

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Third Legislature

OF THE

STATE OF MAINE

1947

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paragraph of section 102 of chapter 33 of the revised statutes, as revised, is hereby amended to read as follows:

"There shall be a bounty of \$15 \$20 for every bobcat, loupcevriev and Canada lynx which is killed within the state, to be paid by the treasurer of state to the person killing the same upon compliance with the following conditions."

Sec. 2. Limitation. This act shall remain in force for a period of 2 years only. It is the intent of the legislature to change the present statute for a period of 2 years only, after which period the present statute shall return to full force and effect."

Thereupon, House Amendment "A" was adopted, and the bill was passed to be engrossed as amended, in non-concurrence and sent up for concurrence.

The SPEAKER: The Chair lays before the House the twenty-fifth tabled and unassigned matter, "Resolve, in Favor of a Special Recess Committee to Study the Creation of Domestic and Family Courts and Report to the Legislature" (S. P. 283) (L. D. 806) tabled on March 26th by the gentleman from Presque Isle, Mr. Brewer, pending final passage; and the Chair recognizes that gentleman.

Mr. BREWER: Mr. Speaker, as this matter involves appropriations, I move it lie on the table and be specially assigned for Friday, April 11th.

The motion prevailed, and the resolve was re-tabled pending final passage, and specially assigned for Friday, April 11th.

The SPEAKER: The Chair lays before the House the twenty-sixth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the Treasurer of State" (H. P. 1206) (L. D. 826) tabled on March 27th by the gentleman from Thomaston, Mr. Bell, pending acceptance of report; and the Chair recognizes that gentleman.

On motion by Mr. Bell, the matter was retabled and specially assigned for Friday, April 11th.

The SPEAKER: The Chair lays before the House the twenty-seventh tabled and unassigned matter, Bill "An Act Relating to Jurisdiction of Municipal Courts in Juvenile Cases"

(S. P. 256) (L. D. 718) tabled on March 27th by Mr. Williams of Auburn pending passage to be engrossed; and the Chair recognizes that gentleman.

On motion by Mr. Williams, the bill was retabled pending passage to be engrossed and specially assigned for Friday, April 11th.

The SPEAKER: The Chair lays before the House the twenty-eighth tabled and unassigned matter, Bill "An Act to Provide for an Increase to be Paid for Clerk Hire in the Office of the Register of Deeds in the County of Cumberland and Salary of Deputy Register of Deeds" (H. P. 180) (L. D. 128) tabled on March 28th by the gentleman from Portland, Mr. Haskell, pending passage to be engrossed; and the Chair recognizes that gentleman.

On motion by Mr. Haskell, the bill was retabled pending passage to be engrossed, and specially assigned for Friday, April 11th.

The SPEAKER: The Chair lays before the House the twenty-ninth tabled and unassigned matter, Bill "An Act Continuing the Division of Veterans Affairs" (S. P. 472) (L. D. 1319) tabled on March 28th by the gentleman from Rockland, Mr. Bird.

The Chair recognizes the gentleman from Presque Isle, Mr. Brewer.

Mr. BREWER: Mr. Speaker, in the absence of the gentleman from Rockland, Mr. Bird, I move this matter be laid on the table pending passage to be engrossed, and be specially assigned for Friday, April 11th.

The motion prevailed, and the bill was so tabled and so assigned.

The SPEAKER: The Chair lays before the House the thirtieth tabled and unassigned matter, Senate Majority Report "Ought to pass" and Senate Minority Report "Ought not to pass" of the Committee on Motor Vehicles on Bill "An Act Relating to Registration of Motor Vehicles." (S. P. 130) (L. D. 283) In Senate, Majority Report accepted and the bill passed to be engrossed. In the House, both reports tabled on March 31 by the gentleman from Presque Isle, Mr. Brewer, and the Chair recognizes that gentleman.

Mr. BREWER: Mr. Speaker, I now move you that the majority report, "Ought to pass," be accepted. In support of this motion, I will say to the members of the House

that this is the famous truck reciprocity act. I do not feel that any argument I should make would probably influence any votes one way or the other; I feel that this House has already been thoroughly canvassed and possibly everybody has made up their minds whether they are going to vote for or against this bill. I am only going to argue one or two points that are connected with this particular bill.

Two years ago when this bill was discussed, we were told that the State would lose in revenue anywhere from \$91,000 up to \$400,000, but we did try reciprocity for two years and we found out that instead of a loss that we had an actual gain in 1946 over 1944 of \$244,000.

Now if you would just stop and think for a minute of how few commercial trucks there are compared to the others privately owned, I think you would agree that any loss we might make is well offset by indirect benefits and the money that is saved to the other people owning trucks.

Now in regard to the argument that we are not getting the gas tax on many of the trucks coming into the State of Maine, I will say to you that we never did, even under the other set-up, because it is policy for those trucks, when they are starting in Massachusetts, to fill their tanks and come into Maine and go back if they can, or if they go from Maine into Massachusetts or what have you, in other words they do not get our tax either.

As I told you, I am not going to argue the several points, but I do feel that any records have shown that we have not lost. It is merely a matter of conjecture on any estimation that is put forward to tell you that we have lost money. I believe it is another trade barrier. I believe that we did not make this country as big as we did by having trade barriers, and I feel that truck reciprocity is very beneficial to us in this State. I would ask when the vote is taken that it be taken by a division.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Collins.

Mr. COLLINS: Mr. Speaker and Members of the House: Two years ago, when this question came up, I was of the opinion that reciprocity between the states was beneficial to industry throughout the State of

Maine. I am still of that opinion. I believe that reciprocity for trucks is a good thing for the State of Maine, and I would like to point out particularly the very beneficial effect upon Maine's lumber industry, both in the production and distribution phases of operation. There have been new markets opened for several reasons. Many industries and business houses in southern New England and New York using lumber for maintenance and general construction do not always have the facilities for handling a full rail carload lot and they demand their lumber in truckload lots. Prior to motor truck reciprocity, this business, which amounts to a considerable volume, often went to New Hampshire and Vermont, because these dealers could furnish their trucks on a reciprocal basis with Massachusetts and the other states involved. Since reciprocity, the State of Maine, with its capacity to handle these things, has been able to capture much of this market, and the result has been an increased volume of business as well as a much more favorable price than that prevailing in the Maine market. Reciprocity has opened the markets of New Hampshire along with Maine to lumber business as well as other types of Maine business. Reciprocity has made it possible for Maine's lumber dealers to compete with those in other states in the general market. I believe, therefore, that reciprocity is a good thing for the State of Maine and that it should be definitely continued, and I hope that the "Ought to pass" report will be favored.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Cole.

Mr. COLE: Mr. Speaker and Members of the House: I do not know that my argument will be an argument against reciprocity. I merely want to tell this House what the effect of reciprocity has been upon the for hire trucking industry in Maine. The figures I am going to quote I will try to make in total so that I won't bore you, but I will also state the source of my information.

First, I have here two lists of every for hire truck that is licensed under the Public Utilities Commission to haul freight in the State of Maine. There are a total number of units, trucks, tractors and semi-

trailers of 2213 for hire units. Now the breakdown of that figure is: 547 trucks, 630 tractors and 1036 trailers. Of those figures, the 547 trucks, the Maine operators still control 158, the non-resident operators control 389. Of the 630 tractors, the Maine operators still have 104; the non-resident operators have 526. Of the trailers, the 1036 trailers, the Maine operators have 169; the non-resident operators have 867. In other words, the Maine operators control 431 of these units and the non-resident operators control 1782 of them. I think there is something to be learned from that picture.

The reason for it is that the license fees in the State of Maine on a standard forty thousand gross trucks, which is the size that is used mostly by the for hire freight haulers, the license fee is \$300. In Massachusetts it is \$60; in Vermont it is, I believe, \$375. The gasoline tax in the State of Maine is four cents; the gasoline tax in Massachusetts is three cents. The Maine carrier's cost of operating one truck, paying his license fee, gasoline tax, his excise tax, public utility plates and everything, is \$799 per year per truck. In the State of Massachusetts, where our major competition comes from, the total cost, gasoline tax, registration and public utilities fee is \$402—\$402 against \$799. Gentlemen, where would you operate your trucks and where would you license them?

It has already been argued that the State of Maine made money through reciprocity. That is someone's estimate; it is figures taken from the registration department. The average figures in the registration department show that each truck that is registered pays an average of just over thirty dollars. Thirty dollars, gentlemen, will buy you a two and a half ton license, and you can not run up to Massachusetts and make money with that type of truck.

I would like to say that I have figures from the registration department of twelve of the larger operators, the amount of money that they paid, just twelve operators of the for hire industry, and already it has been stated that the for hire industry is a small percentage of the total, but only twelve operators in the for hire industry saved a total of \$26,572.50. That is only twelve of the larger operators in 1946 as

against what they paid in 1945. In 1945 they paid us \$34,435 for those trucks, and in 1946 they paid us \$7,862.50. If there is any profit in that I cannot see it.

If these trucks were licensed in the State of Maine for the same carrying capacity as they are licensed for in the states from which they come, these for hire trucks,—and I submit to you that they have 128 tractors licensed for five tons or less, and the tractor carries the license for the whole vehicle—I do not believe they are even paying the license that they should in the state that they come from, but if they licensed them in the State of Maine for the same price they would pay to the State of Maine, \$151,580. That is not an estimate, that is an actual figure.

The only thing I have to say about this whole measure is that unless some relief is given to the for hire truckers who wish to stay in the State of Maine and try to make a living here then there just won't be any inside of the next two or three years.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Tabb.

Mr. TABB: Mr. Speaker and Members of the House: I do not believe there is a member in this House but what will agree with me that agriculture is the backbone of this State. Today we need reciprocity just as much as we needed it for the last two years. The word, if you will look it up, means give and take. Now if we are going to take we have to give.

I just want to say a few words in regard to my own industry as a farmer, the egg and poultry industry. Before we had reciprocity we had no markets outside of the State of Maine as far as our farmers were concerned in selling their merchandise direct. If they took their merchandise to Portland, if the market was flooded they either had to sell their merchandise at a great loss or take it home, realizing that our product spoils very quickly, naturally the farmer had to take what he could get.

Now with this reciprocity, the farmer goes to Portland, which is our biggest market here in the State, and if he cannot sell his merchandise he can carry it through to the market in Boston, which is the market of our industry. Not only that, he receives more money

without taking a loss, even with the extra expense of the transportation. It has been proven that where our farmers have gone to New York with their poultry and they have paid us farmers anywhere from two to three cents a pound more for our poultry for the simple reason they could carry it through at a less expense with reciprocity.

Gentlemen, that is the bill today, reciprocity for your farmers, and, if agriculture is the backbone, why hesitate when you want to do something for your State.

It is very nice for us to sit here and want to cut everything out of agriculture which, as I stated is the Maine backbone, but I believe, gentlemen, if you take this away from us farmers that you are going to suffer along with us.

Now, as I understand it, financially it has not made any difference but within a few thousand dollars, and they cannot calculate absolutely how much good it has done in dollars and cents because we do not know what the farmer has done in carrying his merchandise through. If this bill is defeated, it means that the farmer will not buy as many trucks to carry his stuff through to the market where he can sell it at a better advantage than he can in Maine.

I hope, Mr. Speaker, that this bill will pass.

The **SPEAKER**: The Chair recognizes the gentleman from Portland, Mr. Allen.

Mr. ALLEN: Mr. Speaker and Members of the House: As a member of the Committee on Motor Vehicles two years ago which heard this bill, and a member this year of the same committee, I was at that time, two years ago, and I am still impressed with the fact that reciprocity is of vital interest to all the people in the State, not to one particular class or one particular group. I know that names usually are boring when read before the Legislature, and I realize that some of you were present at the public hearing on reciprocity here in the House several weeks ago, I would like to read to you at this time a list of some of the speakers who appeared as proponents for this measure. I have seldom, in my two terms here in this Legislature, been at any public hearing at which such a wide number of groups have appeared representing all fields of

Maine industry, Maine labor, Maine agriculture and Maine people. Therefore I would like to read just briefly some of the proponents for truck reciprocity who appeared before our committee several weeks ago.

The effect of truck reciprocity was considered by Claude H. Hultzen, Executive Manager of the Maine State Chamber of Commerce. The Maine Independent Grocers Association was represented here, and the Sea & Shore Fisheries by Richard E. Read, Commissioner of the Department of Sea & Shore Fisheries, who spoke, as did Russell Yelton, President of the Mid-Central Fish Co. of Portland, Maine. Fred C. Gatcombe, Manager General Seafoods Corporation, Rockland, also spoke in favor of this measure. Truck reciprocity in Maine manufacturing: Axel H. Erlandson, Traffic Manager, Goodall-Sanford, Inc., Sanford, Maine, Warren Saunders, Secretary Saunders Brothers, Westbrook; and Winfield Towne, Attorney, Saco-Lowell Shops, Biddeford, and B. Morton Havey, secretary of the Associated Industries, Inc., also spoke in the field of Maine manufacturers as a proponent of reciprocity. Senator George B. Morrill, Jr., speaking for the canners of the state, one of our important industries, was a proponent. Chester G. Abbott, First Portland National Bank, Portland. For agriculture, which was mentioned as an important reason why reciprocity should be continued by my friend, Mr. Tabb, Albert K. Gardner, Commissioner of Agriculture, E. Carroll Bean, Master of the Maine State Grange, Representative Sherwood Prout of Lubec. Harry Umphrey, of the Aroostock Potato Growers, Inc., Presque Isle, Senator Harley A. Welch of the Maine Potato Growers Association. George A. Myhaver, of the State of New Hampshire gave the committee a very comprehensive idea as to how reciprocity had worked in that state. And in the lumber business, Kenneth Hancock, of M. S. Hancock & Son in Casco, A. L. Gendron, of the Lumber Dealers Association of Maine. Harry A. Harmon of the Hunnewell Trucking Company, Inc., of Portland, spoke as did Paul E. Merrill, President, Merrill Transportation Co., Portland. Representative Romie Marsans, speaking for himself; Mr. Sanborn, of Sanborn's Express in Norway, Maine, Chase Transfer

Corporation of Portland, Border Express, Bangor, Douglas Motors, Auburn, Curley Demelle, Sanford, Lynn Porter, Freeport. Frank A. McKenzie, Representative of the Maine Hotel Association spoke on how his business was affected by reciprocity. Mortier Harris, of Portland and Leroy T. Snowden, Executive Secretary, Maine Petroleum Industries Committee, also spoke. Donald MacLeod, of the Maine Automobile Dealers Association and William Ricker of the Maine Apple Growers Association.

Gentlemen, this list of speakers I feel covers a very wide scope; it covers the industries and it covers the people of Maine, and it shows that reciprocity helps all of us, not just one particular group.

I would like to point out also at this time that in 1945 the opponents of reciprocity claimed it would cost our state between \$200,000 and \$400,000 in revenue. I would like to point out that the number of truck registrations in 1941 in round figures was 45,235, and in 1946 it was 56,496. I would like to point out that the truck registration revenue in 1941 was \$1,155,000 and in 1944, \$1,210,000, in 1946, \$1,454,000.

Gentlemen, reciprocity benefits all our people, all our nine hundred thousand people. There was only one individual who appeared at our hearing against this bill. I feel the people were well represented as proponents at the hearing. I feel that the people of Maine sincerely feel that reciprocity is a good thing, and I certainly hope that the motion of the gentleman from Presque Isle prevails.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Meloon.

Mr. MELOON: Mr. Speaker and Members of the House: Two years ago I favored this bill for reciprocity on the floor of this House, and I have been very much interested in the last couple of years in watching it proceed along in the interests of our manufacturers. I think that we should give a great deal of consideration to what benefit accrues from any of our legislation and bills that go through this House here, and I am sure that the manufacturing interests of the State of Maine have been very markedly helped by reciprocity. On the long hauls of materials which come into Maine we are a long ways from our large centers

of population where these goods are used and sold, and still we have manufacturing plants here, and a great many of the products going into those plants have to come on long hauls. For one thing, we have huge shipments of wool coming in here. Some of these manufacturers of ours, industrial plants, are plants where they take in the raw material and send out the finished product, going both ways on the longer haul by truck.

We find, in looking this picture over, that we have a speed set-up which is very material: anywhere from four to seven days faster by truck, and reciprocity has certainly helped out the operation of these trucks very much. It helps the efficiency of our operations; it keeps a high level of employment; we can get our things in here quickly, get them on time, get them almost inevitable when it is necessary for them to come in. In case of breakdowns where parts of machinery are needed, things are brought in here rapidly and set up and the factory or industry gets back very quickly.

It has been pointed out here that our expanded markets, and particularly, I think, this rapid movement of raw materials into the State and out of the State, has helped a very great deal in the good will which the industries of the State of Maine have been able to accumulate in the markets they serve outside.

I certainly hope that this bill will pass.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Portland, Mr. Cole.

Mr. COLE: Mr. Speaker and Members of the House: It seems I am all alone in this fight today, but I would like to state that on September 25th, 1946, there was an inspection made by the gasoline tax inspectors down by the Wells Barracks from the hours of eleven o'clock in the morning until after midnight, on Route 1 only. They stopped every truck of every description travelling in either direction, asked them where they bought their gasoline, asked them the gasoline capacity of their tanks and tabulated the owner of the truck. In that twelve or fourteen hour period they stopped 104 trucks. Seventy-two of these trucks came from and were licensed in Massachusetts, six of them came from

and were licensed in Maine, ten in New Hampshire, and four in Vermont, one or two New Jersey, one in New York, one in Maryland, one in Nova Scotia, and one in Connecticut.

This reciprocity bill, the way it has been argued here, you would be led to believe that without reciprocity these trucks could not travel across the line. The actual fact of the case is that trucks cannot travel across the line unless they want to help maintain the highways of the State of Maine, help by buying registration here. They won't buy any gasoline here. They carry up to 156 gallons per truck. Naturally it is good business to buy gasoline where it is two cents cheaper than in the State of Maine. But we have 1780 odd units in the for hire industry that are operating into the State of Maine. They license in the State of Maine 80 units out of 1780 odd. They buy no gasoline here, they operate, according to this figure here, about 95 per cent of the trucks that are operating over the highway, and they spend not one cent to help us maintain the highways.

That, gentlemen is my whole argument, and the only argument that can be called against reciprocity. I hope that the motion does not prevail.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentleman from Presque Isle, Mr. Brewer.

Mr. BREWER: Mr. Speaker, even though these figures may be true that Mr. Cole presents, I still say that these commercial trucks are very much in the minority, very much so when you consider we have 56,000 trucks registered.

Now I say that without reciprocity if I see fit to buy a truck and go out of the State I am penalized to this extent: if I buy a truck to go out of the State, because we have no reciprocity I pay \$300 in the State of Maine, in New Hampshire I pay \$240; in Massachusetts I pay \$60. The same truck coming from Massachusetts, we will say, pays a registration fee of \$60; they pay nothing in New Hampshire. This is talking if we have no reciprocity: they pay \$300 in the State of Maine. In other words, we are at a disadvantage, I am, in that it costs the Massachusetts truck without reciprocity \$360 and it costs me \$600. As I say, these trucks, at the

time this truck count was taken I do not think it would be a fair indication, and it would only be fair on a twenty-four hour basis. Many of these trucks travel in the night, and from twelve to eleven a good many of them would have gone by.

I just go back to what I say: Do not lose sight of the fact that we are penalized without reciprocity, because it costs us more to go out than it does the other fellow to come in. Also, these commercial trucks, these big ones they speak of, are in the minority compared to what we have in the State of Maine. I still insist that the indirect benefits we receive well outweigh any loss we have.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Prout.

Mr. PROUT: Mr. Speaker and Members of the House: Nine years ago I moved down in Washington County and went into the commercial vegetable growing business which I had been doing at Cape Elizabeth. My products there, ninety-nine per cent move out of the State, and the rest of the vegetable growing business along the coast, which is set up mostly along the coast, a large percentage of their goods moves out of the State. We are competing with areas shipping into Boston where the majority of products go, with upper New York State, which has a similar produce to ours. We are stopped at two state lines on our ducts going to Boston, and there are no trade barriers in the other sections competing with us. My business down there as time goes on becomes more competitive, and it will mean quite a few cents a package difference in cost of getting those goods to Boston without reciprocity.

I hope the motion of the gentleman from Brewer prevails.

The SPEAKER: The Chair recognizes the gentleman from Lisbon, Mr. Plummer.

Mr. PLUMBER: Mr. Speaker and Members of the House: You have so far heard mostly figures quoted by proponents from both sides. It seems that both proponents and opponents make it appear attractive. Supposing we forget for a minute the question of dollars and cents in actual registration. I do not believe there can be any question as to the value of the service rendered by good transportation to

farmers and lumbermen and industries. That is something I do not believe anyone can argue against. I believe it is the greatest argument for reciprocity. I hope that the motion prevails.

The SPEAKER: Is the House ready for the question? The question before the House is upon the motion of the gentleman from Presque Isle, Mr. Brewer, that the House accept the "Ought to pass" report of the committee, and the same gentleman has asked for a division. All those in favor of the motion will please rise and remain standing until counted and the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: One hundred and sixteen having voted in the affirmative and nine in the negative, the motion prevails.

Thereupon the bill was given its two several readings and tomorrow assigned for third reading.

The SPEAKER: The Chair lays before the House the thirty-first tabled and unassigned matter, Bill, "An Act Relating to Eligibility of Certain Clubs for Liquor Licenses" (S. P. 476) (L. D. 1329) tabled on March 31st by the gentleman from Madison, Mr. DeSanctis, pending passage to be engrossed; and the Chair recognizes that gentleman.

On motion by Mr. DeSanctis, the bill was passed to be engrossed in concurrence.

The SPEAKER: The Chair lays before the House the thirty-second tabled and unassigned matter, Bill "An Act Prohibiting Erection of Billboards Adjacent to Turnpikes" (S. P. 349) (L. D. 1161) tabled on April 1st by the gentleman from Farmington, Mr. Mills, pending passage to be engrossed. The Chair recognizes the gentleman from Cape Elizabeth, Mr. Chase.

Mr. CHASE: Mr. Speaker, I offer House Amendment "A" and move its adoption, and when the amendment has been read I would like to speak.

House Amendment "A" was read by the Clerk as follows:

House Amendment "A" to S. P. 349, L. D. 1161, Bill "An Act Prohibiting Erection of Billboards Adjacent to Turnpikes."

Amend the title of said bill by striking out the underlined word

"turnpikes" and inserting the underlined word 'highways'.

Further amend said bill by striking out the underlined word "turnpikes" wherever it appears in said bill, and inserting in place thereof the underlined word 'highways'.

Further amend said bill by striking out the underlined word "turnpike" in the 6th and 12th lines of said bill and inserting in place thereof the underlined word 'highway'.

Further amend said bill by striking out in the 7th line of said bill the underlined word "turnpike" and inserting in place thereof the underlined word 'highway'.

Further amend said bill by adding at the end thereof a new section as follows:

'Sec. 2. So much of section 116 of chapter 20 of the revised statutes as is inconsistent with this act is hereby repealed.'

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Chase.

Mr. CHASE: Mr. Speaker, this amendment, if adopted, would considerably broaden the effect of the bill which it is intended to amend. I would like to be sure that the House fully understands the import of the amendment.

Those of us who love this State want to do all we can to preserve its natural beauties, and even if we were not so moved by sentiment we would be moved by interest, for we are committed to the development of the recreational and tourist business. We spend large sums of public money in advertising the natural beauty of this State, and while we are spending this money we are permitting our highways to be cluttered up with billboards.

Under the present law, billboards are permitted at a distance greater than 50 feet from the highway or 300 feet from an intersection. The effect of this amendment would be to extend that limit to 500 feet. I am fully aware that it would be extremely difficult in some parts of the State for an advertising company to obtain a 500-foot vista.

I do not seek by this amendment to abolish billboards, but I do fully intend to do everything that I can to urge that billboards, to the extent that this amendment would take effect, shall disappear from this State. I believe it is in our interest to do this. We have temporized with the problem for years.