

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

*1st Special Session*

OF THE

*One Hundred and Sixth  
Legislature*

OF THE

STATE OF MAINE

1974

Kennebec Journal  
Augusta, Maine

**HOUSE**

Monday, January 21, 1974

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Linwood Welch of Hallowell.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

**Order Out of Order**

Mrs. McCormick of Union presented the following Order and moved its passage:

ORDERED, that Karen and Patricia McCormick of Union be appointed Honorary Pages for today.

The Order was received out of order by unanimous consent, read and passed.

**Papers from the Senate**

From the Senate:

Bill "An Act Establishing the Office of Energy Resources" (S. P. 832) (L. D. 2375) Emergency

Came from the Senate referred to the Committee on State Government.

In the House, the Bill was referred to the Committee on State Government in concurrence.

**Reports of Committees****Leave to Withdraw**

Committee on Taxation on Bill "An Act to Exempt Cigarettes under Unfair Sales Act" (S. P. 811) (L. D. 2301) reporting Leave to Withdraw.

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted in concurrence.

**Ought to Pass**

Committee on Appropriations and Financial Affairs pursuant to Joint Order (S. P. 822) on Bill "An Act Providing Emergency Funds for Staffing a Fuel Allocation Office within the Bureau of Civil Defense for the Fiscal Year Ending June 30, 1974" (S. P. 834) (L. D. 2366) Emergency, reporting "Ought to pass"

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed.

In the House, the Report was read and

accepted in concurrence, the Bill read once and assigned for second reading tomorrow.

**Divided Report**

Majority Report of the Committee on Judiciary on Bill "An Act Relating to Liability of Natural Gas Distributors" (S. P. 710) (L. D. 2122) reporting "Ought to pass"

Report was signed by the following members:

Mr. BRENNAN of Cumberland  
— of the Senate.

Mrs. BAKER of Orrington  
WHEELER of Portland  
KILROY of Portland

Messrs. McKERNAN of Bangor  
DUNLEAVY of Presque Isle  
GAUTHIER of Sanford

— of the House.

Minority Report of the same Committee on same Bill reporting "Ought not to pass"

Report was signed by the following members:

Messrs. TANOUS of Penobscot  
SPEERS of Kennebec

— of the Senate.

Mrs. WHITE of Guilford  
Messrs. PERKINS of South Portland  
CARRIER of Westbrook

— of the House.

Comes from the Senate with the Majority "Ought to pass" Report accepted and the Bill passed to be engrossed.

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, I move the acceptance of the Majority "Ought to pass" Report.

The SPEAKER: The gentlewoman from Orrington, Mrs. Baker, moves the acceptance of the Majority "Ought to pass" Report.

The Chair recognizes the gentleman from South Portland, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: Just to explain the position of the minority in regard to this particular bill, I think it is important because what we have before us is a very touchy subject, making the gas companies liable in the event of death or injury to any individual. I would like to point out that this is the only type

of industry that would, if we passed it, place an absolute liability on the books of the State of Maine. If I deal with explosives and I cause the death or injury of someone else, and it can be shown that it has been done by my negligence, then I can be held liable, but it is important that I was negligent.

In the case of the present bill, again, it applies absolute liability, and as a result of that, it undoubtedly will cause an increase in insurance rates that may result in prohibitive costs to the consumer. These two reasons were the primary reasons that I voted against this bill in committee. For that reason, I think the consumers need to be considered, not only in respect to the fact that death and injury does result on occasion as a result of the natural explosions, but those same people may be compensated as a result of showing that the gas company is negligent.

I think it is a very important thing that consumers on the other end be protected so that they are not paying for something that is not absolutely necessary.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: The sponsor of the bill, when he appeared before us, mentioned a couple of things that happened, especially it was brought out that most of those who were killed or injured at the time of the explosions in Lewiston, they did not even have the gas from these companies. Apparently the gas seeped through the sewer or something else. From what we have heard on our committee, we felt that this was the responsibility of the company.

One thing that was brought out was that they have some kind of liquid that they are supposed to send into the pipes in order to seal these pipes, and apparently it was done only once or twice and it should have been done probably a dozen times. Again, as I previously mentioned, the ones who were injured or killed were people who didn't even have any gas connection for their own homes from these companies.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker and

Members of the House: Very briefly. There was a case several years ago, prior to the Lewiston case, and I believe it came from South Portland, where part of the house was blown up and at least one individual was killed. As I recall reading about it in the newspaper at the time, the gas company disclaimed any liability. I would like to ask the gentleman from South Portland whether he is aware of the outcome of this case.

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

Mr. PERKINS: Mr. Speaker, I am not in answer to the question. I am not aware of the case. But regardless of whether or not I am aware of the case, it would be a natural phenomenon in legal circles for them to discount liability. It is a rare occurrence, and I assure you, if you are involved in litigation in the tort area, negligence area, that you admit your liability. Consequently, while they may have disclaimed liability if it could have been shown, and if it was shown that they were in fact negligent, they were liable, I suspect.

The SPEAKER: The pending question is on the motion of the gentlewoman from Orrington, Mrs. Baker, that the House accept the Majority "Ought to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

77 having voted in the affirmative and 44 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once nd assigned for second reading tomorrow.

#### **Non-Concurrent Matter**

Bill "An Act Relating to the Borrowing Capacity of School Administrative District No. 24" (H. P. 1662) (L. D. 2055) Emergency, which was passed to be engrossed in the House on January 7, 1974.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-317) in non-concurrence.

In the House: The House voted to recede and concur.

#### **Non-Concurrent Matter**

Bill "An Act to Incorporate the Atlantic Sea Run Salmon Commission into the Department of Inland Fisheries and Game" (H. P. 1868) (L. D. 2367) which

was referred to the Committee on Fisheries and Wildlife in the House on January 16.

Came from the Senate with the Bill referred to the Committee on State Government in non-concurrence.

In the House: On motion of Mr. Good of Westfield, the House voted to insist.

#### **Non-Concurrent Matter Tabled and Assigned**

Bill "An Act to Clarify the Exemption Date in the Minimum Lot Size Law" (H. P. 1731) (L. D. 2175) which was enacted in the House on January 10.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-314) in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, I wonder if a member of the committee that heard the bill could tell us what the Senate Amendment does that was added to this particular document?

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, poses a question through the Chair to anyone who may answer if he or she wishes.

The Chair recognizes the gentleman from Falmouth, Mr. Huber.

Mr. HUBER: Mr. Speaker and Members of the House: First of all, let me go back to the regular session. In the regular session we changed the exemption date in the minimum lot size law from the wording which exempted lots and under various dates, one of which I fouled up and which the bill itself corrects here. We changed it from lots themselves to lots with structures built on them. In effect, we ungrandfathered lots which had been sold in good faith at the time they were sold and bought in good faith, unless they had a structure built on them and were actually discharging septic wastes.

This change has caused some problems. The bill itself corrects the major problem, which was a line offering the exemption dates far enough forward to the effective date of the act.

This amendment specifically, I feel, is perhaps a small step backwards in that some lots were sold in good faith, again,

and bought in good faith, have been ungrandfathered, and this would regrandfather those lots where it is a single lot, bounded perhaps on each side by other ownerships. So the owner of this lot, who purchased in good faith, now has an unbuildable and essentially unsalable lot.

I feel personally that the total aggregate number of lots that would be regrandfathered by the Senate Amendment is probably small in the environmental impact of ungrandfathering these lots would also be small, I feel.

I might also add that any lots, before they are built on, would be ungrandfathered by this amendment and would still be subject to the Department of Health and Welfare Septic Codes.

I would like to see us recede and concur with the Senate.

The SPEAKER: The gentleman from Falmouth, Mr. Huber, moves that the House recede and concur with the Senate.

The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I wonder if I might pose one additional question.

The SPEAKER: The gentleman may pose his question.

Mr. MARTIN: Under the provisions of the law as drafted, and if we were to accept Senate Amendment "A", would the Department of Health and Welfare be in a position to enforce the septic regulations in lots of excess of 10,000 or 20,000 or would they automatically have to grant a license for those lots that have 10,000 square feet?

The SPEAKER: The gentleman from Eagle Lake poses to the Chair to anyone who may answer if they choose.

The Chair recognizes the gentleman from Falmouth, Mr. Huber.

Mr. HUBER: Mr. Speaker, I will attempt to answer; I believe these are covered under the Plumbing Code, and specifically between 10,000 and 20,000 acres.

The SPEAKER: Square feet?

Mr. HUBER: Square feet; excuse me. I don't specifically know the answer to that question. I might add one more thing; that a developer with unsold lots, contiguous lots, we would have to treat such lots as one lot and essentially start

over from scratch in laying out and developing such lots.

Thereupon, on motion of Mr. Martin of Eagle Lake, tabled pending the motion of Mr. Huber of Falmouth to recede and concur and tomorrow assigned.

#### **Non-Concurrent Matter**

Bill "An Act to Transfer the Pesticides Control Board to the Department of Environmental Protection" (H. P. 1871) (L. D. 2370) which was referred to the Committee on Natural Resources in the House on January 16.

Came from the Senate with the Bill referred to the Committee on State Government in non-concurrence.

In the House: The House voted to recede and concur.

#### **Orders**

Mr. Dyar of Strong presented the following Joint Order and moved its passage:

WHEREAS, the peak electrical power demand in New England is currently about 12,000 megawatts; and

WHEREAS, the demand is expected to approach 20,000 megawatts by 1980 and 70,000 megawatts by the year 2000; and

WHEREAS, construction of new generating facilities is urgently needed and will place severe demands on water and water-related lands; and

WHEREAS, the State should exercise strong and constructive influence in establishing goals and objectives for use of its waters and related lands in order to meet demands of the future; now, therefore, be it

ORDERED, the Senate concurring, that the Public Utilities Commission be respectfully directed to inventory and evaluate present and potential use of water and water-related lands for generating electricity by water power in this State or for water storage basins or reservoirs for the purpose of controlling the waters of any of the lakes or rivers of the State having potential for hydroelectric use; such study to include but in no way be limited to determining the potential development of water power at Aziscohos Dam at Wilsons Mills and Long Falls Dam at Flagstaff Lake within Oxford and Somerset Counties respectively; and be it further

ORDERED, that the Public Utilities Commission may report so far as its in-

vestigations will permit on the development of the water powers of the State with reference to such inventory and evaluation so that the Legislature may have before it a comprehensive summary of the possibilities that lie in the development of hydroelectric water powers of the State and the necessary steps that should be taken by the State to further increase and conserve them. (H. P. 1892)

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker and Members of the House: The idea that I have behind this Order is to — probably the word prod is a poor word to use — but to get the Public Utilities Commission to follow through their duties which are now spelled out in Title 35, Section 12; to investigate the feasibility of development of hydroelectric facilities on State waterways. I am not concerned in building new dams and cluttering up our rivers. I feel in many cases we have flood control dams and water holding dams that could be, for a small investment, converted to hydroelectric development.

In the Order I have pointed out the Aziscohos Dam which is located at Wilson's Mills in upper Oxford County, which is owned by Union Water & Power Company and the Long Falls Dam at Flagstaff in upper Somerset County, which is controlled by Central Maine Power. Now, both of these dams are water holding dams; one holding back the Aziscohos Lake, and the other dam holding back Flagstaff Lake, which is some 26 miles in length.

With the shortage of energy here in the State of Maine and New England, it would seem quite feasible to me to investigate the feasibility of developing some of these dams into, as I say, hydroelectric generating facilities.

Under Title 35, Section 12, the Public Utilities Commission is empowered to make these studies. I assume in the past they have. And I won't make any statement they haven't done their duty, but I feel that possibly that this is a time to make sure that this agency does fulfill their requirements under Title 35, Section 12, and report back to us on what they do find as far as feasibility study.

Thereupon, the Order received passage and was sent up for concurrence.

### House Reports of Committees

Mr. Emery from the Committee on Legal Affairs on Bill "An Act to Revise the Laws on Snowmobiles" (H. P. 1736) (L. D. 2182) reporting "Ought not to pass"

In accordance with Joint Rule 17-A, was placed in the legislative files and sent to the Senate.

### Leave to Withdraw

Mr. Greenlaw from the Committee on Marine Resources on Bill "An Act to Provide for the Disposition of Herring Unfit for Human Consumption" (H. P. 1741) (L. D. 2187) reporting Leave to withdraw.

Same gentleman from same Committee reporting same on Bill "An Act Prohibiting V-notching or Similar Practices on Lobsters" (H. P. 1776) (L. D. 2248)

Mr. Bunker from same Committee reporting same on Bill "An Act Relating to the V-notching of Lobsters" (H. P. 1834) (L. D. 2325)

Mr. Curran from Committee on Natural Resources reporting same on Bill "An Act to Clarify the Law Relating to Disposal of Septic Tank or Cesspool Wastes" (H. P. 1690) (L. D. 2083)

Reports were read and accepted and sent up for concurrence.

### Consent Calendar

#### First Day

(H. P. 1687) (L. D. 2080) Emergency Bill "An Act to Authorize a Solid Waste Collection and Disposal System in Kennebec County" — Committee on County Government reporting "Ought to pass"

(H. P. 1695) (L. D. 2088) Bill "An Act Clarifying Sprinkler System Requirements in Boarding Homes" — Committee on Health and Institutional Services reporting "Ought to pass" as amended by Committee Amendment "A" (H 643)

(H. P. 1705) (L. D. 2098) Bill "An Act Relating to Safety Glazing" — Committee on Legal Affairs reporting "Ought to pass"

(H. P. 1771) (L. D. 2243) Bill "An Act Relating to the Regulation and Control of Dogs" — Committee on Legal Affairs re-

porting "Ought to pass" as amended by Committee Amendment "A" (H-644)

(H. P. 1747) (L. D. 2206) Bill "An Act to Clarify the Law Relating to Fishery Inspection" — Committee on Marine Resources reporting "Ought to pass"

(H. P. 1763) (L. D. 2231) Bill "An Act to Provide Inspection Fees for Certain Herring Products" — Committee on Marine Resources reporting "Ought to pass"

No objection having been noted, were assigned to the Consent Calendar's Second Day list.

### Consent Calendar

#### Second Day

(H. P. 1668) (L. D. 2061) Bill "An Act Permitting Northern Maine General Hospital of Eagle Lake to Maintain a Nursing Home" Emergency.

(H. P. 1784) (L. D. 2256) Resolve to Reimburse Erlon Ricker of Litchfield for Loss of Poultry Due to Activities of the State Police

(H. P. 1657) (L. D. 2050) Bill "An Act Relating to the Weights and Measure Law"

(H. P. 1682) (L. D. 2075) Bill "An Act Relating to Definition of Nursery Stock under Nursery Law"

No objection having been noted, were passed to be engrossed and sent to the Senate.

### Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

Bill "An Act to Amend the Motor Vehicle Financial Responsibility Law" (S. P. 747) (L. D. 2159)

Tabled — January 18, by Mr. Deshaies of Westbrook.

Pending — Motion by Mrs. Baker of Orrington to accept the Majority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: Under the Financial Responsibility Law, which was passed several years ago, this law was acted on in order to protect the motorist who carries insurance, when he has received damages by the motorist who carries no insurance. But did you know, ladies and gentlemen, that when a date is set up for a hearing by the Director of Financial Responsibility that the

only person receiving the notice of the date of such a hearing is the uninsured motorist who carries no insurance. I feel that it is only fair that the insured motorist should also receive such a notice of the date of the hearing in order for him to appear if he so wishes in order to protect his own interests. And this is all that this bill will do if it passes.

If you agree, ladies and gentlemen, that the insured motorist should also receive a notice to appear at the hearing, I hope that you will vote for the pending "ought not to pass" motion and concur with the Senate. And this is the reason why that I signed the ought to pass report, because I feel that the person who goes out and buys insurance for protecting the public should also receive a notice to appear at such a hearing when he has been damaged by someone who has no insurance. I think that the public should be protected. So I hope that you will agree with me.

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

Mr. PERKINS: Mr. Speaker, and Members of the House: As a point of clarification, my good friend from Sanford has indicated that this is to protect the insured motorist. I would say that it doesn't really matter whether the two motorists involved in a motor vehicle accident are insured or that one is and one isn't.

Under the law as it presently stands, on a determination that an individual does not have insurance, and he is involved in a motor vehicle accident, he must obtain insurance before he can get back on the road. Additional to that, is the fact that if one of them, from the reports as obtained and given to the Secretary of State show, that the individual does not have coverage and he is liable, show that he is at fault for the accident, then the law says that he will not put his automobile back on the road until he has paid the other party the amount of damages that are due him for his motor vehicle, or the damages caused by the accident. The fact that the other fellow does not or does have insurance really doesn't matter. It is a question of from the reports as to who appears liable for the accident.

Secondly, the administrative hearing is asked for by that individual who has

had his license taken away. He asks the Secretary of State's office to set up a hearing with the Administrative Officer to determine whether or not the original determination of his being at fault is in fact true. Now, it is not the intent that hearing be an adversary proceeding. Your hearing examiner is there by himself with one secretary. And, unfortunately, there will be a room full of people.

Now, if you provide notice to the other party to come in while I appear before the examiner and indicate to him why you don't think I am fault, what normally happens is a shouting match. You come into what is a Donnybrook in the form of a legal proceeding, when, in fact, there are no legal technicalities involved in this. And what has happened in the past when they have tried this is that you have a slow up in the amount of cases or the number of cases that are heard by a hearing examiner. If you could see the list of cases that are being heard before the hearing examiners, and that involves all cases of deprivation of license, you would see that it is very extensive.

We heard in committee, to do this would amount to setting up a court-type of procedure in which each party came before the hearing examiner and argued whether or not they were in fact at fault. The hearing examiner, or the evidence we heard in committee, was to the effect that if the reports, as they have been presented by the parties, indicate that this person who has asked for the hearing comes before the hearing examiner, if he is at fault, the fact that he gets in there and lies will not be offset by that report. Consequently, it does not appear necessary, and it would appear to be an exceptional cost that the State need not incur.

I would go one step further and say that this has no bearing whatsoever on the fact that the party may already be in litigation before the courts of law with respect to the accident. Suit may already have been brought. That is the adversary proceeding that should be concerned with. And we should not bring it, in my opinion, into the hearing examiner's room.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker, Ladies



and Gentlemen of the House: I very much do not like to disagree with my good friend, Mr. Perkins, who was on my Committee, voted the other way. But I have been in the insurance business, and I have had people come in the office on many occasions. They were never called on these hearings because the law did not provide for it. But these cases went along for quite a long time, and their damages were never taken care of.

These young fellows or anyone who didn't have insurance went on the road and damaged these people's property, kept on driving several months or a year or so without them receiving any remuneration or hearing from financial responsibility. And I also would like to say, which I don't like to mention, but I think it is my duty to say so, that in committee Mr. Perkins himself mentioned he had people that went to him that were insured and they had the same experience that we have had with people that were insured in our office. So I feel that all this bill calls for is a notice for the person who has had damages to appear as well as the one that was uninsured. Is that asking too much for one that has paid an insurance policy, and as it was brought out in committee, these people were uninsured, haven't carried insurance, they will come in to the hearing and will say, "Well the other party that was insured, he was just as much to blame as I was." If the person wasn't there to protect himself, I don't see that this is right. I think it is only fair that the one that pays for insurance, has had damages, that he should be there to protect his rights as well as the uninsured person.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker, Ladies and Gentlemen of the House: It strikes me that if you are in an accident with someone that isn't insured, we have a financial responsibility law because we want to provide an inducement to people to be insured, because we know that an accident can happen to any of us, and under the wrong circumstances any of us can be at fault.

I think not only the gentleman from South Portland, Mr. Perkins and I, who perhaps have dealt with these things in

everyday instances, but all of you with practical sense that comes from business or your occupation know that if only one side of the story is told, the decision may not be a right or fair one. I personally find it a very weak argument to the effect that if we bring in the other side of the story there will be more people in the hearing room. What are we concerned with, the size of the hearing room or giving a fair hearing? I agree with Mr. Perkins that the procedure should be informal, and I am certain they are and can continue to be informal.

I think it is a fair thing to ask a man whose car has been damaged or who has been injured in an accident, before you give this other chap that appears to be at fault for the accident back his license and let him go scot free, what is your side of the story. I think that is the American way; we listen to both sides.

So I hope you go along with Mr. Gauthier on this.

Mr. Gauthier of Sanford requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentlewoman from Orrington, Mrs. Baker, that the House accept the Majority "Ought not to pass" Report on Bill "An Act to Amend the Motor Vehicle Financial Responsibility Law," (S. P. 747, L. D. 2159), in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

### ROLL CALL

YEA — Ault, Baker, Birt, Bither, Bragdon, Cameron, Churchill, Cressey, Donaghy, Dunn, Dyar, Hamblen, Hofses, Huber, Hunter, Jackson, Kelley, Knight, Lawry, Littlefield, MacLeod, McCormick, Norris, Parks, Perkins, Pratt, Shaw, Simpson, L. E.; Sproul, Trask, Trumbull, Walker, Wheeler, White.

NAY — Albert, Berry, G. W.; Berube, Binnette, Boudreau, Brawn, Bunker,

Bustin, Carey, Carter, Chick, Chonko, Clark, Cote, Cottrell, Crommett, Curran, Davis, Deshaies, Dow, Drigotas, Dudley, Emery, D. F.; Evans, Farley, Farnham, Farrington, Faucher, Fecteau, Finemore, Fraser, Gahagan, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Immonen, Jacques, Kauffman, Kelley, R. P.; Keyte, LaPointe, LeBlanc, Lewis, E.; Lewis, J.; Lynch, Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, McNally, McTeague, Merrill, Morin, L.; Morin, V.; Morton, Murchison, Murray, Najarian, O'Brien, Palmer, Ricker, Rolde, Rollins, Ross, Silverman, Smith, D. M.; Smith, S.; Snowe, Stillings, Strout, Susi, Talbot, Tanguay, Theriault, Tierney, Tyndale, Twitchell, Webber, Whitzell, Willard, Wood, M. E., The Speaker.

ABSENT — Berry, P. P.; Briggs, Brown, Carrier, Conley, Connolly, Cooney, Curtis, T. S., Jr.; Dam, Dunleavy, Ferris, Flynn, Garsoe, Haskell, Herrick, Jalbert, Kelleher, Kilroy, LaCharite, Mills, Mulkern, Peterson, Pontbriand, Santoro, Sheltra, Shute, Soulas.

Yes, 34; No, 90; Absent, 27.

The SPEAKER: Thirty-four having voted in the affirmative and ninety in the negative, with twenty-seven being absent, the motion does not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted in concurrence. The Bill was read once and assigned for second reading tomorrow.

The Chair laid before the House the second tabled and today assigned matter:

Bill "An Act Relating to Use of Name of the State by Nonprofit Corporations" (S. P. 803) (L. D. 2297)

Tabled — January 18, by Mr. Emery of Rockland.

Pending — Acceptance of the Committee "Ought to pass" Report.

Thereupon, the Report was accepted in concurrence, the Bill read once and assigned for second reading tomorrow.

On motion of Mr. Birt of East Millinocket,

Adjourned until eleven o'clock tomorrow morning.