory agency with such

powers as they may jointly confer from time to time for the regulation of the fishing operations of the citizens and vessels of such designating states with respect to specific fisheries in which such states have a common interest.

"The representatives of the Atlantic States Marine Fisheries Commission shall constitute a separate section of such Commission for the exercise of the additional powers so granted provided that the states so acting shall appropriate additional funds for this purpose. The creation of such section as a joint regulatory agency shall not deprive the states participating therein of any of their privileges or powers or responsibilities in the Atlantic States Marine Fisheries Commission under the general compact."

LEGISLATION RECOMMENDED BY THE COUNCIL OF STATE GOVERNMENTS AND ADOPTED BY THE NINETY-THIRD LEGISLATURE

AERONAUTICS COMMISSION — An Act to Authorize the Maine Aeronautics Commission to Match Federal Airport Funds in Conjunction with Municipalities to Construct Airports within the State.

SCHOOL LUNCH — An Act to Provide for Compliance with the National School Lunch Act and to Provide for the Establishment, Maintenance, Operation and Expansion of Nonprofit School Lunch Programs in Schools in the State.

PLANE COORDINATES — An Act Defining and Authorizing the Use of a System of Plane Coordinates for Designating and Stating Positions of Points on the Surface of the Earth within the State of Maine.

HOSPITAL SURVEY ACT — An Act Relating to the Advisory Council for the Hospital Survey Act.

FLOUR AND BREAD — An Act Relating to the Enrichment of Flour and Bread.

The Commission sponsored a number of acts in relation to changes in the Maine Motor Vehicle Laws in an attempt to bring them into conformity with the so-called Uniform Traffic Code. Many of these acts were passed and substantial progress is reported in the program for uniformity between the states. Follow-

ing is a list of those relating primarily to motor vehicle problems which were adopted by the Ninety-third Legislature:

An Act Relating to Registration of Motor Vehicles.

An Act Relating to Driving Motor Vehicles on Divided Highways.

An Act Relating to Driving Motor Vehicles on Roadways Laned for Traffic.

An Act Relating to Length of Motor Vehicles.

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

An Act Relating to the Use of Hand Signals and Lights in the Operation of Motor Vehicles.

An Act Relating to Passing Motor Vehicles on the Right.

An Act Designating Through Ways.

An Act Limiting the Weight, Length, Width and Height.

REPORT OF ACTIVITIES OF THE NORTHEASTERN STATES

Regional Continuing Committee Meetings

In view of the extensive work-programs of the Continuing Committees, it was agreed at a meeting of the Chairmen of the Regional Continuing Committees, held December 11, 1947, to hold the Annual Regional Highway Conference in the fall of 1948, in cooperation with the Council of State Governments, with the ten northeastern states and Maryland participating. Other states formerly participating may attend the Conference as guest states if desired, it was agreed, such participation to be limited primarily to officials of the participating states. Meanwhile a planning meeting of the Continuing Committees in preparation for the Conference, was scheduled for February 13, 1948.

Motor Vehicle Problems

At the planning meeting of the Regional Continuing Committees, held February 13, 1948, the chairman of the Continuing Committee on Motor Vehicle Problems reported that the two most important problems in arriving at uniform procedures for reciprocity in the registration of motor trucks as well as all other motor vehicles were the problems of taxation and the definition of a resident. The chairman expressed the opinion, as regards taxation, that fees should be limited to license and fuel taxes. Uniformity in reciprocal regulations must also await a uniform definition of resident, he said.

The Chairman reported that the Model Law on the Transportation of Inflammable Liquids by Tank Trucks has been outmoded by recent developments in tank truck construction. The committee, as well as several national organizations, are therefore in the process of reviewing standards in this field, with a view to presenting a revised model law for consideration.

With regard to transportation of explosives, the chairman said that all but four of the states of the region (i. e., Maine, New Hampshire, Pennsylvania and Rhode Island) conform to the conference recommendation calling for placards in reflectorized material. Despite the fact that the Interstate Commerce Commission does not require such placarding, it is expected that efforts will continue toward achieving uniformity in this respect among the states of this region.

The chairman further reported that, in the matter of registration of motor trucks, the committee favored the "gross vehicle weight" plan, based on weights certified by the manufacturer.

School Bus Laws

The Regional Continuing Committee on School Bus Laws reported that it would press for uniform school bus laws among the states of the region which would require motorists to stop and stay stopped when approaching a stopped school bus from either direction. Exceptions to this procedure were favored by the committee, however, as regards motorists approaching school buses on four-lane highways, or where the buses operate in zones controlled by mechanical traffic lights. The committee further recommended that all school buses should carry the words "school bus" in letters at least four inches high. It opposed, however, regulations requiring flashing red lights on school buses.

In the matter of school bus color, it affirmed its belief that all school buses with the exception of private cars, station wagons and common carriers, should be painted National School Bus Chrome. It further affirmed its recommendation for periodic inspection of all school buses and the establishment of minimum standards for school bus construction.

Traffic Regulation

A survey of pavement markings, and problems relating to speed, parking, traffic signals and other aspects of traffic regulation and control among the states of the region will be compiled and reported to the annual regional conference in the fall by the Regional Continuing Committee on Traffic Regulation and Control.

Uniform State Laws

As previously noted in these reports, the National Conference of Commissioners on Uniform State Laws was one of the earliest organizations having as an objective the elimination of interstate conflicts. The organization was never planned to deal with regional matters but has emphasized uniformity of laws from a national point of view. Following an initial arrangement in 1940 with the Council of State Governments for joining the efforts of the two organizations, under which the National Conference recommended a limited number of its model laws for immediate enactment, and the Council of State Governments, through the state commissions on Interstate Cooperation, provided a channel of direct communication to the state legislatures, the record of enactments of uniform laws was substantially increased. This is now a permanent arrangement with the Council and the record of enactment of proposals recommended by the National Conference has achieved a new high during the years since 1940.

A proposed draft of an interstate forest fire protection compact for the Northeastern States was reviewed by a committee of state officials (including foresters, fire marshals, commissioners on interstate cooperation and other state officials from Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut and New York) meeting in Boston on December 17, 1948. The comments and suggestions developed at that meeting were incorporated in a draft which was subsequently approved by a smaller executive committee designated at the Boston meeting for that purpose.

THE PURPOSES OF THE COUNCIL OF STATE GOVERNMENTS AND THE COMMISSION OF INTERSTATE COOPERATION

The Council of State Governments is a joint governmental agency established by the States, for service to the States, supported by the States. The Council serves as:

1. A clearing house for information and research, serving the forty-eight States;
2. A medium for improving legislative and administrative practices of state governments;
3. An instrumentality for encouraging full cooperation among the States in the solution of interstate problems, both regional and national; and
4. A means of facilitating and improving federal-state relations.

The Council is composed of Commissions or Committees on Interstate Cooperation established in each of the forty-eight States.

The Council's central office is located in Chicago. Regional offices are maintained in New York and San Francisco. Regional representatives of the Council work closely with state legislators and officials in their areas, and assist the States not only with respect to the national and regional programs of the Council but also in the solution of problems arising in individual States. The Council maintains an office in Washington, charged specifically with "facilitating and improving federal-state relations" and keeping the States currently informed of activities in the Federal Government of interest to the States.

The Council officially serves the following organizations of state officials:

America's 7,500 state legislators, organized through the American Legislators' Association;

Governors' Conference, national organization of the chief executives of the States;

The National Association of Attorneys General;

The National Association of Secretaries of State;

The National Association of State Budget Officers.

The services of the Council of State Governments may be grouped into four major categories:

1. Common intrastate problems
2. Federal-state relations
3. National interstate problems and
4. Regional interstate problems

Each state is faced with common or similar problems in such matters as public finance, employment, veterans' affairs, legislative practices and procedures, and state-local relations. The Council of State Governments, acting through committees of state legislators and state officials, studies these problems and develops programs for consideration by the States.

For the past ten years, the States have worked through the Council to prevent or eliminate interstate trade barriers.

The Council has also pioneered in the establishment of uniform criminal legislation. Thirty-nine States have passed uniform statutes relating to parolees and probationers, and many States have passed additional uniform laws with respect to pursuit, extradition, out-of-state witnesses, and narcotic drugs.

The Commissions of Interstate Cooperation foster nationwide programs relating to aviation, insurance, control and use of water resources, and legislative policies and procedures.

As an instrumentality of the States, the Council is governed and controlled by the States. Its policy-determining body is the Board of Managers, composed of forty-nine delegate members representing the forty-eight States and Alaska, sixteen ex-officio members, and ten members-at-large.

The Executive Committee of the Board is composed of the President (who is a Governor), the First Vice-President (who is a legislator and who serves as Board Chairman), two additional Vice-Presidents, an Auditor (who is a state fiscal officer), the Honorary President of the Council, and the Executive Director.

The Board of Managers meets annually and at special call to consider general matters of Council policy. The Executive Committee meets more frequently throughout the year, working with the Executive Director in the solution of day-to-day problems.

The Council sponsors a biennial General Assembly which is composed of representatives of all the States. It provides a common meeting for all state legislators and officials and is a forum for the consideration and discussion of problems common to the States.

Each of the Associations of state officials served by the Council (the Governors' Conference, the National Association of Attorneys General, the National Association of Secretaries of State and the National Association of State Budget Officers) has its own annual meeting. At these conferences, problems of importance to the specific group are discussed and policies set forth. An interchange of ideas is therefore facilitated and the machinery for interstate cooperation strengthened. Regional meetings of Commissions on Interstate Cooperation are held several times throughout the year to consider current problems requiring joint state action and to review plans and formulate policies for more effective interstate cooperation.