

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Fourth Legislature

OF THE

STATE OF MAINE

1949

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Friday, April 8, 1949.

The Senate was called to order by the President.

Prayer by the Reverend Edna Knowlton of Augusta.

Journal of yesterday read and approved.

Order**(Out of 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 on Monday, April 11, 1949 at 4.30 o'clock in the afternoon. (S. P. 655)
Sent down for concurrence.

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

From the House

Memorial to Congress re Quoddy (S. P. 651)

(In the Senate, on April 6, read and adopted.)

Comes from the House, indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Williams of Penobscot, the Memorial was indefinitely postponed in concurrence.

House Committee Reports

The Committee on Appropriations and Financial Affairs on "Resolve Providing for Completion of Dairy Barn at Augusta State Hospital," (S. P. 159) (L. D. 227) reported that the same ought to pass as amended by Committee Amendment "A".

(In the Senate on April 5, passed to be engrossed as amended by Committee Amendment "A".)

Comes from the House, report recommitted to the Committee on Appropriations and Financial Affairs in non-concurrence.

In the Senate, on motion by Mr. Williams of Penobscot, the rules were suspended and the Senate voted to reconsider its former ac-

tion taken on April 5 whereby the resolve was passed to be engrossed; and on further motion by the same Senator, the resolve was recommitted to the Committee on Appropriations and Financial Affairs in concurrence.

The Committee on Sea and Shore Fisheries on Bill "An Act Relating to Pollution of Tidal Waters," (H. P. 1318) (L. D. 687) reported that the same ought not to pass.

Comes from the House, recommitted to the Committee on Sea and Shore Fisheries.

In the Senate, on motion by Mr. Sleeper of Knox, the bill was recommitted to the Committee on Sea and Shore Fisheries in concurrence.

The Majority of the Committee on Appropriations and Financial Affairs on "Resolve in Favor of Higgins Classical Institute," (H. P. 1765) (L. D. 1107) reported that the same ought not to pass.

(Signed)

Senators:

BOWKER of Cumberland
SAVAGE of Somerset

Representatives:

BROWN of Unity
DENNETT of Kittery
JACOBS of Auburn
BIRD of Rockland
JALBERT of Lewiston
WEBBER of Bangor
JOHNSTON of Jefferson

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

(Signed)

Senator:

WILLIAMS of Penobscot

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

In the Senate, the reports were read, and on motion by Mr. Williams of Penobscot, were laid upon the table pending consideration of either report.

The Committee on Appropriations and Financial Affairs on "Resolve Relating to the Compilation and Printing of the History of Se-

lective Service in Maine," (H. P. 1026) (L. D. 458) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Hampden Academy," (H. P. 1622) reported that the same ought not to pass.

The Committee on Claims on "Resolve in Favor of Bertram Ouellette, of Augusta," (H. P. 421) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Olin R. Beal, of Durham," (H. P. 899) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Winfield Jordan, of Old Town," (H. P. 817) reported that leave be granted to withdraw.

The Committee on Legal Affairs on Bill "An Act Relating to Dance Halls," (H. P. 1726) (L. D. 1081) reported that the same ought not to pass.

The Committee on Public Health on Bill "An Act Relating to the Sale of Rags as Wiping Cloths," (H. P. 1730) (L. D. 1035) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Board of Registration of Nurses," (H. P. 1846) (L. D. 1184) reported that leave be granted to withdraw.

The same Committee on Bill "An Act Relating to Application of Health Laws to Certain Grocery Stores," (H. P. 1419) (L. D. 753) reported that leave be granted to withdraw.

The Committee on Sea and Shore Fisheries on Bill "An Act Relating to the Reconsignment of Lobsters," (H. P. 1352) (L. D. 702) reported that the same ought not to pass.

The Committee on Ways and Bridges on Bill "An Act Relating to State Aid Highways," (H. P. 1203) (L. D. 619) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Maintenance of Bonny Eagle Bridge in the Town of Standish," (H. P. 768) (L. D. 304) reported that the same ought not to pass.

(On motion by Mr. Slocum of Cumberland, the bill and accom-

panying papers were laid upon the table pending consideration of the report.)

Which reports were severally read and accepted in concurrence.

The Committee on Legal Affairs on Bill "An Act to Provide a Town Manager Form of Government for the Town of Bar Harbor," (H. P. 1644) (L. D. 999) reported that the same ought to pass.

The Committee on Public Utilities on Bill "An Act to Incorporate the Lincoln Water District," (H. P. 1929) (L. D. 1288) reported that the same ought to pass.

The Committee on Sea and Shore Fisheries on Bill "An Act Relating to Weir Fishing in Certain Waters," (H. P. 1736) (L. D. 1090) reported that the same ought to pass.

The same Committee on Bill "An Act Regulating the Digging of Clams in the Town of Southport, Lincoln County," reported that the same ought to pass.

The same Committee on Bill "An Act Regulating the Digging of Clams for Commercial Purposes in the Town of Roque Bluffs, Washington County," (H. P. 1666) (L. D. 974) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to the Taking of Smelts from Cobscook River, Cobscook Bay, Orange River, Denny's River and Their Tributaries," (H. P. 1665) (L. D. 973) reported that the same ought to pass.

The same Committee on Bill "An Act Relative to Powers of Coastal Wardens as Inland Fish and Game Wardens," (H. P. 1537) (L. D. 866) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to the Taking of Clams in Scarborough," (H. P. 1421) (L. D. 769) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to the Definition of the Term 'Sardine,'" reported that the same ought to pass.

The same Committee on Bill "An Act Relating to the Digging of Clams in the Town of Isle au

Haut," (H. P. 1198) (L. D. 592) reported that the same ought to pass.

The same Committee on Bill "An Act Repealing Law Relating to Taking of Herring," (H. P. 1197) (L. D. 591) reported that the same ought to pass.

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

The Committee on Sea and Shore Fisheries on Bill "An Act Repealing Retail Dealers' Fish Licenses," (H. P. 1420) (L. D. 754) reported the same in a new draft (H. P. 2032) (L. D. 1439) under the same title, and that it ought to pass.

(On motion by Mr. Larrabee of Sagadahoc, the bill and accompanying papers were laid upon the table pending consideration of the report.)

The same Committee on Bill "An Act Relating to the Sale or Packing of Herring," (H. P. 1351) (L. D. 701) reported the same in a new draft (H. P. 2033) (L. D. 1440) under the same title, and that it ought to pass.

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

The Committee on Public Utilities on Bill "An Act to Incorporate the Boothbay Harbor Water and Sewer District," (H. P. 1914) (L. D. 1276) reported that the same ought to pass as amended by Committee Amendment "A."

The same Committee on Bill "An Act to Incorporate the Boothbay Harbor Sewer District," (H. P. 1913) (L. D. 1275) reported that the same ought to pass as amended by Committee Amendment "A."

The Committee on Sea and Shore Fisheries on Bill "An Act Relating to the Packing of Sardines," (H. P. 1536) (L. D. 811) reported that the same ought to pass as amended by Committee Amendment "A."

The same Committee on Bill "An Act Permitting the Digging of Clams

in Kennebunk River for Bait Only," (H. P. 1800) (L. D. 1142) reported that the same ought to pass as amended by Committee Amendment "A."

The same Committee on Bill "An Act Relating to the Digging of Clams and Worms in the Town of West Bath," (H. P. 1667) (L. D. 975) reported that the same ought to pass as amended by Committee Amendment "A."

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

The Committee on Sea and Shore Fisheries on bill "An Act Relating to the Taking of Clams, Quahogs, Mussels and Worms in the Town of Isleboro," (S. P. 1799) (L. D. 1141) reported that the same ought to pass.

Comes from the House, the report read and accepted and the bill read twice, then subsequently recommitted to the Committee on Sea and Shore Fisheries.

In the Senate, on motion by Mr. Sleeper of Knox, the bill was re-committed to the Committee on Sea and Shore Fisheries in concurrence.

On motion by Mr. Varney of Washington, the Senate voted to recede from its former action taken earlier in today's session, whereby it assigned for second reading, bill, An Act Relating to Weir Fishing in Certain Waters (H. P. 1736) (L. D. 1090), and to further recede from its former action whereby it accepted the "Ought to Pass" report of the Committee.

Thereupon, on further motion by the same Senator, the bill and accompanying papers were laid upon the table pending consideration of the report.

Senate Committee Reports

Mr. Denny from the Committee on Agriculture on Bill "An Act

Relating to the Milk Control Board," (S. P. 476) (L. D. 940) reported that the same ought not to pass.

Mr. Smart from the Committee on Claims on "Resolve in Favor of Lyle Wheeler, of Presque Isle," (S. P. 223) reported that the same ought not to pass.

Mr. Greeley from the Committee on Ways and Bridges on Bill "An Act to Provide for Better Patrol of Highways," (S. P. 451) (L. D. 801) reported that the same ought not to pass.

(On motion by Mr. Haskell of Penobscot, the bill and accompanying papers were laid upon the table pending consideration of the report.)

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Haskell from the Committee on Labor on Bill "An Act to Provide for Equal Pay for Equal Work," (S. P. 115) (L. D. 138) reported the same in a new draft (S. P. 656) under the same title, and that it ought to pass.

Which report was read and accepted, and the bill in new draft tabled pending printing under the joint rules.

Mr. Brewer from the Committee on Agriculture on Bill "An Act Relating to Pasteurized Milk," (S. P. 333) (L. D. 564) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to an Institutional Farm Supervisor," (S. P. 219) (L. D. 339) reported that the same ought to pass.

Mr. Greeley from the Committee on Ways and Bridges on Bill "An Act Providing for the Construction, Maintenance and Improvement of Controlled Access Highways," (S. P. 588) (L. D. 1246) reported that the same ought to pass.

(On motion by Mr. Larrabee of Sagadahoc, the bill and accompanying papers were laid upon the table pending consideration of the report.)

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

Mr. Crosby from the Committee on Ways and Bridges on "Resolve, in Favor of the Town of Sangerville," (S. P. 242) reported that the same ought to pass.

Which report was read and accepted, and the resolve laid upon the table for printing under the joint rules.

The PRESIDENT: At this time, the Chair notes in the Senate the presence of the Right Honorable Chief Dogcatcher in the State of Maine and the Chair requests the Sergeant at Arms to escort him to a place at the right of the President.

Amid the applause of the Senate, the Honorable Rosaire Halle, Mayor of Auburn, was escorted to the rostrum.

Mr. BOUTIN of Androscoggin: Mr. President, out of order and under suspension of the rules, I move that the Chief Dogcatcher of the State of Maine explain to the Senate what is a dogcatcher in the State of Maine.

The PRESIDENT: The Senator from Androscoggin, Senator Boutin, requests the Right Honorable Chief Dogcatcher just what the office of Dogcatcher is, what his duties are, and how they can keep out of the dog house, because that is very essential, and as politicians, they may want to know.

Hon. ROSAIRE HALLE, Mayor of Auburn: Fellow dogcatchers, I didn't come here this morning prepared to address the Senate, I assure you. As one politician to another, or maybe I should say as one public servant to other public servants; we generally give our friends the very best appointments that we possibly can after we come into office. After I found out that the only appointment I could make as Mayor of the City of Auburn was to appoint our official dogcatcher, and that was only one appointment, I thought I would fool the Council and appoint as many honorary

members as I could. So, in doing that, I started our organization of Honorary Dogcatchers which has now spread quite a bit. Two weeks ago, to show you that the organization is non-political, I appointed President Truman personally, and Vice President Barkley to join the organization, and, on the same morning, Senator Brewster. So, our organization is all over the country, and it is receiving a lot of publicity for the State of Maine.

In telling you this, I wouldn't want you gentlemen to enact a new tax bill on this publicity, because it is all for free. The State is getting it free of charge, and it is an honor for me to do this—extend these appointments to our good American citizens—because the only qualification that a man has to have to become a dogcatcher, is that he must be a true-blue American. And this appointment this morning over in the House, and in the Senate is nothing else but, and it is a pleasure for me to receive you into our new organization as Honorary Dogcatchers of the City of Auburn. Thank you very much.

Mr. SLOCUM of Cumberland: Mr. President, I believe that his Honor, the Mayor of the City of Auburn, is doing a very gracious thing and something that is valuable publicity to our good State of Maine. One thing I do believe, however, is that we should be informed not only of our rights and privileges, but as to our duties and obligations, and I would like to ask through the Chair if the Chief Dogcatcher would inform us of our duties and obligations.

The PRESIDENT: The Senator has asked his question, and the Chief Dogcatcher may reply if he wishes.

Mr. HALLE: Mr. President, I would say that the duties are not plentiful, only when you visit the City of Auburn, Maine, of course, you stop and visit the Mayor every time you go through the City which will please the Citizens of Auburn to receive people like you Gentlemen into our City.

That is one reason why the organization was started, to receive our guests, and when you come into our City, you are a member of the City of Auburn, because you are appointed, and you hold an appointive office to that City. So, any time that you come to Auburn, Maine, or that you refer Auburn, Maine, to anyone, you just say that you are an Honorary Dogcatcher of the City of Auburn, and you stop in and visit us, because that is what we want.

Mr. Brewer from the Committee on Agriculture on Bill An Act Defining Homogenized Milk," (S. P. 334) (L. D. 565) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

Which report was read and accepted and the bill was given its first reading. The Secretary read Committee Amendment A:

"Committee Amendment A to L. D. 565. Amend said bill by striking out the underlined figure '5%' in the next to the last line, and inserting in place thereof the underlined figure '10%'."

Which amendment was adopted, and the bill as so amended was tomorrow assigned for second reading.

Mr. Denny from the same Committee on Bill "An Act Relating to Harness Horse Racing Meets," (S. P. 445) (L. D. 894) reported that the same ought to pass as amended by Committee Amendment "A" submitted herewith.

Which report was read, and on motion by Mr. Denny of Lincoln, the bill and accompanying papers were laid upon the table pending consideration of the report.

Mr. Collins from the Committee on Labor on Bill "An Act Regulating Industrial Homework," (S. P. 190) (L. D. 243) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted and the bill was given its

first reading. The Secretary read Committee Amendment A:

"Committee Amendment A to L. D. 243. Amend said bill in that part designated Section 37-H thereof by striking out in the first line the underlined figure '\$50' and inserting in place thereof the underlined figure '\$25'; by striking out in the 3rd line the underlined figure '\$50' and inserting in place thereof the underlined figure '\$25'; and by striking out in the 5th line, the underlined figure '\$100' and inserting in place thereof the underlined figure '\$50'; and by striking out in the 7th line the underlined figure '\$200' and inserting in place thereof the underlined figure '\$100'."

Which amendment was adopted, and the bill as so amended was tomorrow assigned for second reading.

Passed to be Engrossed

Bill "An Act Relating to the Definition of Tavern in Liquor Law." (H. P. 1746) (L. D. 1038)

Bill "An Act Regulating Trapping of Fisher." (H. P. 2030) (L. D. 1437)

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

"Resolve Regulating Fishing in Spruce Pond in the County of Somerset." (H. P. 988) (L. D. 419)

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

Bill "An Act Relating to Optometry." (S. P. 549) (L. D. 1171)

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

Sent down for concurrence.

"Resolve Transferring Moneys from Employees' Retirement Fund to General Fund." (S. P. 220) (L. D. 349)

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

Sent down for concurrence.

Enactors

Bill "An Act Relating to Exemptions from Regulation of Motor Carriers." (H. P. 1583) (L. D. 905)

Bill "An Act Relating to the Use of the Public Streets and Highways and to the Power of Cities and Towns to Install Parking Meters." (H. P. 1509) (L. D. 816)

"Resolve, Authorizing the Commissioner of Inland Fisheries and Game to Convey the Interest of the State in Certain Land in Township 10, S. D." (H. P. 1694) (L. D. 1028)

"Resolve, Authorizing the State Normal School and Teachers' College Board to Convey Certain Land in Fort Kent." (H. P. 1955) (L. D. 1328)

"Resolve, to Open Plunkett Pond, Aroostook County, to Ice Fishing." (H. P. 2019) (L. D. 1405)

Bill "An Act Relating to Employees of Counties, Cities and Towns Entitled to Membership in State Employees' Retirement System." (S. P. 636) (L. D. 1399)

Which bills were severally passed to be enacted, and resolves finally passed.

Emergency Measure

Bill "An Act Appropriating Moneys for Anticipated Overdrafts in the Racing Commission Due to Insufficient Appropriations." (S. P. 607) (L. D. 1298)

Which bill being an emergency measure and having received the affirmative vote of 23 members of the Senate, and none opposed, was passed to be enacted.

Orders of the Day

On motion by Mr. Slocum of Cumberland, the Senate voted to take from the table House Report "Ought to Pass in New Draft" Under the Same Title as (H. P. 2015) (L. D. 1397) from the Committee on Temperance on bill, An Act Relating to Illegal Importation and Transportation of Malt Liquor (H. P. 1546) (L. D. 823) tabled by that Senator on April 1 pending consideration of the report.

Thereupon, the report of the committee was accepted in concur-

rence and the bill was given its first reading.

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

"Senate Amendment A to L. D. 1397. Amend said bill by inserting after the underlined word 'state' in the 3rd line of that part designated 'II', the underlined words 'in a greater quantity than 1 case, unless said malt liquor was legally purchased in the state.'"

Mr. SLOCUM of Cumberland: Mr. President, this amendment is introduced with the approval of the Temperance Committee.

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

On motion by Mr. Barnes of Aroostook, the Senate voted to take from the table bill, An Act Relating to School Attendance (S. P. 647) (L. D. 1429) tabled by that Senator on April 6 pending assignment for second reading; and that Senator moved the pending question.

Mr. MCKUSICK of Piscataquis: Mr. President, I offer Senate Amendment A and move its adoption.

The PRESIDENT: The Chair would ask if the Senator from Aroostook, Senator Barnes is willing to withdraw his motion that the bill be assigned for second reading?

Mr. BARNES of Aroostook: Yes, Mr. President.

The Secretary read Senate Amendment A:

"Senate Amendment A to L. D. 1429. Amend said bill by striking out all of section 1 thereof.

Further amend said bill by striking out, at the beginning of section 2 thereof, the underlined abbreviation and figure 'Sec. 2.'"

Which amendment was adopted and the bill as so amended was tomorrow assigned for second reading.

On motion by Mr. Hopkins of Kennebec, the Senate voted to take from the table Senate Report

"Ought Not to Pass" from the Committee on Temperance on bill, "An Act Relating to Limitation of Liquor Licenses", (S. P. 495) (L. D. 945) tabled by that Senator on March 25 pending consideration of the report.

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate, I suppose no senator likes to rise and speak against a unanimous ought not to pass report of a committee, but on the other hand, I assume that it is the duty of all of us when we feel strongly on a measure and introduce it for consideration to the Legislature, to at least defend it. I shall move the substitution of the bill for the report, Mr. President, and ask for a division, and I will speak briefly on the measure. Probably when the vote is taken, I shall want to avail myself of the privilege of the appointment I have received this morning and retire to Auburn for recreation over the weekend.

I believe according to the best observers, those who write and speak, that at the present time we are living in a great social revolution, and that the habits of the people and the entire social structure have deteriorated quite rapidly, and that that trend continues. This view could be supported by many statistics such as those on juvenile delinquency and adult crime, those on marital relations and birth illegitimacy, those on consumption of drugs and alcohol, and many other statistics too numerous to mention.

The most pessimistic people whose opinions I have read, or those whom I have talked with, and among those are scholars who have studied the matter and are observers, believe we are in the decline of a great civilization at the present time, and that the destruction of this society which we have enjoyed may eventually be as complete as has been that of other great civilizations recorded in history. But I discover no pessimism in this Senate, and I think there is nobody here who takes such a pessimistic view as that.

I hope that most of you will agree with me that there is sufficient evidence so that we should be convinced that the reversal of social trends is one of the most important tasks facing our State and Nation at this time. Some of the measures before us which bear especially on this problem, and which are here considered to be relatively unimportant, such as the one I have just removed from the table, will be proved to be infinitely more important in the future than the matters over which we battle most vigorously, such as, for instance expenditures and taxation. I think the matter I am speaking on will prove to be as important as the adjustments we make on appropriations and what we do with taxation in this Legislature; but we are all intelligent enough to know that we can not legislate morals; we cannot remove by law, from the people, those habits by which in this day so many destroy themselves and those about them. But we can by law do much to encourage and promote better condition for the uplift of ourselves, our children and those who live with us in this day and age.

The bill on which my motion has been made provides for limitations of liquor licenses by population. It is the same bill that I introduced into the Legislature two years ago, and which was heavily defeated, except that there is a clause exempting currently licensed establishments under the bill. We have two other limitation bills on the table, one giving the municipalities the enabling legislation to enact ordinances to limit licenses, and the other giving the Liquor Commission discretionary power to limit licenses.

I think that I can agree with you that there is no merit in either of these bills, because both of them would place the matter in the hands of the people under political influence, and would not solve the problem. When the vote is taken on this bill, I shall move on the other bills for acceptance of the ought not to pass report.

Everywhere we look, if we look at all, we see the need for placing some limitations on licensing for the sale of liquor in its various forms. The Senator on my left, Senator Crosby, told me recently of a small town in his County where there are a large number of outlets in a town of only about five hundred population. I would like to give you just a few statistics on three of the larger communities in the State just to show you the extent to which this mushrooming business is expanding. The City of Lewiston, for instance, has some type of outlet for every 178 people who live in the community. It has retail malt beverage outlets for every 263 people, a restaurant outlet for every 840 people, a hotel or bar outlet for every 4820 people, and clubs for every 2,270 people. The community in which I live has an outlet of some kind or other for every 210 people. It has a retail store for sale of bottled malt beverages for every 321 people, beer parlors for every 925 people, hotel bar for every 2,380, and there is only one club bar in the community, for every 16,700 people. The town of Sanford has an outlet of some sort or another for every 217 people. That is a tremendous number of outlets to have in these communities, as you may well know, and they do have an influence on the society in which we live.

Why do we want limitation of licenses? Is it to cut consumption of liquor? Why, certainly not. It is not primarily for that, though I would hope that a limitation, and some other things which we could do, would reduce the consumption of all types of liquor by minors. We want limitation primarily so that there will be fewer and better outlets. That is the basic reason for wanting to place limitations on the number of outlets. If men, and boys and girls—by boys and girls, I mean, of course, people in their lower twenties—are to spend many hours in these outlets and are to use them as recreation centers, we want them to be clean, light, and pleasant places. We want them to

be free from all kinds of illegal activities such as solicitation of prostitutes, sale of drugs, sale of lottery tickets and other things. Furthermore, we want the people who run those places to have a sufficient margin of profit, so that they can run good institutions, well ventilated, clean, and well supervised.

What is the situation on limitation of licenses? In the monopoly states, 11 out of 17 have some type of limitation; and in the open states, 19 out of 28 have some type of limitation; that is about two out of three. And 30 of the 45 so-called wet states, that is exactly two-thirds, have some type of limitation. But the people of the country who live in states where there are limitations are much higher than two-thirds, because all of the high population states have some type of limitation, those that have control. I am sure people want sufficient outlets. We have had our experience with attempting to prohibit, but I also think that they want to eliminate illegal operation in every way, and they want outlets so controlled in number that they can be clean and properly run. They want to remove the emphasis from commercialization of liquor where the emphasis has been placed in Maine for a great many years, and place it on the basis of reasonable service and reasonable control.

Of course, the liquor industry wants no limitation at all. I can understand their viewpoint. They stand for full commercialization. Now, the bill which I have removed from the table probably would not cut the consumption of any type of liquor at all. I think if you study it that you will come to that conclusion. It would, I think, improve social standards, and that is why I entertain it, why I feel strongly enough about it to stand and speak on it. At the hearing, the representative of the liquor industry gave us a few minutes of rather interesting discourse down there. Both Senator Boucher and myself were complimented as Senators, which we appreciated, and then it was pointed out that Sena-

tor Boucher only got about seventy-five per cent of the vote in Lewiston in the last election, but liquor got much higher than that. Senator Hopkins carried Waterville by only four hundred votes, but I think the liquor vote on various referendum questions was very much higher than that. Neither Boucher nor I could possibly contend that we are as popular as liquor, and I doubt if any senator would so contend. But to use such an argument as a means of proving that there is no need for limitation is rather amusing. I enjoyed the sarcasm and humor, but it didn't touch the question. Debate like that is just good fun. I have made the point that I wanted to make. I believe we must and will sometime, and I think the time is now, when we ought to adopt some type of limitation. This bill which we have before us, as I have told you, provides that the licenses can transfer with property, but the attorney for the Commission and the Chairman of the Commission tell me that they think they can hold the line and perhaps reduce the number of outlets in Maine and improve the types of institutions if they could have this bill enacted. I am not sure that this is true. I think it would be good business to enact the bill. I think it ought to be done now.

I hope that you people have been open-minded and interested in what I have said. I apologize for taking so much of your time, but we are not too busy this morning as I see it.

I have a note from the floor leader pointing out that none of the Temperance Committee are here. But the Chairman of that Committee was advised that this matter would be debated this morning if there was nothing else taking up your time. I don't think it will make any difference anyway. I think if any of you gentlemen want to debate on the other side of the issue or represent the Temperance Committee, I would have no objection to your tabling it and thinking about it over the weekend. I

assume that these bills are not going to receive passage, although I have made my efforts sincerely, and I look forward to going to Auburn over the week end as dogcatcher.

Mr. HASKELL of Penobscot: Mr. President, I rise, of course, not as Majority Floor Leader, but as a firm opponent to this type of legislation. I agree today, as I agreed two years ago, that had we at the inception of our liquor laws determined that there would be a definite limitation, there might have been justification for the inclusion. But to add that inclusion to the law today is a dangerous thing in my opinion because it puts a definite price tag on liquor licenses in any particular community. In the city of Bangor for instance, under this proposed law we would be limited to twenty malt beverage outlets.

We have about fifty percent more than that figure now and I visualize this condition, an honest citizen not in the malt beverage business, desires to enter that business. He then learns that Bangor is over-licensed and he also learns that the only way he can acquire that license or enter that type of business which he seeks, is to purchase the business of another.

I visualize a black market in malt beverage licenses throughout this state that in the more populated areas could reach a fabulous figure. I do not think that is the intent of the legislature, to build up that type of an opportunity to those who happen to be fortunate enough to be in the malt beverage business today or to have the hotel type of license.

I point out also that under the existing statutes, a new applicant must pass through a very fine screen, he must give reasonable satisfaction to the city and town officials, he must convince them of his honesty, of his integrity, and of the need of the service he seeks to render. He must furthermore, go to our liquor commission and satisfy them of his integrity, honesty and his past record. I think with that screening procedure we have reas-

onably satisfactory licensing, Mr. President, and to put that price tag on every existing license in the State of Maine, to me is a very dangerous thing and denies some of the basic rights that are fundamentally granted to our citizens under our constitution.

For that reason I sincerely hope that the motion to substitute the bill for the report does not prevail.

Mr. HOPKINS: Mr. President, the Senator from Penobscot has spoken very well in opening the issue so we can understand it more clearly. I think that as a basic thought, we have to admit that the sale of liquor is an unusual business. I think the reason we are limiting control to the state is that we recognize it as an unusual business. Since it is an unusual business, and if we are going to control it, we have got to do some things that we don't want to do, and the whole problem is to get a balance between what we are willing to do and what we are not willing to do.

Yesterday a bill went by here which opened candy and tobacco stores to licenses for the sale of beer. Perhaps you noticed that. I heard debate recently when it was claimed that the bakers and drug stores were selling beer in some sections of the state. It was denied by one speaker but another rose and told the names and places and locations, and I believe he proved his point.

The issue is that we do have to do things we don't want to do if we are going to stop this expansion and get control of this business and maintain proper institutions for higher social development.

The Senator raises the most contentious problem in the whole discussion. Actually when you place a limitation on the sale of licenses and give a man a license who may have a piece of property worth a very small amount of money, if you give him a license and the right to hold that license forever and dispose of it to anybody to whom he wishes, you have given his property a considerable value for which he

has not paid. People who have those licenses now are simply given by the state the right to sell liquor. They are not given a tremendous increase in the capital value of their property. The state, of course, would have the right to take away anything on that basis.

I know that is the issue, I am well aware of it, but this bill does not cover that at all. The Liquor Commission says, and we have to take their word for it, that they can improve and hold the line if they can have passage of this bill. I think they could do it. If I did not think so I would not be speaking for the bill. I think there are ways which we can control it if we can get limitation.

The Senator speaks about black market. I don't see why. If we have fewer places and better places that sell on closer margins, they could give better service to the public, and that is a deterrent to black market operations as we all know. I think we ought to face this issue and vote our convictions now. I hope the motion that I made will receive some support.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Hopkins, that the bill be substituted for the report, and that Senator has asked for a division.

Is the Senate ready for the question?

A division of the Senate was had.

Nine having voted in the affirmative and eleven opposed, the motion to substitute the bill for the report did not prevail.

Thereupon, the "Ought Not to Pass" report of the Committee was accepted.

Sent down for concurrence.

On motion by Mr. Hopkins of Kennebec, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Temperance on bill, An Act Relating to Limitation of Liquor Licenses by Liquor Commission, (S. P. 493) (L. D. 953) tabled by that Senator on March 25 pending consideration of the report; and on further motion by the same Senator, the "Ought Not to Pass" report of the Committee was accepted.

Sent down for concurrence.

On motion by Mr. Hopkins of Kennebec, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Temperance on bill, An Act Relating to Limitation of Liquor Licenses by Towns (S. P. 494) (L. D. 954) tabled by that Senator on March 31 pending consideration of the report; and on further motion by the same Senator, the "Ought Not to Pass" report of the Committee was accepted.

Sent down for concurrence.

The PRESIDENT: At this time, the Chair would like very much, in behalf of the Senate to thank the Honorable Chief Dog Catcher of Auburn, Maine for the honor he has bestowed upon us, and assure him we will do our best to keep out of the doghouse when we go over to Auburn.

Thereupon, on motion by Mr. Haskell of Penobscot

Adjourned until Monday, April 11 at 4:30 o'clock in the afternoon.