

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One-Hundredth Legislature

OF THE

STATE OF MAINE

1961

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Friday, April 14, 1961

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

Prayer by the Rev. Mr. P. Bishop Covell of the Court Street Baptist Church of Auburn.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that House Paper 487, Legislative Document 687, Resolve Regulating Fishing in Certain Waters of Aroostook County be recalled from the Legislative Files to the Senate (S. P. 517)

Came from the Senate read and passed.

In the House, the Order was read.

The SPEAKER: The Chair recognizes the gentleman from Woodstock, Mr. Whitman.

Mr. WHITMAN: Mr. Speaker and Members of the House: I would like to relate just a little of the history of this bill. Legislative Document 687 was a fishing resolve reported out of the committee unanimous "Ought not to pass" and killed by this House, or the unanimous "Ought not to pass" Report was accepted on March 17; and since that time it has gone through the procedures and wound up in the legislative file. It seems to me that we should be consistent and stand by our committees and our former actions in the House, and for that reason I move that this order be indefinitely postponed.

The SPEAKER: The question now before the House is the motion of the gentleman from Woodstock, Mr. Whitman, that this order be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Wade.

Mr. WADE: Mr. Speaker and Ladies and Gentlemen of the House: This bill and the reference that

the gentleman from Woodstock, Mr. Whitman, just made is frankly an error of the Fish and Game Committee. Through a misunderstanding the bill was reported out unanimously "Ought not to pass." An investigation proved that the recommendation of the committee was very definitely in error, and the committee realized it and wanted to correct its own error; and that is the reason that this item one is appearing on the calendar this morning.

I am completely in sympathy with Mr. Whitman's remarks, but I think this is an unusual incident. Therefore, I sincerely hope that he will reconsider his motion, or that the House in its wisdom will not go along with the motion for indefinite postponement, because definitely it was an error of the committee.

The SPEAKER: The motion of the gentleman from Woodstock, Mr. Whitman, is that this Order be indefinitely postponed. All those in favor say aye; those opposed, no.

A viva voce vote being taken, the motion did not prevail.

Thereupon, the Order received passage in concurrence.

**Non-Concurrent Matter
Tabled Later in Today's Session**

Bill "An Act Increasing Tax on Milk Producers for Promotional Purposes" (H. P. 866) (L. D. 1201) which was indefinitely postponed in the House on April 5, to which action the House adhered on April 12.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed in non-concurrence and asking for a Committee of Conference, with the following Conferencees appointed on its part:

Messrs. PARKER of Piscataquis
PIKE of Oxford
ERWIN of York

In the House: On motion of Mr. Baxter of Pittsfield, tabled later in today's session pending further consideration.

From the Senate: The following Communication:

State of Maine
Senate Chamber
Office of the Secretary

April 12, 1961

Hon. Harvey R. Pease
Clerk of the
House of Representatives
100th Legislature
State House, Augusta, Maine
Sir:

Relative to the disagreeing action of the two branches of the Legislature on House Paper 723, Legislative Document 790, "An Act relating to Uniforms for Deputy Sheriffs" the Senate voted to join a Committee of Conference, and the President appointed the following conferees on the part of the Senate:

Senators: WYMAN of Washington
COLE of Waldo
STILPHEN of Knox

Respectfully yours,

(Signed) CHESTER T. WINSLOW
Secretary

In the House, the Communication was read and ordered placed on file.

Senate Order Out of Order

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, April 18th, at 10 o'clock in the morning. (S. P. 518)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

The SPEAKER: At this time the Chair will request the gentleman from Pittsfield, Mr. Baxter, to approach the rostrum to assume the office of Speaker pro tem.

Thereupon, Mr. Baxter assumed the Chair as Speaker pro tem and Speaker Good retired from the Hall.

House Reports of Committees Leave to Withdraw

Mr. Crockett from the Committee on Highways on Resolve Designating Causeway to Cousins Island as "The Carl W. Seabury Highway"

(H. P. 592) (L. D. 813) reported Leave to Withdraw

Mr. Rust from the Committee on Judiciary reported same on Bill "An Act relating to Authority of Certain Railroad Police" (H. P. 389) (L. D. 1223)

Reports were read and accepted and sent up for concurrence.

Covered by Other Legislation

Mr. MacGregor from the Committee on Towns and Counties on Bill "An Act Increasing Salary of Register of Probate of Kennebec County" (H. P. 641) (L. D. 858) covered by other legislation.

Report was read and accepted and sent up for concurrence.

On motion of the gentlewoman from Stonington, Mrs. Shepard, House Rule 25 was suspended for the remainder of today's session in order to permit smoking.

Ought Not to Pass

Mr. Durgin from the Committee on Education reported "Ought not to pass" on Bill "An Act relating to Capital Outlays by School Administrative Districts" (H. P. 967) (L. D. 1332)

Mr. Estey from same Committee reported same on Bill "An Act to Increase the Subsidy Bonus for School Administrative Districts" (H. P. 963) (L. D. 1328)

Mr. Levesque from same Committee reported same on Resolve Appropriating Moneys for Vocational Educational Institute in Androscoggin County (H. P. 74) (L. D. 116)

Mr. Beane from the Committee on Judiciary reported same on Bill "An Act relating to Motor Vehicle Operators with Certain Alcoholic Content in Blood" (H. P. 29) (L. D. 63)

Mr. Berman from same Committee reported same on Bill "An Act Requiring Parking Meters to Indicate Elapsed Time" (H. P. 997) (L. D. 1384)

Mr. Rust from same Committee reported same on Bill "An Act to Revise the Civil Defense and Public Safety Council Law" (H. P. 811) (L. D. 1126)

Mr. Danes from the Committee on Towns and Counties reported

same on Bill "An Act Providing for Construction and Maintenance of School Buildings by the Several Counties" (H. P. 948) (L. D. 1296)

Reports were read and accepted and sent up for concurrence.

Covered by Other Legislation

Mr. Minsky from the Committee on Judiciary on Bill "An Act relating to Fee for Entry of Civil Action in Superior Court" (H. P. 891) (L. D. 1225) reported "Ought not to pass", as covered by other legislation.

Mr. Smith from same Committee reported same on Bill "An Act Repealing Reckless Homicide Statute" (H. P. 322) (L. D. 474)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mrs. Shaw from the Committee on Towns and Counties on Bill "An Act Permitting Municipalities to Contract for Public Telephones Along Public Ways" (H. P. 856) (L. D. 1170) reported same in a new draft (H. P. 1120) (L. D. 1543) under same title and that it "Ought to pass"

Mr. Dunn from the Committee on Transportation on Bill "An Act relating to Weight of Commercial Vehicles" (H. P. 718) (L. D. 917) which was recommitted, reported same in a new draft (H. P. 1119) (L. D. 1541) under same title and that it "Ought to pass"

Reports were read and accepted, the New Drafts read twice and assigned the next legislative day.

Ought to Pass Printed Bills

Mr. Sirois from the Committee on Education reported "Ought to pass" on Bill "An Act relating to Use of Appropriation for Education of Physically Handicapped and Exceptional Children" (H. P. 736) (L. D. 1024)

Mr. Berman from the Committee on Judiciary reported same on Bill "An Act relating to Actions for Injuries Causing Death" (H. P. 316) (L. D. 468)

Mr. Knight from same Committee reported same on Bill "An Act relating to Duties of the Attorney General" (H. P. 1021) (L. D. 1422)

Mr. Thornton from same Committee reported same on Bill "An Act relating to Disqualifying Interest of Judge or Register of Probate" (H. P. 987) (L. D. 1374)

Mrs. Baker from the Committee on Towns and Counties reported same on Bill "An Act relating to Rental of Northern Cumberland Municipal Court" (H. P. 66) (L. D. 108)

Reports were read and accepted, the Bills read twice and assigned the next legislative day.

Ought to Pass with Committee Amendment

Mr. Berman from the Committee on Judiciary on Bill "An Act relating to Costs and Fees in Civil Cases in Municipal and Trial Justice Courts" (H. P. 141) (L. D. 204) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 141, L. D. 204, Bill, "An Act Relating to Costs and Fees in Civil Cases in Municipal and Trial Justice Courts."

Amend said bill by striking out in the 13th line the underlined figure "3" and inserting in its place thereof the underlined figure "2"

Further amend said bill by deleting the last paragraph on page 2.

Committee Amendment "A" was adopted and the Bill assigned for third reading the next legislative day.

Mr. Smith from the Committee on Judiciary on Bill "An Act relating to Fees of Clerks of Courts for Entry of Action and Motion" (H. P. 993) (L. D. 1380) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 993, L. D. 1380, Bill, "An Act relating to Fees of Clerks of Courts for Entry of Action and Motion."

Amend said bill by striking out in the 4th line the underlined figure "5" and inserting in its place thereof the underlined figure "2"

Further amend said bill by deleting lines 5, 6, 7, 8, and 9

Committee Amendment "A" was adopted and the Bill assigned for third reading the next legislative day.

Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act Providing for Professional Immunity to Physicians and Osteopaths in Emergency Cases" (H. P. 62) (L. D. 104)

Report was signed by the following members:

Messrs. ERWIN of York
MARDEN of Kennebec
— of the Senate.

Messrs. MINSKY of Bangor
SMITH of Bar Harbor
BERMAN of Auburn
THORNTON of Belfast
KNIGHT of Rockland
— of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. BOARDMAN of Washington
— of the Senate.

Messrs. RUST of York
BEANE of Augusta
— of the House.

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Strong, Mr. Smith.

Mr. SMITH: Mr. Speaker, this bill is sponsored by the gentleman from Farmington, Mr. Jones, and I notice he isn't here today. I think he would like to say something about it and I would like to table it until the next legislative day.

Thereupon, the two Reports and Bill were tabled pending acceptance of either Report and specially assigned for Tuesday, April 18.

Divided Report Tabled and Assigned

Majority Report of the Committee on Towns and Counties reporting "Ought to pass" on Bill "An Act relating to Compensation of Medical Examiners for View Without Autopsy" (H. P. 162) (L. D. 225)

Report was signed by the following members:

Messrs. WYMAN of Washington
ERWIN of York
— of the Senate.

Mrs. SHAW of Chelsea
Messrs. TWEEDIE of Mars Hill
DANES of South Portland
JONES of Farmington
— of the House.

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

Report was signed by the following members:

Mr. PIKE of Oxford
— of the Senate.

Messrs. BEANE of Moscow
MacGREGOR of Eastport
Mrs. BAKER of Orrington
— of the House.

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Chelsea, Mrs. Shaw.

Mrs. SHAW: Mr. Speaker, as this bill is one of the gentleman from South Portland, Mr. Danes, I move that it be tabled to the next legislative day.

Thereupon, the two Reports and Bill were tabled pending acceptance of either Report and specially assigned for Tuesday, April 18.

Divided Report Tabled and Assigned

Report "A" of the Committee on Labor reporting "Ought to pass" on Bill "An Act relating to Compensation for Injuries under Workmen's Compensation Law" (H. P. 937) (L. D. 1285)

Report was signed by the following members:

Messrs. COUTURE of Androscoggin
MAYO of Sagadahoc
— of the Senate.

Messrs. JOBIN of Rumford
BROWN of South Portland
WINCHENPAW
— of Friendship
— of the House.

Report "B" of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Mr. EDMUNDS of Aroostook
— of the Senate.

Messrs. HANCOCK of Nobleboro
HARDY of Hope
THAANUM of Winthrop
BOISSONNEAU
— of Westbrook
— of the House.

Reports were read.

Mr. JALBERT: Mr. Speaker!

The SPEAKER pro tem: The Chair recognizes the gentleman from Hope, Mr. Hardy.

Mr. HARDY: Mr. Speaker and Ladies and Gentlemen: I would like to—

Mr. JALBERT: Mr. Speaker, I rise to a point of order.

The SPEAKER pro tem: The gentleman may state his point of order.

Mr. JALBERT: Mr. Speaker, my point of order is that I said "Mr. Speaker" immediately after the word "House" was stated, and I would like to know why I wasn't recognized first.

The SPEAKER pro tem: The Chair in his discretion recognized the gentleman from Hope, Mr. Hardy.

Mr. Hardy may proceed.

Mr. HARDY: Thank you, Mr. Speaker. Ladies and Gentlemen of the House: I would like to take you back a few years in what the action has been in regard to this bill. I will only go back to '53. At that time we paid weekly maximum benefits here in Maine of \$27.00 for a total of \$10,500. In 1955 that was increased to \$30.00 and \$12,000; in 1957 it was increased to \$35.00 and \$14,000; the '59 session it was changed to \$39.00 and \$19,500.

Now this bill we have before us today proposes to make a change to \$45.00 a week, which as you can see from the figures I have just given you are considerably more in one boost than we have been having. Maine today stands at a \$39.00 maximum and that is the average of the other New England States. The other New England States on total maximum benefits, the total

disability, is \$13,800 and we stand now at \$19,500.

This is just another one of these increases. It has been estimated that the insurance rates of these companies will go up 5.5 percent if this bill is passed. We have, as I have told you, a condition here in Maine right in the middle, in fact a little above average, for the other New England States, and I don't consider that at this time, where we are trying more or less to get this industry on a good healthy basis and have more industry come in, that we should be contemplating increase in costs like this; and I therefore at this time would move indefinite postponement of this bill and accompanying papers.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Hope, Mr. Hardy, that this Bill be indefinitely postponed.

The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, because there is a pending conference concerning this bill that might clarify the situation, I move this item lie on the table.

The SPEAKER pro tem: Did the gentleman assign a date?

Mr. JALBERT: No.

The SPEAKER pro tem: The question now before the House is on the motion of the gentleman from Lewiston, Mr. Jalbert, that the Reports and Bill be tabled unassigned pending the motion of the gentleman from Hope, Mr. Hardy, that both Reports and the Bill be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed.

Passed to Be Engrossed

Bill "An Act Providing for School Bus Shelters for School Children" (S. P. 513) (L. D. 1530)

Bill "An Act to Authorize the Construction of a Causeway Connecting Cousins Island with Littlejohns Island, and a Bridge and Causeway Connecting Littlejohns with Chebeague Island" (H. P. 591) (L. D. 812)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

Third Reader Amended

Bill "An Act relating to Definition of Public School under Maine State Retirement System" (H. P. 1117) (L. D. 1539)

Was reported by the Committee on Bills in the Third Reading and read the third time.

Mr. Chapman of Gardiner offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1117, L. D. 1539, Bill, "An Act relating to Definition of Public School Under Maine State Retirement System."

Amend said Bill by striking out all of the last paragraph and inserting in place thereof the following:

"Public school" shall mean any public school conducted within the State under the authority and supervision of a duly elected board of education, superintending school committee or school directors and any school which received any direct state aid in 1950, and municipal tuition funds amounting to at least the amount of such state aid, during the same year. **For purposes of the retirement system, Good Will Home Association and Oak Grove School shall be considered as public schools.**

House Amendment "A" was adopted and the Bill passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

Resolve Providing for Publication of Maine's Water Recreational Facilities" (H. P. 1118) (L. D. 1540)

Was reported by the Committee on Bills in the Third Reading, read the second time, passed to be engrossed and sent to the Senate.

Amended Bills

Resolve Proposing an Amendment to the Constitution Authorizing the Construction of Industrial Buildings (S. P. 362) (L. D. 1095)

Was reported by the Committee on Bills in the Third Reading, read the second time, passed to be engrossed as amended by Senate Amendment "A" and sent to the Senate.

Bill "An Act relating to Control of Missiles and Rockets" (S. P. 430) (L. D. 1390)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

Passed to Be Enacted

An Act Providing for Three Medical Examiners for Franklin County (S. P. 188) (L. D. 434)

An Act Modifying the Notice Required on Finance Board Budget Recommendations to City Council of Lewiston (S. P. 294) (L. D. 905)

An Act relating to Passage of Ordinances by Lewiston City Council (S. P. 329) (L. D. 1004)

An Act relating to Jurisdiction of Public Utilities Commission over Motor Vehicles Carrying Passengers for Hire (S. P. 484) (L. D. 1476)

An Act Exempting Oil Burnermen from Plumbing License Requirements for Specific Installations (H. P. 405) (L. D. 580)

An Act Increasing Number of Medical Examiners in Washington County (H. P. 429) (L. D. 604)

An Act to Define Plumbing (H. P. 518) (L. D. 716)

An Act Eliminating Smokeless Powder from Explosives Regulations (H. P. 610) (L. D. 827)

An Act relating to Superintending School Committee of Town of Kennebunkport (H. P. 616) (L. D. 833)

An Act relating to Superintending School Committee of Town of Kennebunk (H. P. 617) (L. D. 834)

An Act relating to Public Funds for Wiscasset Municipal Airport (H. P. 642) (L. D. 859)

An Act Increasing Compensation of Jurors (H. P. 643) (L. D. 860)

An Act Increasing Number of Medical Examiners in Aroostook County (H. P. 713) (L. D. 990)

An Act to Incorporate the Calais Water District (H. P. 770) (L. D. 1067)

An Act Permitting Counties to Reimburse Other Counties When Court Cases Transferred (H. P. 783) (L. D. 1179)

An Act Authorizing Sagadahoc County to Reimburse Cumberland

County for Certain Court Costs (H. P. 784) (L. D. 1065)

An Act relating to Specially Designed Motor Vehicle Number Plates for Representatives of Indian Tribes at the Legislature (H. P. 1047) (L. D. 1447)

An Act relating to Inspection and Supervision of Public Improvements by Bureau of Public Improvements (H. P. 1098) (L. D. 1511)

An Act Amending Charter of City of Westbrook (H. P. 1105) (L. D. 1521)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Enactor Amended

Resolve relating to Opening Date for Open Water Fishing on Certain Waters (S. P. 34) (L. D. 59)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Mr. Wade of Skowhegan, the House voted to suspend the rules and to reconsider its action of April 7 whereby the Resolve was passed to be engrossed.

Thereupon, Mr. Wade of Skowhegan offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to S. P. 34, L. D. 59, Resolve, relating to Opening Date for Open Water Fishing on Certain Waters.

Amend said Resolve by inserting between the captions "**Kennebec County**" and "**Franklin County**" the following:

'Knox County
Iron Pond Washington Township'

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

Finally Passed

Resolve Regulating Fishing in Eagle Lake, St. Froid Lake and Long Lake, Aroostook County (H. P. 396) (L. D. 571)

Resolve Regulating Ice Fishing on Millimagasset Lake, Mooseleuk Lake and Big Machias Lake (H. P. 485) (L. D. 685)

Resolve Designating Certain Bridges of the Interstate System Across the Kennebec River as "Clinton A. Clauson Memorial Bridges" (H. P. 808) (L. D. 1122)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, all signed by the Speaker and sent to the Senate.

Orders of the Day

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

HOUSE DIVIDED REPORT—Majority Ought Not to Pass—Minority Ought to Pass—Committee on Transportation on Bill "An Act Permitting Certain Commercial Vehicles to Exceed Weight Limits." (H. P. 560) (L. D. 757)

Tabled — March 29, by Mr. Johnson of Smithfield.

Pending — Acceptance of Either Report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Smithfield, Mr. Johnson.

Mr. JOHNSON: Mr. Speaker, Ladies and Gentlemen of the House: I have an amendment to this bill and would move acceptance of the Minority "Ought to pass" Report.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Smithfield, Mr. Johnson, that the House accept the Minority "Ought to pass" Report of L. D. 757. Is this the pleasure of the House?

The motion prevailed.

Thereupon, the Bill was read twice.

Mr. Johnson of Smithfield offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 560, L. D. 757, Bill, "An Act Permitting Certain Commercial Vehicles to Exceed Weight Limits."

Amend said Bill by striking out everything after the last line of the table, which reads "31 and over. . . . 50,000 60,000" and inserting in place thereof the following:

"provided, however, that no vehicle shall have a gross weight imparted to any road surface of more than 22,000 pounds on any

one axle, and no vehicle having 2 or more axles less than 8 feet apart shall be operated, or caused to be operated, with more than 18,000 pounds imparted to the road surface from either axle or 32,000 pounds from both axles; provided further, that no vehicle shall be so operated, or caused to be operated, when the load imparted to the road surface is greater than 600 pounds per inch width tire, manufacturer's rating; except, however, that 3-axle trucks with brakes on the wheels of all axles hauling forest products may be operated for a gross weight of 48,000 pounds with a distance between the extreme axles of not less than 18 feet, and except further that 3-axle trucks with 2 rear axles driven and with brakes on wheels of all axles, hauling forest products may be operated upon the payment of an additional license fee of \$75 during the months of December, January and February at 15 percent in excess of the maximum gross weight permitted and that tractor-trailer combinations hauling forest products may be operated upon the payment of an additional license fee of \$75 during the months of December, January and February at 15 percent in excess of the maximum gross and axle weights permitted, not, however, permitting, validating or in any way applying to the use of the Interstate System as defined in the Federal Aid Highway Act of 1956 by vehicles with weights carried on any one axle, tandem axle weights or overall gross weight or with width in excess of the applicable maximum weights or maximum widths permitted by the provisions of section 108 (i) of the Federal Aid Highway Act of 1956 and except, further, that 3-axle trucks with brakes on the wheels of all axles hauling construction materials may be operated for a gross weight of 48,000 pounds with a distance between the extreme axles of not less than 16 feet and except that in special cases, special permits for the transportation of individual shipments in loads of greater gross weights may be granted by the State Highway Commission or such appropriate commission or official as is duly authorized elsewhere in

this chapter. All trucks with 4 or more axles shall have adequate brakes on the wheels of all axles.'"

House Amendment "A" was adopted and the Bill assigned for third reading the next legislative day.

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

HOUSE REPORT — Ought Not to Pass — Covered by Other Legislation — Committee on Judiciary on Bill "An Act relating to Transportation of School Children to Private Schools." (H. P. 114) (L. D. 154)

Tabled — April 7, by Mr. Johnson of Smithfield.

Pending — Acceptance of Report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Waterville, Mr. Lane.

Mr. LANE: Mr. Speaker, Ladies and Gentlemen of the House: Pending the outcome of a companion bill which will be voted upon in the other body, and I assure the members of this House that as soon as we know the position of this bill, I shall remove this bill from the table. I now move this item lie upon the table unassigned.

Thereupon, the Report and Bill were tabled pending acceptance of the Report and unassigned.

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

HOUSE DIVIDED REPORT—Majority Ought Not to Pass — Minority Ought to Pass with Committee Amendment "A" — (Filing H-164) —on Resolve to Reimburse Guy Cyr of Hamlin for Property Damage by Highway Relocation. (H. P. 578) (L. D. 798)

Tabled — April 7, by Mr. Johnson of Stockholm.

Pending — Acceptance of Either Report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Ashland, Mr. Prue.

Mr. PRUE: Mr. Speaker, as there are some that are not here today that I know are interested in this bill and would like to talk on this bill, I would like to retable this bill until Wednesday, April 19.

Thereupon, the Reports and Bill were retabled pending acceptance of either Report, and specially assigned for Wednesday, April 19.

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

Bill "An Act Prohibiting Public Employees to Have Pecuniary Interest in Public Contracts." (H. P. 1025) (L. D. 1426)—In House Read the Third Time.

Tabled — April 11, by Mr. Hardy of Hope.

Pending — Motion of Mr. Smith of Strong to Indefinitely Postpone.

The SPEAKER pro tem: The Chair recognizes the gentleman from Strong, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: My reason for asking for this motion to indefinitely postpone the other day was because that I felt that it was a bill that would hurt the small municipalities where they haven't only a few people that will do the civic work in those communities. I have checked since then with the Attorney General and have studied this bill very thoroughly. He assures me that the local municipalities are in no way affected by this bill. My reason for being opposed to this bill therefore has been removed. And in order to give it free rein to whomsoever might wish to conduct it on from here, I would withdraw my motion to indefinitely postpone.

The SPEAKER pro tem: The Chair understands that the gentleman from Strong, Mr. Smith, withdraws his motion to indefinitely postpone this item.

The Chair recognizes the gentleman from Hope, Mr. Hardy.

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: As has been indicated to you by the gentleman from Strong, Mr. Smith, this does not affect municipalities, but while we were discussing this thing with the Attorney General we find that the word employees is too broad in scope, and we would like to table this for one week from today to see if we can amend this word employees to something that isn't quite so all conclusive.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Hope, Mr. Hardy, that item 4, Bill "An Act Prohibiting Public Employees to Have Pecuniary Interest in Public Contracts," be tabled until Friday, April 21. Is this the pleasure of the House?

The motion prevailed.

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

HOUSE DIVIDED REPORT—Majority Ought Not to Pass — Minority Ought to Pass — Committee on Business Legislation on Bill "An Act to Regulate Issuance of Trading Stamps." (H. P. 461) (L. D. 661)

Tabled — April 12, by Mr. Lane of Waterville.

Pending — Motion of Mr. Chapman of Gardiner to Accept Majority Ought Not to Pass Report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Harrison, Mr. Morrill.

Mr. MORRILL: Mr. Speaker, Ladies and Gentlemen of the House: On this trading stamp bill, I can appreciate the housewives' interest in trading stamps. Something for nothing. Now I can assure you that if this were true, this bill would not have been before this Legislature. I am interested in the damage they are doing to the small stores and filling stations. There are a few in this category who have not had trouble with these stamps, but on the overall picture you will find that they are doing a great deal of damage not only to the sliding scale of costs, but on the pressure that is forced on dealers to give stamps and more stamps.

Now everyone in this Legislature, if you would take time to interview stores and filling stations in your area, you would find out the real answer to this problem. How small business is being forced to give stamps, forced to get more for their merchandise, and how the consumer is paying very high prices for the premiums obtained.

I'm not going to take the time to go into detail on this problem, because I think that most everyone has had experience with the issue.

I would just like to take time and point out one incident that happened in the Portland area. Of course that's a thickly populated area and there is competition there on stamps.

There was a filling station there, this is one case, now the filling station there was told that he would have one brand of stamps and he would be the only one to have that make of stamps. He was signed on to a contract for stamps and that contract called for \$125 worth of stamps every Monday morning. After he had signed this contract, there were four other stations around him and within a few months they all had the same stamps. Now last August this station that I am speaking of wanted to get out of the stamps of this certain make. He told the stamp salesman that he was giving them up the first of the next month. A few days later three of these stamp salesmen showed up there. He was told that if he dropped these stamps, the stations around him would be giving double and triple stamps until he was out of business. And that was the way they worded it — until he was out of business. I think you could compare them to Al Capone, he used to use a gun — these fellows don't have to. That is one example, I could cite others. But I am going to leave it as it is.

I might say that there is stamp legislation of different types before thirty-one states in the Union this year. Some have not passed in the past weeks, there have been two stamp bills of different nature passed in the country.

I hope that you do not go along with the motion to accept the Majority "Ought not to pass" Report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Moscow, Mr. Beane.

Mr. BEANE: Mr. Speaker, Ladies and Gentlemen of the House: As a small store owner, I can verify what the gentleman said that just spoke.

The SPEAKER pro tem: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: Although I cannot agree

with the gentleman from Harrison, Mr. Morrill, I can very well sympathize with him that most competitive fields have got one gimmick or another, as was used at the hearing. Now by having such a law on our books in the State of Maine, we are just trying to prevent one kind of stamp from being eliminated. Now what is going to prevent any other kinds of gimmicks to be used by any business for promotional purposes and, therefore, not eliminate a competitive market? I don't think that that is the proper law to put on our books as far as eliminating one kind of stamps and keep a hundred other kinds. We have already an industry in the State of Maine and possibly others that have got a business established of making paper. I am not going to name the companies because I do not know all their names and, if I used one, then I would be discriminating against the others. But in the town that I come from, there is a company there that is making some of the paper that is going into this stamp business, and I have got a report from the company here that last year the business amounted to \$1,500,000 worth of business for this company.

Now if we are going to be justified by our statement in saying that we are looking for industry in the State of Maine, would it not be also justifiable to say that we will also protect the industries that we already have in the State of Maine? Unless this law is certainly not going to abolish all stamps, this is only going to pin point on one or few of the stamps that they have already got in the State of Maine.

So, I would say to you, ladies and gentlemen of the House, let us also protect our interests that we have in the State of Maine by not passing such a law. These people that are working need to be kept on the job, and by so taking these stamps out, that we are going to take jobs away from people in the State of Maine, then I say that we ought to accept the "Ought not to pass" Report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mrs. Hendricks.

Mrs. HENDRICKS: Mr. Speaker, Ladies and Gentlemen of the House: It is far beyond my comprehension why anybody would want to make a special effort to interfere with a fine business which we now enjoy in our state, namely the trading stamp business.

Legislative Document 661 is a vicious piece of proposed legislation, and will outlaw the opportunity for many persons to earn a living for their families in these times when the Maine State Legislature and the Maine State Employment Agency is trying to figure out ways to solve the unemployment problem with which so many Maine families are faced today.

The textile mills and the paper mills which supply products for the stamp companies represent millions of dollars of our State's economy.

The stores which employ the people to distribute the merchandise represent many dollars in the employment picture.

The merchandise received for the redeemed stamps is usually the highest quality and if it isn't, the stamp company doesn't last very long.

The housewife, who shops carefully and demands quality and fair price, cannot be overtaken by unethical trade practices; and knows where to go for her purchases and enjoys saving the stamps which she receives from the merchant, who has promoted good will through fair and ethical business methods and practices.

Now, if the customer and the merchant have enjoyed good business relationships the word spreads.

If the merchant wants to repay his customers for their long years of business with a bonus, namely trading stamps, then he has the right to both advertise in this manner and give his longtime customers a bonus for the good will built through the years.

In these days nobody is kidding the housewife. She knows whether or not she is being serviced fairly. She is the little lady who is concerned about whether or not she'll be able to put a few dollars aside for the savings account each week or month after the household necessities have been purchased.

Many of these women are purchasing where trading stamps are given and have been doing so for years, and will continue to do so unless they are outlawed or prevented from so doing by those who are trying to tell this large segment of the purchasing public, namely, the housewives, that they don't know how to shop; therefore something must be done to prevent them from continuing their shopping practices and pleasures.

Saving and redeeming the trading stamps is one of the pleasures that the Maine housewife will not give up without a good fight, so watch out for the rolling pins, boys.

The SPEAKER pro tem: The Chair recognizes the gentleman from York Mr. Rust.

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I would like to bring out for your consideration a very important fact as far as I am concerned. These trading stamp companies spend in excess of a million and one half dollars a year in the State of Maine with our textile industries. Now these same products that they buy here in the State of Maine, they could just as well buy elsewhere, and I think that when our textile industries are in the condition that they are now in, we should not do anything to jeopardize the substantial customer. And for that reason I hope that this bill does not pass.

The SPEAKER pro tem: The Chair recognizes the gentleman from Hallowell, Mr. Choate.

Mr. CHOATE: Mr. Speaker, Ladies and Gentlemen of the House: It is always difficult for me to rise in opposition to a bill which has been presented by a good friend of mine. Representative Morrill is a good legislator, however, and I know that he welcomes an honest expression of difference of opinion.

As a signer of the Majority "Ought not to pass" Report on this bill, I feel that it is my place to rise and explain why I did so. Most of my life has been spent in the retail field, the grocery business, and lately in the monument business. This bill would outlaw stamps, tape savings plans, coupons, certificates, cards and similar de-

vices with packets of soap powder, excepted on a few minor instances. Each retailer in my opinion who is moving forward allocates a certain percentage of his sales to some form of merchandising expense, such as special sales, advertising, public relations activities, community activities or to some similar means of keeping his present customers and attracting new ones. The items which are outlawed by this bill, in my opinion, are merchandising tools. They are used by thousands of retailers throughout the State of Maine. Supporters of this bill say that prices have to be raised to offset the added cost of these merchandising tools. I do not agree with that argument, because I feel that any retailer who is moving forward in a well managed business, includes some form of merchandising expense in his overhead if he wishes to progress and to keep up with competition. I can verify this opinion by several very, very successful retailers who are now using them, and can prove that they have not increased their costs of their merchandise to the consumer.

There is nothing illegal involved in these devices. And this bill certainly has the support—not the bill, but the plans of merchandising—have the support of the public in general. If you want to find that out, just ask the housewife who is saving these, and see what she says to you.

There are some aspects of the trading stamp companies which I don't support. Some of their methods I certainly don't condone, but on the whole, I think that it is not as bad as it is pictured by some of the proponents of this measure.

In conclusion, I would say that I feel very strongly that it is wrong for us as a Legislature to legislate against free enterprise and this is exactly what we are doing if this bill passes. I hope you will support the Majority "Ought not to pass" Report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Biddeford, Mr. Lantagne.

Mr. LANTAGNE: Mr. Speaker and Members of the House: I concur with Mrs. Hendricks from Portland and Mr. Rust from York. And

I will cite you one example of what would have happened at home if this bill should pass.

Although I was unable to attend the hearing on this matter, representatives of both labor and industry from my area have expressed their opposition to this bill. The purchase by trading stamp companies from the Pepperell Plant in Biddeford are large enough to keep one hundred and twenty people from the Biddeford, Saco and Old Orchard area employed for the entire year.

As you may well know, Biddeford has been very hard hit by the loss of some of the textile manufacturers. We should not let these things get any worse by passing this bill.

Passage of this bill would mean a loss of eight percent of the sheeting production and six percent of the blanket production of the Pepperell Mill in Biddeford. This would mean a loss of approximately one hundred eight jobs.

It would also mean a loss of eight percent of the production of the finishing plant of the Pepperell Manufacturing Company in Lewiston or approximately thirty-two jobs. The Pepperell Manufacturing Company has been doing business in Maine since 1844 or for one hundred seventeen years and it has been the bulwark of economy in our city. And I am sure that they cannot afford to lose this amount of business.

For this reason I am very much opposed to the passage of this bill, and I strongly support the motion of the gentleman from Gardiner, Mr. Chapman, to accept the Majority "Ought not to pass" Report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Guilford, Mr. Dodge.

Mr. DODGE: Mr. Speaker, Ladies and Gentlemen of the House: This is the grandest thing I have ever heard of. We can produce millions of dollars in this State for various things and nobody has to pay anything extra. Why, if we had more stuff like that we really would have something. Millions of dollars, they tell us, that's coming into the State from the sales of these stamps, and nobody is paying anything. Imagine it, I tell you this

whole stamp business we have is a parasite on industry. They produce not anything at all, if they give people work to have the stamps and so on, but what about the producer? What are they doing extra for your business, anything? They certainly are not. If we could have something that would produce these millions of dollars we have been telling about, that we are losing without paying for it, it would be fine. You simply can't get something for nothing.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Gardiner, Mr. Chapman, that the House accept the Majority "Ought not to pass" Report on Bill "An Act to Regulate Issuance of Trading Stamps."

The Chair recognizes the gentleman from Brewer, Mr. Ham.

Mr. HAM: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to take much more time on this, but I would like to state for the benefit of the housewives back home in Brewer, that I had quite a bit of mail on this, I've had quite a few calls, and people see me on the street. Now as far as my own opinion on this bill, I'm certainly going along with the judgment of our housewives in my community because to the letter I believe I have had every correspondent and every person that has contacted me on this, which is namely, housewives, has been opposed to this type of legislation. Now I'm going along with their judgment as well as some of the comments that have been made here in respect to our textile industry. For the simple reason I do want to assure my colleague, Mrs. Hendricks, that I too have an eye out for that rolling pin. Thank you.

The SPEAKER pro tem: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, although Representative Bernard is not here this morning, I have a note here on my desk from Representative Bernard that said although he had signed the Minority Report, that since he has signed the Minority Report he has defi-

nately changed his position in regards to this bill and that it should not pass.

The SPEAKER pro tem: The Chair recognizes the gentleman from Oakland, Mr. Morse.

Mr. MORSE: Mr. Speaker, Ladies and Gentlemen of the House: As one of the signers of the "Ought not to pass" report on this bill, I feel that I should say something very brief concerning it. I agree with everyone that has spoken on both sides. There hasn't been a thing that has been brought up that I wouldn't agree with, but I still don't think that we can legislate out a legitimate business even though I've been trying to keep it out of my store for a good many years.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Stonington, Mrs. Shepard.

Mrs. SHEPARD: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to say that I have mixed feelings on this bill as I am a housewife and yet a small business woman. I did sign the Majority Report on this. I can fully understand the ladies' views on this, yet I would also like to say that I can see the businessmen's views and I only hope that the stamp business will never invade the insurance and real estate field.

The SPEAKER pro tem: The Chair recognizes the gentleman from Harrison, Mr. Morrill.

Mr. MORRILL: Mr. Speaker, it has been stated that this bill does not cover all stamps. I believe it does, and it covers other types—tape savers and so forth that come in that same class. Now one thing I would like to bring out, that the opposition to this bill was all from industry in the state. The little storekeepers and filling station operators who had trouble did not dare to show up here because of the incident that I named before. This one filling station that I talked about didn't dare to come up here. He said they'll put me out of business, and he was right.

Now, as for claiming that industry will be hurt in this State, it was brought out in the hearing that all these purchases are put up for bid. Whether the stamp passes

or not, the stamp companies are going to buy their merchandise here. Even if the bill doesn't go through, we could still lose all the business. If one of the other companies put in bids that are lower for the same type of merchandise, we'll lose it. I don't think that big business can say that we're going to hurt them. It's a competitive business and it's up to them, and the stamp people have claimed that they will still buy Pepperell blankets if they buy them at the right price.

As for other groups of — other things outside of stamps, it brings to mind of a store — I will not name where he came from—the gentleman who owns two stores. Last year his stamp bill was \$110,000. I asked this gentleman if he didn't pay that if he could drop prices. He said he most certainly could. He said he wouldn't cut down that much because he would still give prizes. But that amount he cannot afford to give, he can afford to give a few thousands as advertising, but when they're taking two and one half percent of his gross income, how long is he going to last? When you say that stamps do not increase prices, ask some of these stores what they're paying. They tell you they do not increase prices. If they did not have to pay this two and one half percent, they could certainly drop prices. I think that answers that problem.

You say stamps cannot be legislated out. There was one state last year that had the courage to legislate against stamps—the State of Wyoming. The first thing that happened, it went to the Supreme Court of that state and the Supreme Court upheld that law.

Now there's just one other little thing that I would like to get in here. We have one industry that's complaining about how they would lose business in this state. What they are using that they are selling to the stamp companies, they are buying the product that they are making from Canada — Canadian pulp to put into the paper. Is that helping the state? I still hope that this bill receives passage.

The SPEAKER pro tem: The Chair recognizes the gentleman from Easton, Mr. Perry.

Mr. PERRY: Mr. Speaker and Members of the House: All the retail stores and filling stations in my small town favor the passage of this bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, I do not wish to add much to this because I feel it is rather a losing cause, because the people are trying to get something for nothing. I noticed coming up this morning, big signs out, \$100,000, and all you had to do was sign a little slip, and you see that all over, and I think perhaps there is a bill here or there has been a lottery bill, something for nothing. That seems to be—. Now there sure is, no something for nothing in this stamp business. Somebody is paying for it. In fact down in my area there is one filling station handles stamps, and right across the road he does not, and you can buy your gas right across the road for a cent cheaper and in driving across the country, in different states I have been in, when you drive up to a pump some of them will say do you save stamps and you will say no, so you buy your gas a cent cheaper. Now that is just about what the stamps are costing.

Someone says these stamps are saving stamps, why it's an insult to a person's intelligence, because they cannot give you something for nothing. Four years ago when a similar bill was in this Legislature, I made a survey in one county of the small stores, and I found that there were sixteen small stores in one county that were forced to be closed on account of trading stamps. These were small stores out in a residential area, and when they had to put in stamps why they were not making profit enough with the small business they were doing, so they just had to shut up their doors. So I don't know as we will ever get wise enough to get rid of this thing or not, but just let us not fool ourselves. The dear housewives, I think a lot of them, and they are not fooling themselves, they know that Papa

is paying more for his goods, but maybe Papa don't want some of those things so they take that way of getting it.

The SPEAKER pro tem: The Chair recognizes the gentleman from Madawaska, Mr. Levesque, and would remind the gentleman that he has spoken twice in the matter.

Mr. LEVESQUE: Mr. Speaker, might I remind the Chair that I only spoke for Mr. Bernard who had placed this on my desk.

The SPEAKER pro tem: The Chair would rule that this is debate, and the gentleman needs permission of the House to speak a third time on the subject.

Thereupon, Mr. Levesque of Madawaska was granted permission to address the House a third time.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I would like to correct a remark made by my good friend, Mr. Morrill of Harrison, by saying that some of the industries in the State of Maine are getting their pulp entirely from another state or Canada, namely, the good neighbor that we have to our north. I would also like to remind the gentleman that this same company is also employing over 950 people of the people of the State of Maine and are helping to support their families in the State of Maine.

The SPEAKER pro tem: The Chair recognizes the gentleman from Gardiner, Mr. Chapman.

Mr. CHAPMAN: Mr. Speaker and Ladies and Gentlemen of the House: I think that it has been covered pretty much this morning, the pros and cons of this stamp bill. As far as having your prices go up, I have carried the stamps ever since they came into Gardiner, and I am still making 3.9 cents per gallon of gasoline as of this morning, and roughly ten or eleven years ago I was still making 3.9 cents per gallon on gasoline. So under those circumstances, I can't see that I have raised my prices any just to take care of the stamps. I do feel, however, that the out-of-state people and those that are not living in my town, when they go through, they do look for those that have stamps.

Now, just because I happen to be one that possibly took them on to want to increase my business possibly, or at least I thought they would, and they have, why should I be penalized by having the Legislature tell me that I cannot give them out. Now there are other different businesses that advertise that give away different gimmicks, and they seem to think that it does increase their business, and I know that it has increased mine. And when they come to the fact saying about ladies are the only ones that are saving the stamps, I find that if we should take a poll of this House, I wouldn't be surprised if some of the men weren't saving them too for fishing rods and reels and different things that they also like to have in the spring and for hunting in the fall. So I won't elaborate any more on it. I do hope that you accept the motion to accept the ought not to pass report. I would request a division.

The SPEAKER pro tem: The Chair recognizes the gentleman from Rumford, Mr. Jobin.

Mr. JOBIN: Mr. Speaker, I would like to ask a question through the Chair if I may.

The SPEAKER pro tem: The gentleman may proceed.

Mr. JOBIN: The question that I have in mind is this, whether or not this legislation would be completely effective. I am thinking along the lines of some of these various super markets and other stores who rather than issuing stamps, use a registered tape. If this law were enacted, what would prevent them from just going onto this procedure as another means of accomplishing the same end?

The SPEAKER pro tem: The gentleman from Rumford, Mr. Jobin, has asked a question through the Chair to anyone who may answer.

The Chair recognizes the gentleman from Harrison, Mr. Morrill.

Mr. MORRILL: Mr. Speaker, this bill spells out very clearly tape saver plans as well as stamps, and it is understood in the stores that give out tapes that it means that same thing.

The SPEAKER pro tem: Does the gentleman consider his question answered?

Mr. JOBIN: Yes.

The SPEAKER pro tem: The Chair recognizes the gentleman from Ellsworth, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker and Ladies and Gentlemen of the House: I think this document has been quite thoroughly debated. I now ask for a division.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Gardiner, Mr. Chapman, that the Majority "Ought not to pass" Report be accepted on Bill "An Act to Regulate Issuance of Trading Stamps." House Paper 461, Legislative Document 661. The gentleman from Ellsworth, Mr. Anderson, has requested a division. All those in favor of accepting the Majority "Ought not to pass" Report, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Eighty-five having voted in the affirmative and twenty-five having voted in the negative, the motion did prevail, the Majority Report was accepted and sent up for concurrence.

The SPEAKER pro tem: The Chair now lays before the House—for what purpose does the gentleman arise?

Mr. MOORE of Casco: I would like to make an inquiry if we still have L. D. 688 in possession of the Clerk?

The SPEAKER pro tem: L. D. 688 is in possession of the House.

Mr. MOORE: I move that we reconsider the action of yesterday to recede and concur.

The SPEAKER pro tem: The gentleman from Casco, Mr. Moore, moves that with reference to House Paper 488, L. D. 688, Resolve Regulating Ice Fishing on Umsaskis Lake and Long Lake in Aroostook County, that the House reconsider its action, whereby on yesterday it receded and concurred with the Senate.

Mr. MOORE: I move that this lay on the table until Tuesday next.

The SPEAKER pro tem: The gentleman from Casco, Mr. Moore, now moves that this item be tabled pending acceptance of the motion to reconsider. Is this the pleasure of the House?

The motion prevailed and the Resolve and accompanying papers were tabled and specially assigned for Tuesday, April 18.

Mr. WATERMAN of Auburn: Mr. Speaker!

The SPEAKER pro tem: For what purpose does the gentleman arise?

Mr. WATERMAN: I would request permission to remove from the table item 2 on page 1 of today's calendar.

The SPEAKER pro tem: The Chair lays this item before the House without motion, and the Chair would advise the House that reference is now made to item two on page one, Bill "An Act Increasing Tax on Milk Producers for Promotional Purposes," House Paper 866, L. D. 1201, which was indefinitely postponed in the House on April 5, to which action the House adhered on April 12. This bill comes from the Senate with that body voting to insist on its former action whereby the bill was passed to be engrossed in non-concurrence and asking for a committee of conference.

The Chair recognizes the gentleman from Auburn, Mr. Waterman.

Mr. WATERMAN: Mr. Speaker, I now move we recede and concur.

The SPEAKER pro tem: Will the gentleman from Auburn, Mr. Waterman please approach the rostrum?

(Conference at rostrum)

The SPEAKER pro tem: The Chair recognizes the gentleman from Auburn, Mr. Waterman.

Mr. WATERMAN: Mr. Speaker, I move we recede and concur and accept the Majority Report.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Auburn, Mr. Waterman, that the House recede and concur with the Senate in the acceptance of the Majority "Ought to pass" Report.

The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker, it looks to me that there are a great many empty seats in the House today, and I look upon it as an improper time to reverse the action of the House the other day. For that reason, I would move that this matter lie on the table to be assigned for Wednesday of next week.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Perham, Mr. Bragdon, that this Bill be tabled until Wednesday, April 19, pending the motion of the gentleman from Auburn, Mr. Waterman, that the House recede and concur with the Senate. Is this the pleasure of the House?

The motion prevailed.

At this point, Speaker Good returned to the rostrum.

The SPEAKER: The Chair wishes to congratulate the gentleman from Pittsfield, Mr. Baxter, for his usual excellent job as Speaker pro tem.

Thereupon, the Sergeant-at-Arms escorted the gentleman from Pittsfield, Mr. Baxter, to his seat on the Floor amid applause of the House, and Speaker Good resumed the Chair.

On motion of Mr. Fogg of Madison,

Adjourned until Tuesday, April 18, at ten o'clock in the morning.