

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Eighth Legislature

OF THE

STATE OF MAINE

VOLUME I

1957

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, April 25, 1957

Senate called to order by the President.

Prayer by Rev. Alice T. Hart of Hallowell.

On motion by Mr. Martin of Kennebec, Journal of yesterday read and approved.

Papers from the House

Joint Resolution Memorializing Congress to Enact Legislation Concerning Unjustified Price Increases of Crude Oil and Refined Petroleum Products. (S. P. 378) (L. D. 1001)

In Senate on April 11, Resolution adopted as amended by Committee Amendment A.

Comes from House, Indefinitely Postponed in non-concurrence.

In the Senate, on motion by Mr. Parker of Piscataquis, tabled pending consideration.

**House Committee Reports
Leave to Withdraw**

The Committee on Legal Affairs on Bill, "An Act Revising Law Relating to Licensing of Electricians." (H. P. 476) (L. D. 668) reported that same be granted Leave to withdraw.

The Committee on Sea and Shore Fisheries on Bill, "An Act Relating to Sale of Lobster Meat." (H. P. 166) (L. D. 213) reported that same be granted Leave to withdraw.

The Committee on Towns and Counties on Bill, "An Act Relating to the Closing of County Offices on Saturdays." (H. P. 825) (L. D. 1168) reported that same be granted Leave to withdraw, as covered by other legislation.

Which reports were severally read and accepted in concurrence.

The PRESIDENT: At this time, the Chair notes in the Senate Chamber the presence of three very attractive ladies from Cumberland County, one a former distinguished member of the House, the second the wife of a distinguished President of this Body, and the third the attractive wife of a Senator from Cumberland. The Chair would ask Senators Charles, Curtis and Davis of Cumberland to escort

the three attractive ladies to the rostrum.

Thereupon, Mrs. Arthur Charles, Mrs. Nathaniel Haskell and Mrs. Nathan Fay were escorted to the rostrum amid the applause of the Senate, the members rising.

Ought Not to Pass

The Committee on Highways on "Resolve for Construction of Route No. 129 in Lincoln County." (H. P. 640) (L. D. 907) reported that the same Ought not to pass.

The same Committee on "Resolve for Construction of a Certain Road in Knox County." (H. P. 896) (L. D. 1282) reported that the same Ought not to pass.

The Committee on Legal Affairs on Bill, "An Act Relating to Operation and Exemptions of Certain Boilers and Unfired Steam Pressure Vessels." (H. P. 1001) (L. D. 1429) reported that the same Ought not to pass.

The Committee on Sea and Shore Fisheries on Bill, "An Act Relating to Licensing for Interstate Transportation of Lobsters." (H. P. 391) (L. D. 522) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Prohibiting Fishing by Trawlers in Sheepscot Bay." (H. P. 1005) (L. D. 1431) reported that the same Ought not to pass.

The Committee on Taxation on Bill, "An Act Relating to Head Tax in Towns." (H. P. 757) (L. D. 1071) reported that the same Ought not to pass.

The Committee on Towns and Counties on Bill, "An Act Relating to Payment of Expenses and Rental of Lewiston Municipal Court." (H. P. 573) (L. D. 883) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Creating County Offices of Assessment and Mapping." (H. P. 1007) (L. D. 1433) reported that the same Ought not to pass.

Which reports were severally read and accepted in concurrence.

Ought to Pass

The Committee on Highways on Bill, "An Act Relating to Repairs of Roads in Unorganized Territory and Deorganized Towns." (H. P.

599) (L. D. 846) reported that the same Ought to pass.

The Committee on Inland Fisheries and Game on Bill, "An Act Repealing Certain Limitations in Hunting with Bow and Arrow." (H. P. 898) (L. D. 1284) reported that the same Ought to pass.

The Committee on Public Health on Bill, "An Act Relating to Aid to Public and Private Hospitals." (H. P. 382) (L. D. 511) reported that the same Ought to pass.

The Committee on State Government on Bill, "An Act Relating to Duties of the Aeronautics Commission." (H. P. 1040) (L. D. 1473) 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.

Ought to Pass — as amended

The Committee on Towns and Counties on Bill, "An Act to Increase the Salaries of the Judge and Recorder of Madawaska Municipal Court." (H. P. 247) (L. D. 308) reported that the same Ought to Pass with Committee Amendment A (Filing No. 165)

Comes from the House, report accepted and the bill subsequently re-committed to the Committee on Towns and Counties.

In the Senate, the bill was re-committed to the Committee on Towns and Counties in concurrence.

Ought to pass — N. D. — New Title

The Committee on Towns and Counties on Bill, "An Act to Create a Board of Harbor Commissioners for Penobscot Bay and River." (H. P. 1032) (L. D. 1464) reported same in New Draft (H. P. 1059) (L. D. 1514) under New Title:

"An Act to Create a Board of Pilot Commissioners for Penobscot Bay and River." and that same be printed and re-committed.

Ought to Pass — as amended

The Committee on Legal Affairs on Bill, "An Act to Incorporate The Northport School District in Northport." (H. P. 749) (L. D. 1063) reported that same Ought to Pass as Amended by Committee Amendment A (Filing No. 237)

The same Committee on Bill, "An Act Licensing Pin Ball Machines." (H. P. 904) (L. D. 1290) reported that same Ought to Pass as Amended by Committee Amendment A (Filing No. 238)

Which reports were 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.

Senate Committee Reports Leave to Withdraw

Mr. Low from the Committee on Bill, "An Act Providing for Nursing Education." (S. P. 444) (L. D. 1262) reported that same be granted Leave to Withdraw.

Mr. Cole from the Committee on Welfare on Bill, "An Act to Reimburse Certain Municipalities for General Pauper Relief." (S. P. 70) (L. D. 117) reported that same be granted Leave to Withdraw.

Which reports were read and accepted. Sent down for concurrence.

Ought Not to Pass

Mr. Hurley from the Committee on Business Legislation on Bill, "An Act Relating to Unfair Retail Sales of Motor Fuel." (S. P. 475) (L. D. 1331) reported that the same Ought Not to Pass.

Mr. Hillman from the Committee on Claims on "Resolve for State Pension for Welma K. O'Dell of Hallowell" (S. P. 347) (L. D. 927) reported that the same "Ought not to pass."

Mr. Butler from the Committee on Judiciary on Bill "An Act Relating to Commitment of Persons With Contagious Tuberculosis." (S. P. 428) (L. D. 1211) reported that the same "Ought not to pass."

Which reports were severally read and accepted. Sent down for concurrence.

Ought to Pass

Mr. Low from the Committee on Education on Bill "An Act Relating to Board of Pupils Who Reside on a Coast Island Attending School Away From Home." (S. P. 297) (L. D. 794) reported that the same "Ought to pass."

Mr. Dow from the same Committee on Bill "An Act Relating to Membership in Maine School Building Authority." (S. P. 384) (L. D. 1080) reported that the same "Ought to pass."

Mr. Brown from the Committee on Veterans and Military Affairs on Bill "An Act Prohibiting the Pauperizing of Families of Veterans." (S. P. 494) (L. D. 1388) reported that the same "Ought to pass."

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

Ought to Pass—N.D.

Mr. Sinclair from the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1958 and June 30, 1959." (S. P. 63) (L. D. 120) reported same in New Draft (S. P. 541) (L. D. 1520) under same title, and that it "Ought to pass."

On motion by Mr. Sinclair of Somerset, tabled pending consideration of the report and specially assigned for Orders of the Day, today.

Majority — ONTP

Minority — OTP

The Majority of the Committee on Business Legislation on Bill "An Act Regulating Public Utilities Engaged in Non-Utility Business." (S. P. 276) (L. D. 735) reported that the same Ought not to pass.

(Signed)

Representatives:

WADE of Auburn
KINCH of Livermore Falls
BLANCHARD of Wilton
MORWAY of Fairfield
HILTON of Anson
HUGHES of St. Albans

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

(Signed)

Senators:

CHARLES of Cumberland
HURLEY of Kennebec
PIKE of Oxford

Representative:

SHEPARD of Stonington

On motion by Mr. Curtis of Cumberland, tabled pending consideration of the reports and specially assigned for Orders of the Day, today.

Majority — OTP

Minority — ONTP

The Majority of the Committee on Inland Fisheries and Game on "Resolve Opening Certain Brooks and Tributaries in Somerset County to Fishing." (S. P. 386) (L. D. 1082) reported that the same Ought to pass.

(Signed)

Senators:

CARPENTER of Somerset
HALL of York
BRIGGS of Aroostook

Representatives:

HARRIMAN of Lovell
BARTLETT of Belgrade
WHEATON of Princeton

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

(Signed)

Representatives:

HARRIS of Greenville
ROSS of Brownville
CARVILLE of Eustis

On motion by Mr. Carpenter of Somerset, the Majority Ought to pass report was accepted, the resolve read once and tomorrow assigned for second reading.

Majority — ONTP

Minority — OTP

The Majority of the Committee on Liquor Control on Bill, "An Act to Provide for Agency Stores for Sale of Liquor Under Supervision of Liquor Commission." (S. P. 213) (L. D. 558) reported that the same Ought not to pass.

(Signed)

Senators:

BOUCHER of Androscoggin
WILLEY of Hancock

Representatives:

CROCKETT of Freeport
DOSTIE of Winslow
CHRISTIE of Presque Isle
ANTHOINE of Windham
RICH of Charleston
PIERCE of Bucksport
COUTURE of Lewiston

The Minority of the same Committee on the same subject matter, reported that the bill ought to pass with Committee Amendment A.

(Signed)

Senator:

CARPENTER of Somerset

On motion by Mr. Carpenter of Somerset, tabled pending consideration of the reports.

Second Readers

The Committee on bills in the second reading reported the following bill.

Bill, "An Act Relating to Methods of Taking Clams and Marine Worms." (H. P. 689) (L. D. 957)

Which bill was read a second time.

Mr. Fournier of York presented Senate Amendment A and moved its adoption.

The Secretary read the amendment: "Amend said bill by striking out the single quotation mark at the end thereof and inserting at the end thereof the following underlined sentence: 'The Provisions of this section shall not apply to any Maryland type dredge operated solely within the limits of Hancock County provided permission to operate such dredge shall be obtained from the municipal officers of the municipality wherein such dredge is operated.'"

Which amendment was adopted, and on motion by Mr. Dow of Lincoln, the bill was laid upon the table pending passage to be engrossed, and was especially assigned for later in today's session.

Bill, "An Act Revising the Potato Tax Law." (H. P. 917) (L. D. 1307)

Bill, "An Act Relating to Killing of Dogs Chasing Livestock or Poultry." (H. P. 990) (L. D. 1419)

Bill, "An Act Relating to Police Department and Pension System for Employees of City of Westbrook." (H. P. 1016) (L. D. 1446)

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

House—As Amended

Bill, "An Act Relating to the Winthrop Sewer System." (H. P. 232) (L. D. 325)

Bill, "An Act Relating to the Disposition of Fines in Certain Motor Vehicle Violations." (H. P. 537) (L. D. 764)

Bill, "An Act to Create the Fal-mouth Sewer District." (H. P. 669) (L. D. 950)

Bill, "An Act to Create the South Freeport Sewer District." (H. P. 829) (L. D. 1171)

Bill, "An Act to Create the Cape Elizabeth Sewer District." (H. P. 856) (L. D. 1219)

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

Bill, "An Act Creating the Mars Hill Utility District." (H. P. 985) (L. D. 1409)

Which was read a second time.

Mr. Rogerson of Aroostook presented Senate Amendment A and moved its adoption.

The Secretary read Senate Amendment A: "Amend said bill by inserting in the 4th line of Section 17, after the figure 44, the words and figures 'and Chapter 79'."

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

Sent down for concurrence.

Senate

Bill, "An Act Concerning Liability of Parents for Damage by Children." (S. P. 33) (L. D. 35)

Bill, "An Act Relating to Apprentice Lobster Fishing Licenses." (S. P. 137) (L. D. 274)

Bill, "An Act Relating to Definition of Fiduciary Under Law Appointing Nominees by Banking Institutions." (S. P. 372) (L. D. 995)

Bill, "An Act Relating to Unclaimed Bodies." (S. P. 450) (L. D. 1265)

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

Sent down for concurrence.

Senate — as amended

Bill, "An Act Relating to Closed Time on Deer in Certain Counties." (S. P. 280) (L. D. 739)

Bill, "An Act Relating to Crab Fishing by Minors." (S. P. 357) (L. D. 963)

Bill, "An Act Relating to Legal Length of Lobsters." (S. P. 422) (L. D. 1181)

Bill, "An Act Increasing Compensation of Members of Boards of Registration in Cities over 39,000 Inhabitants and Time of Session." (S. P. 469) (L. D. 1350)

Which were severally 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 Definition of Narcotic Drugs." (H. P. 13) (L. D. 12)

Bill, "An Act to Incorporate Bowdoinham Water District." (H. P. 384) (L. D. 515)

Bill, "An Act Relating to Boarding Homes for the Aged." (H. P. 789) (L. D. 1122)

Bill, "An Act Relating to Time of Applications for Refunds of Gasoline Tax." (H. P. 913) (L. D. 1299)

Bill, "An Act Relating to Time of Annual Town Meeting in Town of Mechanic Falls." (H. P. 988) (L. D. 1376)

Bill, "An Act Relating to Walks and Handrails on Railroad Bridges." (H. P. 1047) (L. D. 1489)

Bill, "An Act Relating to Certificate of Commitment to the State Hospitals." (S. P. 183) (L. D. 462)

Bill, "An Act Relating to Qualifications for Disability Pension for Members of the Lewiston Police Department." (S. P. 209) (L. D. 554)

Bill, "An Act Relating to Sick Leave Benefits for Members of the Lewiston Police Department." (S. P. 211) (L. D. 556)

Bill, "An Act Revising Laws Relating to Registered Nurses and Practical Nurses." (S. P. 374) (L. D. 997)

Bill, "An Act Relating to the Primary Law in City of Biddeford." (S. P. 489) (L. D. 1397)

Bill, "An Act Relating to Municipal Accounting and Audit." (S. P. 517) (L. D. 1475)

(On motion by Mr. Sinclair of Somerset, tabled pending passage to be enacted.)

Which bills were severally passed to be enacted.

"Resolve to Reimburse the Town of Enfield for Certain Pauper Claims." (H. P. 155) (L. D. 203)

"Resolve to Reimburse the Town of Waldoboro for Aid Extended to Leverett Carter." (H. P. 202) (L. D. 289)

"Resolve in Favor of Town of Masardis, Aroostook County." (H. P. 408) (L. D. 585)

"Resolve Reimbursing Town of Bristol for Certain Pauper Claims." (H. P. 638) (L. D. 905)

"Resolve to Reimburse Town of Stetson for Aid to Carlton Johnson and Family." (H. P. 737) (L. D. 1041)

On motion by Mr. Sinclair of Somerset, the resolves were laid upon the table pending final passage.

Emergency

Bill "An Act Amending the Charter of the Limerick Sewerage District." (H. P. 766) (L. D. 1048)

Which bill, being an emergency measure, and having received the affirmative vote of 33 members of the Senate, was passed to be enacted.

Orders of the Day

The President laid before the Senate, Senate Reports from the Committee on Transportation; Majority report ought to pass in new draft (S. P. 529) (L. D. 1496); Minority report ought not to pass, on recommitted bill, "An Act Relating to Weight Tolerance for Motor Vehicles Carrying Firewood, Pulpwood, Logs or Bolts", (S. P. 90) (L. D. 200) tabled on April 18 by the Senator from Waldo, Senator Cole, pending consideration of the reports.

Mr. Cole of Waldo: Mr. President I request that the Secretary read the committee report.

The Secretary read the report of the committee.

Mr. Cole of Waldo: Mr. President and members of the Senate, first I move that the Minority ought not to pass report be accepted. I would like to give you a brief history of this type of legislation. Back in 1951, a similar bill was introduced in that legislature by the same industry, requesting additional weights up to 48 thousand pounds on a three axle truck. As a member

of the opposite branch at that time I supported that measure feeling that this industry was very vital to the economy of the State of Maine. Then in 1953 another measure was presented to that legislature for another industry which was for the construction industry of the state. In fairness to that industry, that too was adopted. In the last legislature a similar bill as this was presented and failed of passage.

Now we have before us another one asking for 110 per cent tolerance for this industry which has already been given consideration to haul firewood, pulpwood, logs and bolts.

At the hearing what impressed me most was the report of the bridge engineer which showed very definitely that this type of legislation was very detrimental to bridges on our state aid and state highways in the rural areas where these trucks operate more than on the throughway. This report shows very definitely that it is detrimental to these bridges and that is one reason why I signed the minority ought not to pass report because our highway system including the bridges is very vital to the economy of our state.

In regard to safety the present weight of three axle trucks is 48 thousand pounds. Now many of these types of trucks are of the small two ton variety with the so-called dolly wheels added making the third axle. Now there is no provision that this axle shall have adequate brakes. Being very familiar with this type of vehicle in my area, I feel it is very unsafe type of vehicle to be on the road due to the fact that the way the trucks are manufactured, the drive wheels with the main springs are so affixed that most of your braking power must be on the drive wheel and trucks of this type certainly are not equipped with brakes adequate to stop this type of a load. To illustrate this point a little farther, you may have seen in the newspapers of the very serious accident on Route 1 where one of these dolly wheels came off from the rear of the truck, the driver losing complete control of the front end due to the fact that there was so much weight on the rear and he immedi-

ately went into a heavy ledge and was killed.

I feel as a member of the safety committee that this certainly is not a safe type of vehicle to be on the road with ten per cent added to the already heavily loaded truck.

In the 1951 bill as it was enacted the axle weight which most or in fact, all trucking industry must comply with is the maximum 22 thousand pounds per axle. This type of truck that we are now discussing was exempt from axle weights so we had a total limit of 48 thousand pounds regardless of any axle weight. In discussing this with some of our enforcement officials, I asked one official what happened at the weighing scales at Kittery; if this type of vehicle gave them any trouble. And his comment was this—he didn't take any stand and I didn't ask him to. We have weighed many trucks of this type which were within the 48 thousand pound limitation that the axle weight of that particular truck was in excess of 40 thousand pounds per axle. Now I ask you very seriously. Do we want this type on our rural roads which are not constructed to carry such weight?

Now in the bill itself they have spelled out that this type of vehicle shall not use the interstate system which is built to carry this type of load and the reason of course is that without this you are violating the federal highway law which prohibits all states from exceeding the axle weight of 22 thousand pounds. It seems to me that this part alone should kill any bill when you are attempting to allow this type of truck to be used on our poorer constructed highways.

In regard to the ten per cent tolerance, the last legislature as I have said, defeated this type of legislation but in fairness to the industry, we in the committee did give this type of truck along with other trucks, which I think is fair, an additional thousand pound tolerance provided you could not prove that the overload was intentional. They, in turn, now have two thousand pounds without any penalty whatever providing you cannot prove intent.

So it seemed to me that we have been very fair with the whole industry with regard to tolerance. I realize, Mr. President, that it is probably useless for me to discuss this type of legislation further and I move that when the vote is taken it be taken by division.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate, my remarks are going to be very brief. This piece of legislation, I feel supplies a need. My friend from Waldo County, Senator Cole, has perhaps tagged this as an industry bill. It is not an industry bill. This bill is designed to help the small producer who might be cutting ten cords of wood or fifteen cords of wood or twenty cords of wood and hauling it in a truck that would normally register for ten thousand pounds. He works that truck for possibly a month out of the year and pays a high registration fee just to haul a few cords of wood that he might cut on his farm to keep him operating, keep him going.

In regard to this statement of facts that I have had placed before you and these are true facts taken from the records of the Oxford Paper Company. They are facts regarding freight rates they are paying on carload lots of pulp that come from Canada.

You will notice on the right hand column under "Rough Spruce" in the 3rd line down, Canadian Pacific, you have the heaviest, 4945 pounds. That would be the average weight of that particular carload per cord of wood of rough spruce. Then go down to the last one on the bottom of the page and the lightest in that category would be 3591 per cord of wood. There is a difference of 1,354 pounds, the difference in weight between the two which is well over 35 per cent is the difference in the weight of the same type of wood. This is not a gimmick to let the operators, the people hauling the wood to go up to ten percent all the time. It might be a case that they are cutting wood on a high ridge one week and cutting wood on a low ridge another week. Therefore I feel very strongly that we should go along with this

bill and allow that ten per cent weight tolerance.

It is very important to the farmer. It is very important to the industry that they get the wood in. Most of the pulp mills and lumber dealers in the state don't have their own equipment to haul in this wood. They let the farmers haul it in. I will go a little bit further. On peeled spruce you have well over two thousand pounds difference between peeled spruce and rough spruce but I don't see any reason for a person getting into any difficulty. If they are hauling peeled spruce they know it is a lot lighter than rough spruce. I don't believe I will add any more to this. I certainly hope that the motion of the Senator from Waldo, Senator Cole will not prevail.

Mr. FARLEY of York: Mr. President and members of the Senate, I heartily agree with the Senator from Waldo County. I think there is only one issue here this morning for us to judge by if we all believe in safety. The dolly wheels behind these trucks, I think that should be a very important question for us to decide as to whether or not we want these trucks on the road that are not equipped with any brakes on the dolly wheels.

The gentleman has spoken about what is hauled by freight cars. I can see the difference in weight. We are now talking not about freight cars but about trucks. There seems to be some argument as to whether it is a rainy day or a snowy day or what. It would seem to me in the years that I have been in the trucking business that a man driving for you should know it if he couldn't guess by standing up and looking underneath to see where his springs were as to whether or not he was going to be overloaded. I have voted along with the Senator from Waldo, Senator Cole in the last session, in the House and in the Senate to allow something here but I have yet to see anybody come here with a bill to protect anybody in the trucking business as small as a great many of us are. If we are stopped on the turnpike and we only have a thousand pounds overweight we have to pay a large fine and that fine hurts. The cry seems to be all the time

"We are going to haul it off the farm." There should be some consideration given to the average man in the trucking business who is paying taxes, paying the gasoline tax. I hope that the motion of the Senator from Waldo prevails.

Mr. COLE of Waldo: Mr. President and members of the Senate, in rebuttal to the Senator from Oxford, Senator Ferguson, I agree that pulpwood is very hard to estimate as to weight, when it is green and covered with ice. We all admit that. Isn't it also true that other industries such as the fishing and lobster business that they too cannot tell what the exact weight is of their load. Why shouldn't they too have the same tolerance as the pulpwood boys have on theirs? To me, when a bill is written out that prohibits any truck using the federal aid highway which we all admit is constructed to the highest specifications, when you prohibit that truck from using that type of highway, it is very discriminatory. I hope the motion prevails.

Mr. PIKE of Oxford: Mr. President and members of the Senate, I have listened with great interest to the Senator from Waldo, Senator Cole. I think he has given a nice talk. It seems to me he talked more about trucks than about the tolerance. I am not a lumber operator but sometimes I have as many as three crews in the woods and we truck out pulp to Burleigh, New Hampshire which is a long haul, and they have to be loaded with all that it is safe to load without getting pulled if they are weighed. This has troubled me a lot because anyone who has ever hauled pulpwood knows that the bottom of the pile is apt to be at least twice as heavy as the top and it is awfully easy to overload a truck when you are trying to haul all that you can and I am going to agree with my colleague, Senator Ferguson of Oxford.

The PRESIDENT: The question is on the motion of the Senator from Waldo, Senator Cole, that the Senate accept the minority ought not to pass report, and that Senator has asked for a division.

A division of the Senate was had.

Nine having voted in the affirmative and twenty-three opposed, the motion did not prevail.

Thereupon, on motion by Mr. Ferguson of Oxford, the Majority Report ought to pass was accepted, the bill read once and tomorrow assigned for second reading.

The President laid before the Senate, the second tabled and specially assigned matter being Senate Report from the Committee on Appropriations and Financial Affairs ought to pass in new draft (S. P. 541) (L. D. 1520) on bill, "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1958 and June 30, 1959," (S. P. 63) (L. D. 120) tabled by the Senator from Somerset, Senator Sinclair, earlier in today's session pending consideration of the committee report.

Mr. SINCLAIR of Somerset: Mr. President and members of the Senate, I am going to move that the Senate accept the committee report and that the bill have its first reading; after which I shall attempt to explain the redraft of the bill.

Thereupon, on motion by Mr. Sinclair of Somerset, the ought to pass in new draft report was accepted and the bill was given its first reading.

Mr SINCLAIR of Somerset: Mr. President and members of the Senate, I would like to point out some of the changes that have been in this redraft of L. D. 120 which is now L. D. 1520. It may be difficult to follow the various items in the two bills or in the original bill and the redraft but I would like to point out that in L. D. 120 which was the current services appropriation recommendation was the amount of \$40,145,763 the first year and \$41,119,259 the second year. In the redraft, L. D. 1520 you will find that the Committee recommendation called for \$42,659,482 the first year and \$42,600,766 the second year, which calls for an increase of \$1,523,719 the first year and \$1,481,507 the second year.

Briefly I would like to explain what makes up the increase in the amount recommended by the committee over the original budget rec-

ommendations. I will be very happy to go into as much detail as you may desire on any particular item. Briefly there is an increase in the transfer to the highway funds based on a fifty-fifty basis, and based on current costs as far as state police is concerned. The increase to keep in mind roughly is \$1,500,000 each year. The increase in that particular item is \$540,000 in round figures the first year and \$528,000 in round figures the second year. You will note also in the redraft that there is an increase in the Department of Education of, in round figures, \$621,000 the first year and \$626,000 the second year.

I would call your attention to the fact that of that increase roughly \$592,000 the first year and \$593,000 the second year will be returned to the general fund as undedicated revenue so the actual increase in Education under L. D. 1520 is comparatively small. I might say that it amounts roughly to thirty thousand the first year and probably thirty-three thousand the second year. You will note in L. D. 1520 also there has been established a fuel reserve fund of \$100,000 each year. That is primarily set up and the intent is that this \$100,000 reserve fund shall be used only in the case the cost of fuel is increased. It is not intended that this shall go into the "All Other" category in the various departments nor shall it be used for additional fuel. There has been quite a change in the cost of fuel over the last few years. Prices are increasing and in many cases the institutions have found themselves short of funds so this \$100,000 in the fuel reserve fund is set up entirely to meet an emergency that might arise if we have an increased cost in fuel.

In the institutions there is an increase of about \$103,000 roughly the first year and \$61,000 the second year which I might say much of which would be taken care of in a few categories. I can point out in the Bangor State Hospital \$20,000 a year for tranquilizing drugs which was not included in the original budget for that institution. I can point out another \$20,000 recommended for the Bangor State Hospital which was for a laundry ex-

tractor, an increase of \$13,000 each year for increase in commodities and utilities for the State School for Boys because of the increase in the number of boys at that school in the last few months.

The State Prison has been increased a matter of \$14,000 each year to take care of additional personnel service and commodity and utility costs, and so forth.

Those are just a few items that make up the increase in the recommendations for the institutions.

I would like to point out also that there is an increase in the Agriculture Department of about \$51,000 each year. There is an increase in the Sea and Shore Department of about \$34,000 each year, most of which in both cases means it is taken out of the Department of Development of Industry and Commerce and transferred to these particular departments for their own promotional work rather than having it in that department.

In all the other departments, miscellaneous appropriations amount to about \$63,000 in the first year and very close to \$80,000 the second year. Going over it again briefly in summary, there is approximately a million and a half each year added to the budget recommendations. Close to a million two hundred thousand of that would be accounted for in the transfer to the Highway funds and to the undedicating of the revenue of the teachers colleges.

Mr. President, members of the Senate, I am reluctant to move that the bill have its second reading at this time. I don't want to preclude any member from having the opportunity to look it over and discuss it and if there are any questions at all, I would be very happy to try to answer them with the help of Senator Davis and Senator Lesard.

The PRESIDENT: The Chair would note that the normal pending question is assignment for second reading.

Mr. SINCLAIR: Mr. President, I stand corrected. If there are any questions I would be very happy to go into this in greater detail at this time or later.

Thereupon, the bill was tomorrow assigned for second reading.

The PRESIDENT: On the record and with as much sincerity as the Chair can express, the Chair would express to Senator Sinclair, Senator Davis and Senator Lessard, the appreciation of the Senate of the long and tiresome hours that must be put in and put in conscientiously in building a general fund appropriation measure. This Senate may amend the bill, the Senate may give it every consideration it wishes, but I think I share with the members of the Appropriation Committee, maybe a little better realization than members of the Senate who have not been on that committee, what a bill such as this means. It means long tiresome hearings, it means long tiresome executive sessions, and on behalf of the Senate, the Chair thanks that committee for the job it has done.

The President laid before the Senate the third tabled and specially assigned matter, Senate Report from the Committee on Business Legislation reporting in a divided report, Majority ought not to pass; Minority ought to pass, on bill, "An Act Regulating Public Utilities Engaged in Non-Utility Business," (S. P. 276) (L. D. 735) tabled earlier in today's session by the Senator from Cumberland, Senator Curtis, pending consideration of the reports.

Mr. CURTIS of Cumberland: Mr. President and members of the Senate: This L. D. 735 is a bill that I presented after due deliberation because I felt it was very much needed and justified. I would like to take just a few minutes to point out my reasons and something about the bill.

In the first place, more and more these days we are all concerned as legislators and as citizens with small business and its problems. We are reading constantly in the papers and in financial reports of more and more small businesses going under, and the administration in Washington and the State administration is very much concerned with what to do about the plight of the small businessman who is finding it increasingly difficult to

operate successfully against large and well - established industries. Many times it is impossible for us to do anything about it. We find that some small businesses are forced to close because of inefficiency, lack of capital and many other reasons, but we have discovered here something which I feel represents a gross injustice against the small businessmen operating in the State, and something which we as legislators can do something about.

At the present time many small businesses are forced to operate in the State of Maine in direct competition with public utilities which are protected under law and by the Public Utilities Commission as to amount of profit, and we find that the small businessman is forced to operate in an area against competition which he can not meet because he has to pay his bills with money he has to earn out of profits and no one is protecting him as to his profit margin. If he does not make it this week and does not make it next week, sooner or later he goes out of business. But the public utilities enjoy a privileged position where, win or lose, they can stay in business year after year without any trouble at all and be guaranteed of a rate which will give them a profit substantial enough to meet stockholders' requirements and so on.

I am not sure whether you are aware of what has actually taken place, but I might very briefly sketch in for you what has happened.

You are all, I am sure, familiar with public utilities and how they operate for the benefit of the public, and that because of their privileged position of being able to operate in one select field without competition they have been guaranteed that privileged position of receiving a rate of return necessary to give them a profit, and the profit of course depends on the Public Utilities Commission's interpretation of the law.

Now in addition to that, the public utilities are able to operate private non-utility businesses, and in many cases it is perfectly justified that they do so. There are utilities in the State which own hotels; there are utilities in the State which own and operate appliance stores and so on.

There is nothing in the law to prevent them from doing that. And originally it was set up so that utilities — and I am talking primarily now about electric utilities, power companies — in order to promote their product had to get the sale of appliances stimulated and get appliances into the home so they could sell power. Thirty or forty years ago they started when there were no appliance stores in the state of any size or consequence, and I guess at the beginning there were not. They had to open their own retail outlets and sell appliances to the consumers. Gradually, however, the situation has changed and today we find numerous appliance stores in almost every locality in the State, and today there is such a demand on electric power that the utilities have said of their own accord that they find it nearly impossible to meet the demand, and they are constantly in the position of having to build new power sources so that they can supply the need. And yet we have still hanging on this merchandising of appliances; in some cases very justified, in some cases, as the utilities claim, it is a promotional expense needed to get the appliances into the home and people using the electricity. But this is not so in every case, and some of you reside in communities where you have not one, not two, not three, but maybe ten or a dozen or more appliance stores operating in your town with the utility's appliance store in direct competition.

If the competition is fair, if the prices are equitable and are on a level with the other stores in town, that is one thing, but if unfair competition is introduced into the picture and you find utilities offering their appliances at very reduced rates, in many cases below cost, the sufferer, of course, is the poor, small businessman, trying to operate against that tremendous backlog of money that the utility company has.

Now at our hearing where this bill was presented the committee heard appliance dealer after appliance dealer come in and tell them how they were facing such terrific competition that it was almost impossible for them to stay in business; and there were even cases of

documented proof of sales slips to show that appliances were sold by some companies at less than a dealer could buy them for.

Now this is well getting out of the realm of merchandising in order to promote your product, at least in my humble opinion. Also the ratepayers suffer from this kind of competition if the utility continues to operate its appliance business at a loss, because that loss has got to be made up somewhere. If the appliance store run by the utility is a separate company of its own, with separate capital, separate assets and so on, then it is truly private enterprise; but if it is under the utility and protected by the utility's guarantee of rates and profits, then I say it is no longer, gentlemen, a private enterprise competing in the realm of free and private industry.

The ratepayers also have to suffer because that loss must be made up somewhere, and no matter how many times the utilities have said in public hearings before the commission and before the committee, that the ratepayer does not pay, they have not been able to answer where the loss comes from, who makes it up, who pays the bills. Now there is one utility in this state which has lost over a million dollars in the last five years consistently, year after year after year it has lost money and yet it claims that the ratepayers do not pay it. Now I just wonder who does pay it, because that money has to come from somewhere. Of course it comes out of the utility side of the business.

The bill is a very simple one, drawn after very careful consideration of the problem, recognizing the need of some utilities to operate some private business in order to further promote their own business and to give adequate service. There is some justice where there is no appliance store in a town at all, that the utility should operate an appliance store as part of its promotional activity. There is also justice in the fact that in some places there is no service available, and the utility must give service or the customer would not be able to get service on his electrical appliances. That, I say, has justice too. And

so the bill has been written in this manner, L. D. 735:

"No public utility engaged in or doing business in this state subject to regulation by the Public Utilities Commission, except common and contract carriers, wharfingers and warehousemen, shall, in this State, conduct, engage in or otherwise operate, directly or indirectly any non-utility, retail or wholesale sales enterprise or business using any part of its own general credit, capital or assets in support thereof at a continuing loss, or at a loss beyond the period of any one of its accounting years resulting in such loss without showing, upon complaint filed with or by the Public Utilities Commission and hearing had, by a preponderance of proof, that the continuing of such retail or wholesale enterprise or business at a loss or at such loss is fundamentally essential and necessary to the maintenance and adequacy of its utility services to its customers or the necessary or reasonable expansion of same".

Now may I point out that in this bill this does not prevent any utility company from operating any private business, setting it up as a private business. This is concerned only with the utility company that operates in the private enterprise field using any part of its own credit, capital assets in support thereof. That I think directly ties it down to where the utility operating in the private field is actually operating under its utility blanket. If it is not, then it has a right to engage in free enterprise; the stockholders who have put up the money have a right to go along with it win or lose. Also it can operate at a profit and have no problem. If it operates this private business using its own capital or assets at a loss, a continuing loss or a loss, it can, if it can prove to the commission that it is necessary in the operation of its business continue to operate at a loss. This will in no way affect utilities that are operating businesses in legitimate conjunction with the utility structure and losing money at it; it is all right; the commission has the right to give them the opportunity to continue to operate. It is only if they are continu-

ing to operate at a loss and can not show proof that they are forced then to discontinue their operation.

I think this is eminently fair and justified, because we find ourselves in a paradox where the utility has been given a guaranteed privileged position, a class, if you will, in our society. It is governed by the Public Utilities Commission, and yet the law is so written that the commission has no control over its private business, its non-utility business, even if it is using all of the capital and assets of the utility business. The commission is hamstrung; it can not act to prevent unfair competition in private enterprise, excessive losses without due justice or cause; it can do nothing. This last rate hearing was a proof of it, when the commission found that it could not do anything about the Central Maine Power Company's non-utility operations in the appliance field. Although it censured it and found some problems with it its hands were tied against doing anything about it. This will give the commission a chance to go in and look it over. Why? Because the commission should have that right. I feel that the original legislators who set up the legislation to operate the public utilities never conceived that the utilities would go out and enter the private enterprise field, using their preferred position and capital and complete financing structure to do battle with private enterprise that has to live and die on its profit with no guarantee that that profit will be coming in. I think this is an abuse of the public utility's power and position, and this particular bill is set up so that it will correct that.

Now I would just like to say in closing that this bill will not prevent a utility from operating a non-utility business at a loss even, if it is necessary to its business, but it will curb excesses where we have one utility operating in this State that has lost two to three hundred thousand dollars a year each year for five years and on its own admission will lose some two hundred and fifty thousand dollars on its merchandising part of the business this year and doesn't have to be called to task, and yet it operates

with some thirty-three stores in an area which is covered by over four hundred and fifty appliance dealers, and it says that the appliance dealers can not handle the business. That includes people such as Sears-Roebuck and so on who have as much assets if not more than this utility which continues to operate and sell at prices less than the individual dealer pays for his items; continues to offer incentives, and continues to put in full pages of advertising and so on in competition with the dealer who can not do it. They can take and operate stores in the City of Portland and the City of Augusta and the City of Lewiston, the likes of which no private individual could possibly afford and maintain his business if he were selling only appliances, and yet charge off a great percentage of that to its utility power. And when it comes to a situation where the utility will lose money and lose money and lose money in direct competition with business men who have no guarantee of a profit and yet cannot be called to task and can take that money out of its ratepayers pool, shall we say, move it over and make up the loss and then say, "Oh, but that doesn't come out of the ratepayer, then I think that it is time that we correct this situation. I hope that you gentlemen will go along with me and many appliance dealers who are operating small businesses and trying to compete against a giant, which they find impossible to do because of the preferred position of the utilities in this state.

Mr. President, I request a division and move acceptance of the minority "Ought to pass" report.

Mr. BUTLER of Franklin: Mr. President and members of the Senate: I appreciate the arguments which my good friend, the Senator from Cumberland, Senator Curtis, has expressed to you, but I am completely amazed when I look at today's calendar and see how without a ripple we accepted the "Ought not to pass" report relative to gasoline. In that particular bill we had many of the same situations, the problems of the small dealer; and now we are confronted, actually confronted, with the right of legislation

upon free enterprise. Thus far we would be led to believe that all of the advantages of what pooled money can do—and that is the advantage where individuals have placed in one common pot their assets, a greater buying power, and from that American prosperity, American freedom and enterprise has flourished and grown. We could have taken the same argument for the small country storekeeper, who is unable to exist in today's business with the wonderful chain stores which are cropping up all over our country, and the small local grocer is unable to replenish his stock at a cost at which you or I could go into a chain store and buy that same stock. We are confronted with the same problem. When we attempt to tie an individual's hands as to what business he or she or it may not go into, we are tying the rights of the American people, of our free enterprise.

We have had it inferred that all of these losses—one would almost gather that the company was intentionally going out and losing money and then taking its losses and going to the Public Utilities Commission and saying to the Utilities Commission, "Now we have got a loss here; we must have a rate to look after our loss." That is far from the truth. The utility rate law sets forth what can be charged; it sets forth what can not be charged, and in the operation of a business over which it has no jurisdiction it should not and properly does not have any right to say whether or not that is a good business proposition or not a good business proposition. We are trying to tie into a popular conception of something which, if it could be enacted, would change our electrical rates. Nothing is farther from the fact. If any of you have studied the public utility law, if any of you have been at the hearings—and I do not necessarily mean the hearings which have been held by this Legislature, but at the time when the costs of the utilities have been under consideration, this question as to their retail sales does not enter into the picture. It is only what is directly affecting the cost of distribution and how that cost of distribution should be allo-

cated and the methods of that allocation and depreciation.

This was clearly brought forth in 1953 in our session, and again in 1955 and again in 1957; and all that we are doing is simply saying it under that section, using a different word, a popular conception. But this bill has absolutely nothing whatsoever to do with the rate that you or I are going to pay. It is an invasion upon your right and upon my right to invest money in any company, which company can, through its assets, grow and expand and give to us privileges and rights of purchasing which otherwise cannot be done. We are asking here, if this is enacted, to create a monopoly for a certain class or group of individuals, because that group have so come in and through a heart-throb have presented pictures which we as legislators can appreciate of the stiff competition which is arising, but which is not sound legislation for us to act upon. I trust that when the vote is taken you will be able to differentiate between freedom of enterprise and this bill.

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

Mr. DOW of Lincoln: Mr. President and members of the Senate: What I have to say will be very brief. I happen to be an appliance dealer, and until some legislation comes along that guarantees me a profit so that I can compete with a corporation which has guaranteed profit, I feel I must go along with the bill and the motion of the Senator from Cumberland, Senator Curtis.

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

The Senator from Cumberland, Senator Curtis, having asked for a division, as many as are in favor of the motion of the Senator from Cumberland, Senator Curtis that the Senate accept the minority "Ought

to pass" report of the committee will rise and stand until counted.

A division was had.

Twelve having voted in the affirmative and twenty in the negative, the motion did not prevail.

On motion by Mr. Butler of Franklin, the majority "Ought not to pass" report of the committee was accepted.

Sent down for concurrence.

The President laid before the Senate the fourth tabled and specially assigned matter being bill, "An Act Relating to Methods of Taking Clams and Marine Worms" (H. P. 689) (L. D. 957) tabled earlier in today's session by the Senator from Lincoln, Senator Dow, pending passage to be engrossed; and on further motion by the same Senator, the bill was retabled pending passage to be engrossed.

Additional paper from the House:

"Resolve Authorizing Aeronautics Commission to Conduct an Augusta Waterville Airport Survey."

Comes from the House having been received by unanimous consent and referred to the Committee on Appropriations and Financial Affairs and ordered printed.

In the Senate, the resolve was received by unanimous consent and referred to the Committee on Appropriations and Financial Affairs in concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table bill, "An Act Relating to Examinations for Certain Persons to Practice Barbering" (S. P. 539) (L. D. 1511) tabled by that Senator on April 24 pending passage to be engrossed; and on further motion by the same Senator the bill was passed to be engrossed and sent down for concurrence.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table bill, "An Act Relating to the Measuring of Her-ring" (H. P. 869) (L. D. 1207) tabled by that Senator on March 19 pending passage to be engrossed; and on further motion by the same Senator the bill was passed to be engrossed in concurrence.

On motion by Mr. Reed of Aroostook, the Senate voted to take from the table Senate Reports from the Committee on Transportation reporting in a divided report, Majority report ought not to pass; Minority report Ought to pass, on bill, "An Act Relating to Registration Fees for Farm Trucks." (S. P. 349) (L. D. 929) tabled by that Senator on April 18 pending consideration of the reports.

Mr. REED of Aroostook: Mr. President and members of the Senate: This bill, as you have seen, relates to license fees of farm trucks, L. D. 929. At this time I would like to move acceptance of the minority "Ought to pass" report, and in support of that motion I would like to point out some merits relative to this bill.

First I would like to mention that in the printed bill on the second page there is a printer's omission in the last sentence. It should read, "Any person using a truck with a license plate marked" — and there should be inserted 'F' for farm — "for any purposes other than those authorized by this section shall be fined not less than one hundred dollars or more than five hundred dollars." That is in the regular bill, but in this L. D. printing it was omitted.

I would also like to mention that if my motion is successful these fees would have to be amended to correspond with the proposed increases that have been suggested. That can be done on second reading.

I would like to point out that L. D. 929 is designed for three major purposes: First, to cut farmers' costs in the State of Maine, which we know are certainly plenty high at the present time. The second thing this would accomplish is to equalize our Maine farmers in regard to many other states, and I will point out some facts on that a little later. Third, it would provide equality for all Maine farmers.

Under the present law the farmer is authorized to license his vehicle, his truck, and use it within a fifteen-mile radius. That has helped some farmers, but other farmers who have to haul their product ten or fifteen miles further are unable to share in the benefits of

this particular law. This L. D. 929 would correct that.

The bill makes three changes in the law. First, it deletes the mileage restriction so a farmer would be able to use his truck in the performance of his farm operation without the fifteen-mile or without any mileage restriction. The second change includes that he can haul logs and pulp and they would be considered as an agricultural commodity. On many of our farms in the State the farmer has a wood lot and he will cut the pulp off that wood lot and haul it to the siding or to some pulp mill; or he will haul a few logs off and take them down to the sawmill, have them sawed into lumber and bring them back to the farm.

The present law would not allow him to do that. Incidentally, there are ample provisions in there so he could not become engaged in the regular business of hauling pulp and logs. It is restricted to the farm that he lives on or operates or occupies. The third thing that it would do is to increase the weight limit with corresponding fee increases. We find that many farm trucks are in the so-called two-ton class, and they haul at various times of the year for short distances heavier loads. For instance in planting in Aroostook County if you have got a load of fertilizer on there you have got quite a load. It would not be hauled for any great distances, but it certainly would be a great help to be able to haul that during the planting season and in the fall in the harvesting season. It would accomplish those three particular changes.

Now as a result of a survey conducted by the Maine Farm Bureau we have come up with the fact that between 80 and 90 per cent of the travel of farm trucks is done within a radius of thirty miles, and that less than three per cent of the travel by farm trucks is done beyond a radius of sixty miles, indicating that most farmers make only an occasional trip of sixty miles or so in the performance of their regular farm work. For instance, a man might need a load of seed from some area further away than seventy-five or a hundred miles and might have to make a couple of

trips to pick up his supply of stock or something, but the fact is that he makes very few long trips. By deleting the mileage restriction we certainly would be able to help the farmer in that respect. As it is now he is unable to use his truck for the farm license provision if he goes beyond a fifteen-mile radius.

I understand that the motor vehicle officials have not put on any substantial loss of revenue concerning this, although they may have since the time I received my information; but I am informed they have not been able to estimate or have not placed an estimate on the possible loss of revenue under this bill. But I would like to point out that farm trucks are not eligible for gasoline tax rebate similar to the other farm vehicles. I think that is a fact that many people do not realize, that farm trucks used on the farms are not eligible for this tax rebate; but I am sure we all realize that the farmer is certainly going to use that truck a lot on his own fields and it is going to have a lot of highway use; and reliable estimates here in Maine indicate that the number of miles he uses his trucks on off-highway purposes in miles, that he is paying a gas tax into the highway fund of some \$150,000 that actually is not used on the highways and he gets no benefit from it. So if there is some loss of revenue so far as the license fee is concerned he is more than amply making it up in the gas tax he is paying for using his trucks off the highways.

I would also like to point out the strong penalty feature in there, as I read earlier. Any person found fraudulently using these plates will be fined not less than one hundred dollars or more than five hundred dollars. We are very interested that no one violates the provisions of this law, and therefore have put in on our own volition this very stiff penalty.

I am sure we are all aware that farm income has seriously declined in recent years; in fact from 1947 through 1955, with the exception of 1951 during the Korean War farm income has continually decreased. In 1955 here in Maine the average

farm income was only \$2400, so we can certainly see that the farmer's position in Maine is not an enviable one.

Another fact I would like to point out is that twenty-three other states in the United States have seen fit to reduce farm truck fees. And those of our neighboring New England States—I have this information for you: The State of Vermont has no mileage restriction except for regular cattle and poultry dealers, those engaged in continuous, every day operation of their vehicles. In the State of New Hampshire there is no mileage restriction except for retail milk trucks, and there again they are used every day. In Massachusetts there are no mileage restrictions except for regular delivery trucks. I also point out that our bill takes care of that: it is for those used in the operation of the farm, not for those used every day. On many of the farms here in Maine we have trucks that are not licensed now because of the high license fees. We would pick up quite a lot because farmers would license more of their trucks and use them on the highway more if the fee was more equitable. Many farm trucks are not used in the winter time at all, yet the farmer has to pay his regular full fee if he uses the truck beyond a fifteen-mile radius at the present time.

As I see it, here on the State level we have very little opportunity to help our farmers and the agricultural economy here in Maine. As we realize, most of that assistance does come from the federal level. As I see it, this is an opportunity for us here in the legislature to assist our Maine farmers by helping to cut their costs. I urge you to consider this very carefully when you act upon the measure and just consider the merits of the bill. When the vote is taken I ask for a division, and I certainly earnestly solicit your support in favor of my motion.

Mr. COLE of Waldo: Mr. President and members of the Senate since I was out of the Senate when this was taken off the table, I am a little bit at sea as to what has been said by the Senator from Aroostook, Senator Reed. My objection to this particular bill is the

fact that here again I must stand on what I consider is good judgment in fairness to the taxpayers of the State of Maine. This particular bill, L. D. 929, as you will note adds two new sections. 18 thousand pounds to 22 thousand pounds gross weight at \$75 which is \$50 under the normal fee. The next one is 20 thousand pounds to 23 thousand pounds at a \$90 fee. This is in comparison to the \$150 present fee of a reduction in revenue of \$60, on this particular type vehicle.

They also take all restrictions from the present law; that is logs and pulp wood and they also take the mileage restrictions from the law. In fact that particular bill does open up the whole section to a much lower rate.

We have another bill in committee, or did have, that the committee reported out unanimously ought to pass, which does increase the mileage from fifteen miles at the present time to fifty miles. We in the committee felt that without doubt the fifteen miles was not doing the job that the farmers, many of them, would like to do so in my opinion it seems that we have come a long way to help the farmer. I am one who is sympathetic to the farmers' problems and I know they are many. However, we have a highway program and I cannot see where we should at this time reduce our revenue. It may have been said—I don't know what has been said before I came back in the Senate Chambers, but the old law that was enacted two years ago did cost the highway fund \$60,000. It is safe to assume that if this L. D. 929 is enacted quite a substantial amount of revenue will be lost. Therefore I am opposed to the motion.

Mr. REED of Aroostook: Mr. President, I would just like to point out to the members of the Senate and the Senator from Waldo, Senator Cole, that I certainly did not try to pull any sneak attempt in taking this off the table. I am sure that my friend, the Senator from Waldo, Senator Cole, will agree with me that we talked the thing over yesterday; and I did not realize that he was out of the Senate, otherwise I certainly would have delayed. Also that I pointed out

in my testimony, that fifty miles radios would not take care of long trips and in Aroostook County we have many farmers who have to make long trips hauling their potatoes to the starch factories. I would just like to point that out.

Mr. ROGERSON of Aroostook: Mr. President and members of the Senate, I would like to support the motion of the Senator from Aroostook, Senator Reed. Coming as I do from an area where agriculture is the major part of our economy, I am particularly conscious of the need of agriculture for help. During the last ten years at least, while the rest of the country has enjoyed an unprecedented boom, agriculture has been suffering. It seemed to me at the committee hearing that the advantages that would accrue to agriculture through this measure would be enough to overlook the disadvantages which accrue from its passage.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate, I want to go along with the motion made by the Senator from Aroostook, Senator Reed. Half the farmers in southern and central Maine and particularly the dairy-men and the poultry men use their trucks not more than two to four weeks on the highways during the year and there are occasions when they have to haul bedding for cattle and poultry and have to exceed the fifty mile limit mentioned in one of the other bills. Today you have to travel from Bangor to perhaps Lincoln to get a load of bedding and I certainly believe that any restriction in mileage would be a handicap to the farmers in central and southern Maine. I hope that the motion of the Senator from Aroostook, Senator Reed prevails.

Mr. DOW of Lincoln: Mr. President, I believe this bill will help the farmers in Lincoln County. We seem to have more hens than piles of sawdust and since sawdust is very important in the use of litter for poultry cloth I know that there are quite a few farmers who have been traveling perhaps as far as Norway, Maine and back just to haul sawdust for litter. I am sure that such a bill will be of benefit to them.

Mr. COLE of Waldo: Mr. President and members of the Senate, haven't we got a principle here that we are standing on? That has been my stand all morning. Even though I have got clobbered, I still maintain that we have the same principle here. Isn't it true that other operators do tie up their trucks through the winter many times out of season and yet they are compelled and willing to pay the same registration fee.

This again is another piece of class legislation. In regard to the mileage set up that many other states do not have, I think it is a safety measure in the State of Maine. We have a large state with a lot of mileage and it seems to me if we are going to hold this thing down we have got to have restrictions. We have 2,360 pound trucks and to me it seems that a great many of these trucks will re-register at the reduced rate. If I were a farmer I certainly would be one of them.

Mr. BAILEY of Sagadahoc: Mr. President, I wish to go along with the Senator from Aroostook, Senator Reed, on this bill because I feel that it is a proper bill. As has been pointed out, it is class legislation. Well, if we have got the right kind of class let's pass the legislation.

There has been mention about how much the State would lose. I fail to see that problem. I know of different trucks that are registered today on a low registration, and under that when they go on the highway for any distance they have to make two trips, where under this bill, if they were registered at a higher rate they would have the opportunity of going and making the trip at one time, and in that way it would help ease up on the road traffic just as much as it would help the farmer. I fail to see where there would be very much loss to the State and the general public, and it would be a great help to the farmer.

Mr. PIKE of Oxford: Mr. President and members of the Senate: I wish to go along with the Senator from Aroostook, Senator Reed. I believe if there is any one single thing we can do to help the farmer we must do it for the economy of the State.

Mr. FARLEY of York: Mr. President and members of the Senate: Once again I want to go along with the Senator from Waldo, Senator Cole. Yesterday we had Androscoggin County Day, and today we have Farmers Day. I think I am the only truckman here in this group, and when I say "truckman" I mean manual labor where you have got to go out and earn it by your muscles from early morning until late at night. I have five trucks and I pay every penny I have to pay. I have one truck which I run in private life that I only run seven miles a day but it costs me \$150. However, I am willing to pay my share. There is another bill coming in here that might strip quite a lot of money from the Highway Department. I believe that all of us who use the roads should pay our way. I am willing to go along with the Senator from Waldo, Senator Cole.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Reed, that the Senate accept the minority "Ought to pass" report of the committee. As many as are in favor of the motion will rise and stand until counted.

A division was had.

Twenty-four having voted in the affirmative and eight in the negative, the motion prevailed and the minority "Ought to pass" report of the committee was accepted. The bill was thereupon given its first reading and tomorrow assigned for second reading.

On motion by Mr. Cole of Waldo, Adjourned until 12:00 noon tomorrow.