

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Seventh Legislature

OF THE

STATE OF MAINE

VOLUME II

1955

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, April 26, 1955

Senate called to Order by the President.

Prayer by Rev. Alice T. Hart of Hallowell.

Journal of April 22 read and approved.

House Papers**House Committee Reports****Leave to Withdraw**

The Committee on Transportation on Bill "An Act Relating to Weight of Commercial Vehicles." (H. P. 804) (L. D. 878) reported that the same be granted Leave to Withdraw, as covered by other legislation.

The same Committee on Bill "An Act Relating to Axle Weight Limits." (H. P. 1140) (L. D. 1337) reported that the same be granted Leave to Withdraw.

Which reports were read and accepted in concurrence.

Ought Not to Pass

The same Committee on Bill "An Act Relating to Fees for Motor Vehicle Inspection Stations." (H. P. 173) (L. D. 164) reported that the same Ought not to pass.

The same Committee on Bill "An Act Relating to Binding of Logs and Lumber on Motor Vehicles." (H. P. 569) (L. D. 617) reported that the same Ought not to pass.

The same Committee on Bill "An Act Relating to Exhaust Pipes on Certain Motor Vehicles." (H. P. 1084) (L. D. 1245) reported that the same Ought not to pass.

The same Committee on Bill "An Act Relating to Movement on Highways of Rubber Mounted Cranes." (H. P. 1097) (L. D. 1280) reported that the same Ought not to pass.

The same Committee on Bill "An Act Relating to Length of Certain Motor Vehicles and Loads Thereon." (H. P. 1141) (L. D. 1338) reported that the same Ought not to pass.

Which reports were severally read and accepted in concurrence.

Ought to Pass

The Committee on Education on Bill "An Act Relating to Determination of Physical Disability by De-

partment of Education." (H. P. 979) (L. D. 1127) reported that the same Ought to pass.

Comes from House, report accepted and bill passed to be engrossed as amended by House Amendment A (Filing 337)

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

The same Committee on Bill "An Act Relating to General Purpose Educational Aid." (H. P. 645) (L. D. 722) reported that the same Ought to pass.

The Committee on Towns and Counties on Bill "An Act Increasing Salaries of County Officials of Sagadahoc County." (H. P. 802) (L. D. 876) reported that the same Ought to pass.

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

Ought to Pass**N.D. — Same Title**

The Committee on Agriculture on Bill "An Act Relating to Membership on State Soil Conservation Committee." (H. P. 634) (L. D. 711) reported the same in New Draft (H. P. 1193) (L. D. 1460), same title, and that it Ought to pass.

Comes from the House, report accepted and bill in new draft passed to be engrossed as amended by House Amendment A (Filing 334)

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

Ought to Pass**N.D. — New Title**

The Committee on Towns and Counties on Bill "An Act Relative to the Salary of the Judge of the Brunswick Municipal Court." (H. P. 508) (L. D. 545) reported the same in New Draft (H. P. 1206) (L. D. 1475) and under New Title: Bill "An Act Relative to the Salary of the Judge and the Recorder and Clerk

Hire of the Brunswick Municipal Court." and that it Ought to pass.

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

Ought to Pass—as Amended

The Committee on Education on Bill, "An Act Relating to Vocational Rehabilitation." (H. P. 978) (L. D. 1126) reported that the same Ought to pass as Amended by Committee Amendment A (Filing 181)

Comes from the House, report accepted, Committee Amendment A indefinitely postponed, and the bill as amended by House Amendment A (Filing 336) passed to be engrossed.

In the Senate, on motion by Mr. Fuller of Oxford, the report was read and accepted, Committee Amendment A indefinitely postponed in concurrence, House Amendment A read and adopted in concurrence, and the bill as so amended was tomorrow assigned for second reading.

The Committee on Agriculture on Bill, "An Act to Clarify Laws Relating to Bang's Disease." (H. P. 286) (L. D. 299) reported that the same Ought to pass as Amended by Committee Amendment A (Filing 302)

The Committee on Judiciary on Bill, "An Act Relating to Evidence of Intoxication." (H. P. 987) (L. D. 1135) reported that the same Ought to pass as Amended by Committee Amendment A (Filing 331)

The same Committee on Bill, "An Act Amending the Charter of the Rumford Falls Municipal Court and Changing Its Name." (H. P. 1044) (L. D. 1219) reported that the same Ought to pass as Amended by Committee Amendment A (Filing 330)

The same Committee on Bill, "An Act Relating to Rules and Blanks of the Courts of Probate." (H. P. 1122) (L. D. 1320) reported that the same Ought to pass as Amended by Committee Amendment A (Filing 329)

The Committee on Legal Affairs on Bill, "An Act to Amend the Charter of the City of Bath." (H. P. 1045) (L. D. 1220) reported that the same Ought to pass as Amended by

Committee Amendment A (L. D. 1474)

The Committee on Towns and Counties on Bill, "An Act to Increase the Salary of the Register of Deeds of Somerset County." (H. P. 1168) (L. D. 1403) reported that the same Ought to pass as Amended by Committee Amendment A (Filing 325)

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

Majority — OTP, N.D., New Title Minority — ONTP

The Majority of the Committee on Appropriations and Financial Affairs on Bill, "An Act to Create the Department of Industry and Commerce and to Amend the Laws Relating to the Department of Labor and Industry and Maine Development Commission to Conform Thereto." (H. P. 514) (L. D. 620) reported that the same Ought to pass in New Draft Under New Title: Bill, "An Act to Create the Department of Development and Industry." (Signed)

Senators:

COLLINS of Aroostook
SINCLAIR of Somerset
CHAPMAN of Cumberland

Representatives:

BEAN of Winterport
CATES of East Machias
STANLEY of Bangor
ROGERSON of Houlton
EDWARDS of Raymond

The Minority of the same Committee on the same subject matter reported that the bill Ought not to pass.

(Signed)

Representatives:

JACOBS of Auburn
HENRY of North Yarmouth

Comes from the House, Majority Report read and accepted and the bill in New Draft passed to be engrossed as amended by House Amendments: A (Filing 315), B (Filing 333) and C (Filing 344).

In the Senate, on motion by Mr. Collins of Aroostook, the bill and accompanying papers were laid upon

the table pending acceptance of either report and was especially assigned for tomorrow.

Majority—ONTP

Minority—OTP

The Majority of the Committee on Judiciary on recommitted "Resolve Proposing an Amendment to the Constitution to Reapportion the House of Representatives by a Commission if the Legislature Fails to Act." (H. P. 1069) (L. D. 1257) reported that the same Ought not to pass.

(Signed)

Senators:

REID of Kennebec
SILSBY of Hancock
WEEKS of Cumberland

Representatives:

EARLES of South Portland
HANCOCK of York
NEEDHAM of Orono
McGLAUFLIN of Portland
BROWNE of Bangor

The Minority of the same Committee on the same subject matter, reported that the Resolve Ought to pass.

(Signed)

Representatives:

DAVIS of Calais
MacDONALD of Rumford

Comes from the House, Majority Report, Ought not to pass read and accepted.

In the Senate, on motion by Mr. Reid of Kennebec, the Majority Report Ought not to pass, was read and accepted in concurrence.

Majority—ONTP

Minority—OTP

The Majority of the Committee on Liquor Control on Bill "An Act Relating to Sale of Malt Liquor in Non-returnable Glass Containers." (H. P. 374) (L. D. 409) reported that the same Ought not to pass.

(Signed)

Senators:

CARPENTER of Somerset
BOUCHER of Androscoggin

Representatives:

PIERCE of Bucksport
DOSTIE of Winslow
COTE of Lewiston
CHARLES of Portland

The Minority of the same Committee on the same subject matter, reported that the bill Ought to pass. (Signed)

Senators:

CRABTREE of Aroostook

Representatives:

ANTHOINE of Windham
CHRISTIE of Presque Isle
RICH of Charleston

Comes from the House, Minority Report read and accepted and the bill passed to be engrossed.

In the Senate, on motion by Mr. Crabtree of Aroostook, the bill and accompanying papers were laid upon the table pending acceptance of either report, and was especially assigned for later in today's session under Orders of the Day.

Majority—ONTP

Minority—OTP as Amended

The Majority of the Committee on Veterans and Military Affairs on Bill "An Act to Authorize the Issuance of Bonds in the Amount of Twenty Million Dollars for Bonus to Maine Veterans of World War II and the Korean Campaign." (H. P. 1143) (L. D. 1340) reported that the same Ought not to pass.

(Signed)

Senators:

WEEKS of Cumberland
FULLER of Oxford
BROWN of Washington

Representatives:

KIMBALL of Dayton
MAXWELL of Winthrop

The Minority of the same Committee on the same subject matter, reported that the bill Ought to pass as Amended by Committee Amendment A (Filing No. 252)

(Signed)

Representatives:

JENNINGS of Strong
VALLELY of Sanford
DUMAIS of Lewiston

Comes from the House, Minority Report read and accepted and the bill passed to be engrossed as amended by Committee Amendment A.

In the Senate:

Mr. WEEKS of Cumberland: Mr. President, I move that the Senate accept the Majority "Ought not to pass" report of the Committee.

Thereupon, on motion by Mr. Boucher of Androscoggin, the bill and accompanying papers were laid upon the table pending motion by Mr. Weeks of Cumberland, that the Senate accept the Majority "Ought not to pass" report.

Majority — ONTP

Minority — OTP

The Majority of the Committee on Veterans and Military Affairs on "Resolve Proposing an Amendment to the Constitution to Provide for a Bonus to Maine Veterans of World War II and the Korean Campaign." (H. P. 1144) (L. D. 1341) reported that the same Ought not to pass.

(Signed)

Senators:

WEEKS of Cumberland

FULLER of Oxford

BROWN of Washington

Representatives:

KIMBALL of Dayton

MAXWELL of Winthrop

The Minority of the same Committee on the same subject matter, reported that the Resolve Ought to pass.

(Signed)

Representatives:

VALLELY of Sanford

DUMAIS of Lewiston

JENNINGS of Strong

Comes from the House, Minority Report read and accepted and the Resolve passed to be engrossed.

In the Senate, on motion by Mr. Boucher of Androscoggin, the resolve and accompanying papers were laid upon the table pending acceptance of either report.

Senate Committee Reports Ought Not to Pass

Mr. Weeks from the Committee on Judiciary on Bill "An Act Relating to Compulsory Commitment of Persons Infected with Tuberculosis." (S. P. 367) (L. D. 1063) reported that the same Ought not to pass.

(On motion by Mr. Chapman of Cumberland, tabled pending acceptance of the report.)

The same Senator from the same Committee on Bill "An Act Relating to Commitment of Children Under 17 Years of Age." (S. P. 479) (L. D. 1348) reported that the same Ought not to pass.

Which reports were read and accepted.

Sent down for concurrence.

Ought to Pass — N.D.

Mr. Carpenter from the Committee on Inland Fisheries and Game on Bill "An Act Relating to Size of Fish and Number and Weight of Catch." (S. P. 186) (L. D. 438) reported the same in New Draft (S. P. 550) (L. D. 1488) and that it Ought to pass.

Mr. Reid from the Committee on Judiciary on Bill "An Act Relating to Hospitalization of the Mentally Ill." (S. P. 480) (L. D. 1349) reported the same in New Draft (S. P. 551) (L. D. 1489) and Under Same Title and that it Ought to pass.

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

Ought to Pass as Amended

Mr. Lessard from the Committee on Legal Affairs on Bill "An Act Relating to Board of Registration, Public Library Committee and Town Clerk in Caribou." (S. P. 350) (L. D. 959) reported that the same Ought to pass as Amended by Committee Amendment A.

Mr. Martin from the same Committee on Bill "An Act Relating to Wards and Their Boundaries in the City of Eastport." (S. P. 375) (L. D. 1071) reported that the same Ought to pass as Amended by Committee Amendment A.

Which reports were read and accepted and the bills read once. Committee Amendments A were read and adopted without reading and the bills as so amended were tomorrow assigned for second reading.

Second Readers

The Committee on Bills in the Second Reading reported the following bills and resolve:

House

Bill "An Act Relating to Age of Commitment to State School for Boys." (H. P. 1062) (L. D. 1250)

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

Senate

"Resolve Providing for a Fish Screen at the Outlet of China Lake, in the Towns of China and Vassalboro, in the County of Kennebec." (S. P. 549) (L. D. 1490)

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

Sent down for concurrence.

Senate—as Amended

Bill "An Act Increasing Salary of Sheriff of Cumberland County." (S. P. 234) (L. D. 570)

Bill "An Act Relating to Open Season on Deer Throughout the State." (S. P. 325) (L. D. 890)

(On motion by Mr. Carpenter of Somerset, tabled pending passage to be engrossed.)

Bill "An Act Relating to Publication of Specimen Ballots." (S. P. 464) (L. D. 1308)

Bill "An Act Validating Joint Tenancy Deeds." (S. P. 483) (L. D. 1352)

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

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed, the following bills and resolves:

Bill "An Act Relating to Fraudulent Practices in Operation of Motor Vehicles for Profit." (S. P. 111) (L. D. 272)

(On motion by Mr. Butler of Franklin, tabled pending passage to be enacted.)

Bill "An Act Relating to Jurisdiction of Cases of Forceful Entry and Detainer of Recorders of Municipal Courts." (S. P. 220) (L. D. 561)

Bill "An Act Increasing Salary of the Recorder of the South Portland Municipal Court." (S. P. 357) (L. D. 966)

Bill "An Act Relating to Organization of Certain Corporations Without Capital Stock." (S. P. 482) (L. D. 1351)

Bill "An Act Relating to the Teaching of the Industrial and Natural Resources of Maine." (S. P. 536) (L. D. 1462)

Bill "An Act Providing for Rental of Caribou Municipal Court and

Presque Isle Municipal Court." (S. P. 538) (L. D. 1464)

Bill "An Act Relating to Real Estate Brokers and Salesmen." (H. P. 179) (L. D. 186)

Bill "An Act to Incorporate the 'Mutual Finance Co.'" (H. P. 427) (L. D. 473)

Bill "An Act to Incorporate the Equitable Loan Co." (H. P. 479) (L. D. 524)

Bill "An Act to Incorporate the State Finance Co." (H. P. 480) (L. D. 525)

Bill "An Act to Incorporate the Beacon Finance Company." (H. P. 485) (L. D. 530)

Bill "An Act to Incorporate the Time Finance Corporation of Maine." (H. P. 706) (L. D. 774)

Bill "An Act to Incorporate Auto Finance Co." (H. P. 827) (L. D. 919)

Bill "An Act to Incorporate the 'Portland Thrift Company'." (H. P. 828) (L. D. 920)

Bill "An Act to Incorporate the New Gloucester Water District." (H. P. 930) (L. D. 1059)

Bill "An Act Relating to Additional Contributions by Employers Under Employment Security Law." (H. P. 963) (L. D. 1089)

(On motion by Mr. Butler of Franklin, tabled pending passage to be enacted.)

Bill "An Act Relating to the Hunting of Wild Turkeys." (H. P. 1104) (L. D. 1295)

Bill "An Act Creating the Eagle Lake Water and Sewer District." (H. P. 1111) (L. D. 1302)

Bill "An Act Relating to Advice of Public Utilities Commission to Towns Concerning Water and Sewerage Systems." (H. P. 1197) (L. D. 1466)

(On motion by Mr. Butler of Franklin, tabled pending passage to be enacted.)

Which bills were severally passed to be enacted.

"Resolve Requesting Judicial Council to Study Certain Problems." (S. P. 298) (L. D. 806)

"Resolve in Favor of A. Edwin Madden of Gardiner." (S. P. 294)

"Resolve Closing Little Jim Pond, in Franklin and Somerset Counties to Fishing Except Fly Fishing." (H. P. 260) (L. D. 244)

"Resolve Regulating Ice Fishing

for Trout in St. Croix Lake, Aroostook County." (H. P. 661) (L. D. 737)

"Resolve Regulating White Perch, Bass and Pickerel Fishing in Lake Anasagunticook." (H. P. 741) (L. D. 822)

"Resolve Authorizing State Highway Commission to Study Desirability of a Bridge Across the Passagassawaueag River." (H. P. 1190) (L. D. 1453)

Which resolves were finally passed.

Orders of the Day

The Chair laid before the Senate the first tabled and especially assigned matter being bill "An Act Changing Name of Madawaska Training School to Fort Kent State Normal School." (S. P. 342) (L. D. 951) tabled by that Senator on April 22 pending passage to be engrossed.

Mr. DOW of Lincoln: Mr. President, I would like to have this item retabled until tomorrow for the purpose of getting more information which is necessary.

The motion prevailed and the bill was laid upon the table pending passage to be engrossed and was especially assigned for tomorrow.

The Chair laid before the Senate the second tabled and assigned matter being bill, An Act Relating to Sale of Malt Liquor in non-returnable Containers H. P. 374, L. D. 409, tabled earlier in today's session pending acceptance of either report, by the Senator from Aroostook, Senator Crabtree.

Mr. CRABTREE of Aroostook: Mr. President and members of the Senate, last Friday I happened to attend — well I didn't just happen to be there, I went there particularly to hear the debate on this measure relating to sale of malt liquor in non-returnable glass containers. If I had heard that debate in January I might have been slightly surprised, but I was not one particle surprised to hear approximately twenty duly elected representatives of the people give their sincere approval and convey the voices of their constituents to that Body. The vote I believe was 76 to 25, approximately three to one for this measure. It was a sincere debate and the experiences of those representatives who

spoke in favor of the bill very nearly approximated my own experiences since the hearing before the Liquor Control Committee some weeks ago. At that hearing and since that time such groups as the Federated Women's Clubs of the State of Maine, the garden clubs, the press almost one hundred percent, the Grange and a great many individuals have communicated with me, or I have seen their attitude and know full well that the people of the state of Maine are aroused in regard to the condition of beer bottles along our highways and on the beaches.

I don't believe in the State of Maine we have any more than a normal number of conservative people, sometimes referred to as close chewers and tight spitters, but I have a great regard even for those people who fail to see any enjoyment or any value in spending a half day of their time cleaning up the ditches and fields before they dare to run their machinery over those fields on account of broken bottles and bottles that are not broken.

I believe that the citizens, the voters who sent us here are aroused about this situation and they are in a demanding mood, and that is certainly the impression that I got over at the House last Friday. I thought of possibly tabling this measure so that the members of the Senate could read the proof of that meeting, but I can't find the proof of that date and anyway, it might just as well be settled one time as another.

I have had so many letters on this that they themselves speak with a loud voice. They come from almost all of the counties—not all. They are not confined to my county of Aroostook by any means although those seem to mean more to me because I could identify some of the substantial citizens and farmers up there who wrote decrying that situation and in no uncertain terms, very very simple language that I could understand, they directed me to do what I could about it and that is what I am trying to do.

Now it seems to me from quite a careful survey of the situation that there are certain main highways, through ways, toll roads possibly

where the condition is not as bad as it is in others. I can't explain that except that possibly people who throw these bottles out of their cars don't do it on roads on which there is a great deal of traffic.

I made a note of a letter I had from Cherryfield where the good lady had gone around among her neighbors and got a great number of people to sign her petition. Other letters would portray the condition of live stock that got cut by broken bottles along the highway and nearby fields where they were thrown. It seems also that there are quite a number of cases where these modern hay presses will pick up these bottles and in the process, will break them, and cows evidently eat everything that is put before them including the broken glass and there are quite a number of instances where serious damage has been done.

I think it is worthy of note that in Vermont they had a similar measure two years ago, operative for only two years and after a great deal of debate and I would think a full amount of interest, only recently they have re-enacted a similar measure for another two years. Another thing which I think we should consider is the fact that the Coca Cola people being, I think better public relations people than the beer people in some regards anyway, have always had a return amount on their bottles and they, I believe are public minded in that respect. People have said to me, "Why don't you put this five cent amount on milk bottles and Coca Cola bottles?" Well, the simple answer is that milk bottles and Coca Cola bottles and whiskey bottles apparently don't bother us. I have watched quite closely since this matter came up, along the highways of our state, and although I have seen an odd whiskey bottle or two, I have seen practically no—I guess none of the soft drink bottles. They simply don't bother us.

The measure provides for this going into effect on October first which is going to give the industry plenty of time to change their stock and make what adjustment they have to.

Another argument which I have heard and at the hearing we heard a long long list of arguments I can assure you, some for and some

against, and one was that the children who might retrieve these bottles from the ditches and along the highways might get hurt in the process. Well, the number that would get hurt in that process from my observation and from the hearing and letters since, could not begin to compare with the larger number who got hurt along the beaches from broken glass bottles. I don't think that is a valid argument.

There is a law which was in the process of being passed the other day that makes the driver liable when throwing waste from the car. In the first place, I am told that the measure is unconstitutional and in the second place I do not believe it would work. I realize there is nothing that improves a man's driving so much as a speed cop in back of him but nevertheless there would have to be many many times more speed cops than we will ever have in the foreseeable future in the State of Maine to properly govern this matter.

The thing that I also consider, because I love the State of Maine with its natural beauties, so much, is the rather shocking sight that greets our summer visitors who are so important to us when they come to the State of Maine and leave the toll road, where I don't think there is any great problem and drive out over the beautiful State of Maine and in the foreground of almost every road they are greeted with beer bottles.

I don't think the garden clubs, the Federated Women's Club and other clubs could help but be interested in this matter. Of course it is natural that the industry is very much interested in it and I think we know it because we all have been contacted a great many times and that is their right. It is perfectly all right. But inasmuch as they themselves have been able to do nothing about this menace, this danger to livestock and to children, it seems to me that the state has to take this matter in charge.

If it was good enough for Vermont for a second two year try, it is good enough for Maine to try out. I don't claim it is the perfect law but at least it is something and the people who sent us up here to represent them are speaking in a loud

voice I can assure you so I move you, Mr. President that we accept the Minority Report in concurrence with the House and pass this measure to be engrossed.

The PRESIDENT: The Senator from Aroostook, Senator Crabtree has moved that the Senate accept the Minority "Ought to pass" report of the Committee.

The Chair at this time notes in the balcony two groups of youngsters who are with us today. On behalf of the Senate, the Chair welcomes both groups. One is a group from the 8th Grade of Holy Cross School of South Portland, accompanied by their principal, Sister Amabilis and Sister Honoratus.

The second group is from Bangor High School and is accompanied by their teacher Mrs. Dorothy Cooley. Those of us in the Senate appreciate that such youngsters as you are will make up this Senate in not too many years. We appreciate the interest you are taking in your government by coming over to visit with us. We hope you see all the things you want to see in the operation of the legislature and at the conclusion of the session we hope that you come down and visit with us as individuals.

Again on behalf of the Senate, we thank you for coming and hope that you have a good day.

Mr. BOYKER of Oxford: Mr. President and members of the Senate, I rise to support the majority of the committee on this. I would like to ask the members of this Senate, which is the better of the two; that we have a few empty beer bottles on our streets or that we teach our boys and girls what a beer bottle is, where the beer parlor is, and perhaps what beer tastes like.

Now I do not believe that it is the thought of the parents of our children throughout our state that they go out and earn their pin money by picking up soiled beer bottles, taking them to the beer parlors, and boys will be boys—naturally there is a little sip in each bottle and they learn the taste of beer. Here are two instances why I oppose this bill. It happened in our state just a short time ago. A girl dropped a beer bottle and it rolled out into the street. When she went

to pick up the bottle, a car ran over her and killed her. Another instance was where a boy went out on thin ice for a beer bottle. He fell through the ice and was drowned.

I believe there is some other way for the Highway Commission to provide that these bottles can be cleared from our highways.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I rise in opposition to the motion of the Senator from Aroostook, Senator Crabtree regarding this document 409, which is a very old chestnut. It has been introduced by the same gentleman for four or five different sessions. He keeps coming back. This bill in the first place is discriminatory. It taxes the industry of beer sellers, the beer industry on non-returnable bottles only. This bill attempts to clean up our highways but I don't see how it will because it mentions only non-returnables bottles. I have seen a few bottles on the highways, as I have driven back and forth morning and night on different roads from Augusta to Lewiston and from Lewiston to Augusta. I never stopped to see if they were non-returnable or returnable but I have never seen the quantity they claim they see in Aroostook County and in other northeastern parts of the state. I have seen at the most one or two. I have seen other bottles on the highway such as soft drinks, whiskey, milk bottles, and also all kinds of other refuse and trash such as cigar butts and banana peels and orange peels and napkins and other things.

We have a law in the state which we have had for several years, a law to clean up the highways and we have put teeth into that law. We have now a bill in this legislature, a bill which will make a fine of fifty dollars for throwing any trash on the state highways. I believe the state should enforce the law and not penalize the industry.

The beer bottles do cause a hazard but if you eliminate non-returnable bottles you will have the same hazard. It will be the returnable bottles they will throw out. Why? Because those people that do throw out beer bottles from their automobiles want to destroy the evidence.

That is the reason why. I do not believe we should penalize the industry to destroy the evidence of those who are afraid and ashamed of having beer bottles in their automobiles, be they returnable or non-returnable.

I believe this bill is discriminatory and I believe it is unfair to the beer industry. It has been attempted as I say, five or six times and so far it has always been defeated. I hope that this Senate will repeat its action of defeating this bill. I repeat that we have laws and we have a police department and it is their duty to enforce the laws and clean the highways. I believe in beautiful highways. I try to observe the law. I do not throw trash out of my car. It is a matter of education. I think the groups who are so interested in the beautiful roads of Maine and the beautiful scenery of Maine should try to educate the people to keep it clean.

Mr. CARPENTER of Somerset: Mr. President and members of the Senate, being one of the members of the Liquor Committee and one of those who signed the Majority Ought Not to pass report, I feel I should give a very brief explanation of my reasons for so voting.

In the first place it is aimed at one particular industry and that classifies it as discriminatory legislation. If the sponsors of this particular measure are interested in cleaning up the highways, they would include in the bill moxie bottles, ginger ale bottles, coca cola bottles and all types of bottles that lie on our highways today.

The State of Maine is in the liquor business, there is no getting away from it. And we are in it to make a profit and so far as I have been able to see, the State Brewery foundation has done a splendid job in running their industry and do everything they can to clean up the situation that our opponents say exist.

The malt beverage industry brings into Maine several millions of dollars each year. If this bill passes, it will make a tremendous amount of additional work for the stores which will naturally be added on to the cost of the beer and consequently the public will have to pay that much extra for beer. People that throw beer bottles out on the high-

ways are doing it for one reason and that is to destroy all types of evidence that might be used against them if they should get into an accident or be apprehended by the police.

Several weeks ago I had occasion to make a trip to Boston and that was just about the time that this beer bill was about to come from committee and just for the fun of it I started to count all the bottles that I ran across as I drove along the highway. I counted three bottles between here and the New Hampshire line. One was a beer bottle, another a coca-cola bottle and the other a whiskey bottle. I have been driving over Maine highways for about 25 to 30 years and have probably driven over a million miles in all and the only occasion I have ever had to have a flat tire from any particular foreign substance was several years ago when I had a brand new tire on the car and it went flat. I went to the garage and after they dismounted the tire they found that an ordinary pork chop bone had penetrated the very center of the tire, a very very short pork chop bone which probably came from the posterior end of the animal because it was a very rugged bone. And that was the cause of the flat tire.

We have here in the State of Maine, traveling over our highways and I think this is one of the most important things I am thinking of as I vote against this measure, — we have individuals known as perverts, sadists, sex maniacs and so forth. What a perfect field for this type of individual if this law passes and children come home from school and go out in the fields and woods and collect bottles to pick up pin money as a result of a fee on returnable bottles.

It is most difficult to talk about those individuals because they are not at fault. They are mentally deranged and have diseased minds and one never knows when they may strike. Unfortunately we don't have hospitals for them but there again we do not know this type of individual until after it is too late. I am sure I don't want my children to be brought up to be educated that that is where their pin money lies — in the ditches and fields of the

State of Maine. I don't know of any more fertile field, more fertile pastures — yes, I might say "green pastures" for this type of individual who certainly would be cunning enough to watch his chances for these particular victims along our highways. We have seen it happen in the past. Just a short while ago in an adjoining town, a condition existed similar to this. The killer has not been found and there will probably be another victim before he is found. Some years ago within a stone's throw of my home there was a killer. It is a fortunate thing for me that it did not happen to be my children but in an adjoining town, two mutilated bodies of two little girls were found as a result of their going along the roadside. For that particular reason which I consider one of the most important reasons is the fact that we do have that type of person on the road today. We do not know where they are or when they will strike. I sincerely hope that the motion of the Senator from Aroostook does not prevail.

Mr. CRABTREE of Aroostook: Mr. President and members of the Senate, I evidently had not realized the wide encompassing field of this bill. I would not have believed that it took in everything from pork chops to sex maniacs. It is an amazing thing and I must compliment Senator Carpenter for his research and his imaginative discourse. It is learned as well as amazing and my compliments to the Senator.

The fact still remains that what is bothering us is beer bottles, just plain beer bottles. The laws which we have obviously can't be enforced or something would have been done. The new one isn't even constitutional and it is a fact, as I pointed out before that there are some Maine highways where this condition does exist. I hope that Senator Carpenter is going to visit me this summer at Peaceful Harbor in the garden of Maine and if he does I hope that he looks on both sides as he rides up over the Silver Ridge road with beautiful Katahdin off to the left, and if he has any time left to cast his eye down into either ditch, he will see more than one beer bottle.

Mr. DOW of Lincoln: Mr. President, it was not my intention to debate this bill but as long as some of this research is being given out, I would like to add this much. I have 1900 feet of road frontage on Route 1 and yesterday morning, knowing that this was coming before us this week, I made a special effort to patrol this 1900 feet and take a count of the bottles. This is what I found: 30 non returnables, 19 returnables, two wine bottles, three whisky bottles, four soft drink bottles and one ketchup bottle, for a total of fifty-nine. I would like to see all the bottles along the highways taken care of and cleaned up but I doubt very much if legislation against one class of bottle is going to accomplish this purpose.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Crabtree that the Senate accept the "Ought to pass" minority report of the committee. Is the Senate ready for the question?

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

Thereupon, on motion by Mr. Boucher of Androscoggin, the Majority Report "Ought not to pass" was accepted in non-concurrence.

Sent down for concurrence.

Mr. CHAPMAN of Cumberland: Mr. President, I would ask the Chair if L. D. 351 is in the possession of the Senate?

The PRESIDENT: The Chair will state that L. D. 351, bill, An Act Providing for Reappointment of Active Retired Justices is in the possession of the Senate, having been held at the request of the Senator from Cumberland, Senator Chapman.

Mr. CHAPMAN of Cumberland: Mr. President, understanding that this particular bill has been enacted and has been held in the Senate by request, and desiring an opportunity to present a short amendment to clarify it, I now move that the Senate reconsider its action of last week whereby this bill was passed to be enacted.

The motion prevailed and the Senate voted to reconsider its former action on the bill.

Mr. CHAPMAN of Cumberland: Mr. President, in view of the fact that the documentary form of the proposed amendment is not yet quite ready, I now move that the bill lie upon the table pending passage to be enacted.

The motion to table prevailed.

On motion by Mr. Martin of Kennebec, the Senate voted to take from the table the 43rd tabled and unassigned matter, (S. P. 166) (L. D. 363) Senate Reports: Majority Report "Ought to pass"; Minority Report "Ought to pass with Committee Amendment 'A,'" from the Committee on Public Utilities on Bill, "An Act Repealing the Law Prohibiting the Transmission of Electric Power Beyond the State," tabled by that Senator on April 13th pending acceptance of either report.

Mr. MARTIN of Kennebec: Mr. President and members of the Senate: This bill came out of committee with two reports, majority report to repeal the so-called Fernald Law and a minority report to repeal it with a referendum going to the people. I know that the Senate is well aware that the Fernald Law is a law which prohibits the transmission of hydro-electric power beyond the confines of this State. It was put into effect back in 1909, and the theory at that time was supposed to be that since Maine had most of the water power in the New England States that industries would flock to Maine to take advantage of the low cost. Somehow or other that theory did not work out. I do not believe that the cost factor has been affected by this. As we all know now, the transmission of power as it is now was unheard of in those days. In other words, in the day of the Fernald Law no one anticipated that power could be sent from very great distances. Today we have every state in the union except Maine with interconnections between their borders. I think this law if repealed would certainly help Aroostook in its situation with Canada and certainly would help us with respect to New Hampshire, with the Brown Company and in many other instances. The question is probably really academic in that by 1958 it is figured there will be more power developed by steam than by hydro-

electric processes, and this law does not prohibit steam power being exported. I think that we should repeal the law so that in the case of droughts or low water we can tie up with our bordering states and get help from them.

This bill did go to referendum once, I think back in 1929, and was defeated by the people by around 20,000 votes. I think if you read into the situation at that time you will find that there was a great fear on the part of Maine people of a gentleman named Insull.

As I say, the only question so far as the committee was concerned was whether or not this law should go to the people or be repealed by the Legislature. The majority report of the committee is that we, the Legislature, should face the facts and repeal the law here. We saw no need for this going out to a referendum. I therefore move, Mr. President, that we accept the majority report of the committee.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Mr. Martin, that the Senate accept the majority "Ought to pass" report of the committee.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate: As you know, this bill was introduced by myself and I agree, of course, with the Senator from Kennebec, Senator Martin. As Senator Martin has stated, the committee unanimously decided that the law should be repealed. However, some members of the committee did feel that perhaps it should go to the people.

As the Senator from Kennebec, Senator Martin, has stated, when this so-called Fernald Law was placed upon our books it was done for three purposes, namely to attract new industry to Maine, to keep power away from the so-called trusts, and to extend rural electrification. Over the period of years that this law has been upon the books neither one of these purposes has been accomplished. Industries were not brought to Maine because of it; the so-called power control was not kept away from the trusts because we know of the Insull incident, and rural electrification has been accomplished. It did one thing,

however, and that was to prevent or at least stall off federal regulation of Maine power. However, that is no longer present, because as I understand the Federal Power Commission has now insisted upon its jurisdiction. So as it stands it accomplishes absolutely nothing in the way of a constructive measure to help our great State. On the contrary, I feel that it has served as a red flag to industry and to the rest of our country, stating to them that we have something up here or that we did have something up here that we do not wish to share with you; and because of this red flag perhaps it has kept from the confines of our state industries that possibly would have come here. Perhaps it has kept away the greater development of our power. I do not state that if it is repealed we are immediately going to have a great influx of new industry or a great influx of people coming in here to develop our power, although as the Senator from Kennebec, Senator Martin, has stated, we are perhaps now developing more power by diesel and gas and other sources than hydro-electric. However, we will state to the rest of the country by repealing this law that we are willing to cooperate with our sister states throughout New England and the rest of the country, that we want people to come here and we want industry to come here and that we do not want to have legislation on our books stating that whatever we have we want to keep and we do not want you to have any of it. We will be saying to them, "We want to cooperate with you. Especially is that important at this time because of the future we are looking forward to in the development of atomic power. If such laws and regulations are left upon our statute books they could easily serve as a red flag, as a warning to any company or group of companies who wish to come to Maine and develop atomic power if these statutes upon the books say to them that if atomic power is developed perhaps we will pass a law or we will have a law that won't allow you to export it. They may in turn say, "Well, we do not care to go to such expense in your State." So I say to you, realizing it has outworn

its so-called usefulness if it ever had any, that it should be repealed and that we as members of this legislature should take it upon ourselves to do so.

The referendum is fine and it may be all very well, and it will be argued to you that it should go to the people. However, let me state that when this bill was passed forty-five years ago it was not referred to the people, and I think we have a duty to perform here, and it is very simple. Perhaps on every piece of legislation that comes before us you can very well say, "Let's put a referendum and refer it to the people." If that is true, perhaps we have outlived our usefulness and perhaps we should go home and have a system whereby anybody who wanted a bill passed could contact the Secretary of State and at some time during the year have a referendum and let everyone vote on it.

So I am going to urge my colleagues in the Senate to go along with the majority report of this committee and to repeal this so-called Fernald law so that we may join with the other states throughout this great country and become partners with them and say that we are willing to cooperate and share these resources that we have so that we can go forward in the future.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Martin, that the Senate accept the majority "Ought to pass" report.

Mr. SILSBY of Hancock: Mr. President and members of the Senate: Being a member of the committee that heard the bill and listening to the evidence pro and con on the other bills which were heard at the same time from two in the afternoon until evening, and being one of the members of the committee that signed the "Ought to pass" report as amended, even though I am outnumbered in the committee, I still feel I should defend my position.

I think Senator Martin has well described the Fernald Act so-called, which was enacted in 1909 at the time that Governor Fernald was our chief executive, and I think it might be well for us to examine the record

for just a moment, because we are dealing here with property rights, with God-given rights of water power to the people of this State.

Ex-Governor Baxter presented the bill in 1909. In 1927 the so-called Smith Bill was enacted, and that bill, if you will recall and examine the record you will find was vetoed by Governor Brewster. And again in 1929 a bill was presented to repeal the so-called Fernald Law and that bill had a referendum clause and a referendum was on September 9, 1929. 54,583 voted for repeal and 63,312 voted against repeal.

Now again my position is this: that in my own mind I do not believe that we need the Fernald law any longer. If you will examine Chapter 50, Section 1 of our present Revised Statutes you will find that this law applies to hydro-electric power, it has nothing to do with steam power, it is the water power, as I have just said, that belongs to the people. And I felt that when I and one or two more of my friends on the committee signed the "Ought to pass with committee amendment" report, which as a matter of fact is sending it to the people, that by so doing we would have an opportunity to feel the pulse as to whether or not the people should have a vote, and that is one of the reasons why I am opposed to the motion of the Senator from Kennebec, Senator Martin, because the report of the minority of the committee "Ought to pass with Committee Amendment 'A'" gives this body an opportunity to vote upon whether or not they want the people to decide this particular issue.

Now this water power, as I have previously said, belongs to the people of this State and it does not seem to me that there is such a pressing need that we at this time repeal the law without the vote of the people. I say that because we have heard a great deal about the matter of utilities and their rates discussed in this legislature from every aspect, and perhaps a good many of the people of the State of Maine do not quite understand what we are discussing and what we are debating, and we do not know what may happen in future legislatures or what may happen to measures now before this legis-

lature. The matter of rates has been discussed. And because of the confusion and the haste in repealing this law I say to each and every one of you with all the sincerity that I can command that I do not believe that it is unfair or unjust or will cause any undue delay if we give the people an opportunity to say what they want because it is their right, not ours. I hope that the motion of the Senator from Kennebec, Senator Martin, does not prevail.

Mr. LESSARD of Androscoggin: Mr. President, in 1909 this law was placed upon the statute books and people's rights perhaps still existed at that time. However it was not referred to the people for them to give their opinion and it was placed upon the statute books without referendum. Everyone agrees that the law has outworn, as I said, its usefulness and everyone agrees that it is no longer for the good of the State of Maine—that is the members of the committee—yet the Senator from Hancock, Senator Silsby says we should refer it to the people to see what they may think. I think perhaps that would be rather shirking our duty as the elected representatives of our people, to say to them that we do not believe that the law serves any purpose but we do not want to take the responsibility, we will leave it up to you. I say that there is a great deal of weakness on the part of legislators who adopt that sort of action.

Mr. SILSBY of Hancock: Mr. President, I ask that when the vote is taken, it be taken by a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Martin that the Senate accept the Majority "Ought to Pass" report. Is the Senate ready for the question?

A division of the Senate was had.

Twenty-five having voted in the affirmative and five opposed, the Majority "Ought to Pass" report was accepted, the bill read once and tomorrow assigned for second reading.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table the 73rd tabled and unassigned matter being bill "An

Act Relating to Leather Poisoning as an Occupational Disease" (S. P. 466) (L. D. 1309) tabled by that Senator on April 22 pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table the 72nd tabled and unassigned matter being, bill "An Act Providing for a Contingent Account for Androscoggin County" (H. P. 1139) (L. D. 1336) tabled by that Senator on April 22 pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Low of Knox, the Senate voted to take from the table the 69th tabled and unassigned matter being, Senate Reports from the Committee on Transportation: Majority Report "Ought to pass in new draft, same title"; Minority Report "Ought not to pass" on bill An Act Relating to License Plates for Motor Vehicle Owners who Operate Amateur Radio Stations (S. P. 237) (L. D. 573) tabled by that Senator on April 22 pending acceptance of either report; and that Senator yielded to the Senator from Waldo, Senator Cole.

Mr. COLE of Waldo: Mr. President and members of the Senate: Speaking as one of the signers of the majority report and also for the majority of the Committee on Transportation, we felt that this group of amateur operators should have some recognition due to the fact that there are at least twenty other statutes and two territories that have given them some recognition, and so we came up with this New Draft, L. D. 1487, which permits the Secretary of State to issue to any licensed amateur operator a special series of plates at a fee of one dollar, and those special plates are to be a separate color than what we have now. It also instructs the Secretary of State to notify the sheriffs of our counties and also gives them permission to list every operator in our State.

I think it is well known that at the hearing we had a large and interested group, one of them being

Col. Mapes who did give this group plenty of recognition at the time of the two hurricanes last fall and during other emergencies. So, Mr. President, I move that we accept the majority "Ought to pass" report of the committee.

Mr. CHAPMAN of Cumberland: Mr. President, I would like to rise in support of the position and remarks made by the Senator from Waldo, Senator Cole, and to just add one thought. This particular bill in its redrafted form does not propose merely to give recognition to amateur radio operators, that is recognition in satisfaction of personal vanity. The real purpose of the bill in its redrafted form, as I understand it, is that radio amateurs now have become a real network for disaster relief communication and they function very usefully in connection with mobile equipment that are kept in their cars. Although the Senator from Waldo did not indicate it, this bill in its redrafted form is confined solely to amateur equipment, the licensing of amateur equipment where it is in a car or used in connection with a car so that it serves a useful public purpose in the nature of a public interest and not one of mere recognition. The proposal for establishing a separate color for the plates and a separate number block system is so that people in general and law enforcement officials in particular will recognize those cars that have mobile radio equipment in them and communication facilities when they are on the road and pass by in connection with civilian defense activity and disaster relief. I certainly believe it is a proposal in the public interest.

I merely wanted to add that thought to dispel the notion held over from two years ago that this is special interest legislation because it is not. I support the motion of the Senator from Waldo, Senator Cole.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Waldo, Senator Cole, that the Majority Report be accepted. Is the Senate ready for the question?

A viva voce vote of the Senate was had and the motion prevailed,

the Majority Report "Ought to Pass, new draft, same title" was accepted, the bill read once and tomorrow assigned for second reading.

On motion by Mr. Butler of Franklin, the Senate voted to take from the table the 34th tabled and unassigned matter being Senate Report from the Committee on Retirement and Pensions "Ought not to pass" on bill, "An Act Relating to Pensions for Dependents of Deceased Policemen." (S. P. 117) (L. D. 276) tabled by that Senator on April 12 pending acceptance of the report.

Mr. BUTLER of Franklin: Mr. President and members of the Senate: When this was heard by the committee the committee felt that in view of the fact we had other legislation pending which would take care of this measure that the report should come from the committee "Ought not to pass." The measure which I have reference to is the insurance bill which is in process of being enacted, but there is always the possibility that that may not be enacted and if it is not then this bill certainly has merit. If this is allowed to lie on the table pending acceptance of either report then this might very well be one of the reasons why we would be held up a little bit later, consequently I make the motion that the bill be substituted for the report. If that motion prevails it can go along to final enactment and can be laid upon the table at that time, as soon as it is determined what happens to that other legislation.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Franklin, Senator Butler, that the bill be substituted for the report.

The motion prevailed, the bill was substituted for the "Ought not to pass" report of the committee; given its first reading and tomorrow assigned for second reading.

On motion by Mr. Weeks of Cumberland, the Senate voted to take from the table the 62nd tabled and unassigned matter, being House Report from the Committee on Labor, "Ought to pass with Committee

Amendment A" on bill, "An Act Relating to Employment of Minors." (H. P. 306) (L. D. 282) tabled by that Senator on April 21 pending acceptance of the report.

Mr. WEEKS of Cumberland: Mr. President, I laid this bill on the table some time ago, on April 21st. It deals with the employment of minors and it is a law that has been on the books for some time. I call your attention to the fact that the thing that attracted my attention is the amendment to the present law which provides that anyone under sixteen years of age may not be employed in any occupation that does not offer continuous year-round employment. That does not look like much, but as I began thinking about it I thought that probably most of the Senators here today at some time or other before they were sixteen obtained for themselves positions during the summer and other times and did work and probably learned a good deal from it as well as receiving compensation. It occurred to me that under the wording of this act if it was passed that summer hotel operators cannot even hire a youngster to mow grass around the location or run errands or do other bits of work, and in all those places I believe that youngsters have been used. It seems to me we ought to allow some spot to be open where youngsters can work during the summer time. I know that I did and I am pretty sure most of you did. I feel that the act should be indefinitely postponed and I so move.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Weeks, that the bill be indefinitely postponed.

Thereupon, on motion by Mr. Farris of Kennebec, the bill and accompanying papers were laid upon the table pending motion by the Senator from Cumberland, Senator Weeks, that the bill be indefinitely postponed.

On motion by Mr. Hillman of Penobscot,

Adjourned until tomorrow morning at nine o'clock, E. S. T.