

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and First  
Legislature*

OF THE

STATE OF MAINE

1963

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Thursday, March 14, 1963

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

Prayer by the Rev. Mr. John W. Meisner of Dover-Foxcroft.

The journal of yesterday was read and approved.

**Papers from the Senate  
Senate Reports of Committees  
Ought Not to Pass**

Report of the Committee on Claims reporting "Ought not to pass" on Resolve in favor of the Town of Holden (S. P. 239) (L. D. 613)

Came from the Senate read and accepted.

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

**Covered by Other Legislation**

Report of the Committee on Inland Fisheries and Game reporting "Ought not to pass" on Bill "An Act Regulating the Open Season on Fisher" (S. P. 314) (L. D. 980), as it is covered by other legislation.

Came from the Senate read and accepted.

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

**Divided Report**

Majority Report of the Committee on Liquor Control reporting "Ought not to pass" on Bill "An Act relating to Definition of Hotel under Liquor Law" (S. P. 479) (L. D. 1331)

Report was signed by the following members:

Mr. KIMBALL of Hancock  
Mrs. CHRISTIE of Aroostook  
— of the Senate.  
Mr. MEISNER  
of Dover-Foxcroft  
Mrs. OAKES of Portland  
Messrs. WADE of Skowhegan  
CHAPMAN of Norway  
— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Mr. JACQUES of Androscoggin  
— of the Senate.

Messrs. TOWNSEND of Baileyville  
BERNARD of Sanford  
— of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.  
The Majority "Ought not to pass" Report was accepted in concurrence.

**Non-Concurrent Matter**

Bill "An Act Providing for Rental Fees to Convert Subdivisions of State with the State Police Teletypewriter System" (H. P. 579) (L. D. 817) which was passed to be engrossed in the House on March 6.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

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

**Non-Concurrent Matter  
Tabled and Assigned**

Bill "An Act to Reduce the Cost of Renewal Fees for Cinematograph Operators' Licenses" (H. P. 720) (L. D. 1049) which was passed to be engrossed in the House on March 5.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House: Report was read.  
(On motion of Mr. Easton of Winthrop, tabled pending further consideration and specially assigned for Tuesday, March 19.)

**Orders**

On motion of Mr. Crockett of Freeport, it was

ORDERED, that a list of registrations of former members of the House of Representatives present for "Welcome Back Day" be made a part of "Appendix A" of the Journal of the House and also be made a part of the Legislative Record of the proceedings of the House for that day.

On motion of Mr. Meisner of Dover-Foxcroft, it was

ORDERED, that Rev. Lorimer Morrison of the United Baptist Church, Dover-Foxcroft, be invited to officiate as Chaplain of the House on Thursday, April 4, 1963.

On motion of Mr. Berry of Cape Elizabeth, it was

ORDERED, that the Members of the House of Representatives extend their sincere congratulations to their esteemed colleague, the Gentleman from Vinalhaven, Mr. Maddox, on his appointment by the Governor and confirmation by the Council as a member of the Penobscot Bay Ferry Advisory Committee. (Applause)

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

**House Reports of Committees Leave to Withdraw**

Mr. Dennett from the Committee on State Government on Bill "An Act relating to Use of the Airport Construction Fund for Privately Owned Airports" (H. P. 792) (L. D. 1145) reported Leave to Withdraw.

Mr. Dostie from same Committee reported same on Bill "An Act to Prevent Employees of State from Receiving Salaries in Excess of Department or Agency Heads" (H. P. 749) (L. D. 1078)

Mr. Laughton from the Committee on Transportation reported same on Bill "An Act Providing for a Pine Tree in Lieu of a Hyphen on Motor Vehicle Registration Plates" (H. P. 956) (L. D. 1390)

Mr. Linnekin from same Committee reported same on Bill "An Act Providing for Tie Rod Locks for Certain Motor Vehicles" (H. P. 955) (L. D. 1389)

Reports were read and accepted and sent up for concurrence.

**Ought Not to Pass**

Mr. Coulthard from the Committee on Agriculture reported "Ought not to pass" on Bill "An Act Abolishing the Maine Milk Commission" (H. P. 82) (L. D. 126)

Mr. Hammond from the Committee on Towns and Counties reported same on Bill "An Act Requiring Line Budget for County Appropriations for All Counties" (H. P. 953) (L. D. 1387)

Reports were read and accepted and sent up for concurrence.

**Ought to Pass in New Draft New Drafts Printed**

Mr. Dennett from the Committee on State Government on Bill "An Act to Create the Bureau of Maine Archives" (H. P. 751) (L. D. 1080) reported same in a new draft (H. P. 1011) (L. D. 1462) under same title and that it "Ought to pass"

Mrs. Shaw from the Committee on Towns and Counties on Bill "An Act Providing for Appointment of Municipal Historians" (H. P. 853) (L. D. 1240) reported same in a new draft (H. P. 1012) (L. D. 1463) 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. Denbow from the Committee on Agriculture reported "Ought to pass" on Bill "An Act relating to the Restriction Against Carnival Performing Near Agricultural Fairs" (H. P. 759) (L. D. 1113)

Mr. Mower from same Committee reported same on Bill "An Act relating to the Appointment of Local Sealers of Weights and Measures" (H. P. 758) (L. D. 1112)

Mr. Berry from the Committee on State Government reported same on Bill "An Act relating to Expenditure of Funds Accruing to Electricians Examining Board" (H. P. 750) (L. D. 1079)

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

**Ought to Pass with Committee Amendment**

Mr. Oberg from the Committee on Business Legislation on Bill "An Act relating to Authority under Non-resident Insurance Agent's License" (H. P. 625) (L. D. 881) 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. 625, L. D. 881, Bill "An Act Relating to Authority Under Nonresident Insurance Agent's License."

Amend said Bill, in the next to the last line, by striking out the underlined words "to the Maine Insurance Department"

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

Mr. Watkins from the Committee on Business Legislation on Bill "An Act Prohibiting Discrimination Among Licensed Optometrists" (H. P. 719) (L. D. 1048) 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. 719, L. D. 1048, Bill "An Act Prohibiting Discrimination Among Licensed Optometrists."

Amend said Bill in the 7th line by striking out the underlined word "shall" and inserting in place thereof the underlined word 'may'

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

Mr. Crommett from the Committee on Towns and Counties on Bill "An Act relating to Municipal Accounting Systems and Postaudit" (H. P. 850) (L. D. 1237) 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. 850, L. D. 1237, Bill "An Act Relating to Municipal Accounting Systems and Postaudit."

Amend said Bill, in the 6th line, by inserting after the word "Commission" the underlined punctuation and words 'including but not limited to various types of districts or corporations embracing a portion of a municipality, a single municipality or several municipalities,'

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

### Divided Report

Majority Report of the Committee on Agriculture reporting "Ought not to pass" on Bill "An Act relating to Stipend for Agricultural Societies Conducting Non Pari Mutuel Racing" (H. P. 760) (L. D. 1114)

Report was signed by the following members:

Messrs. PIKE of Oxford  
CYR of Aroostook  
— of the Senate.

Messrs. COULTHARD  
of Scarborough  
BOOTHBY of Livermore  
MEISNER of Dover-Foxcroft  
— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Mrs. HARRINGTON of Penobscot  
— of the Senate.

Messrs. WARD of Limestone  
MOWER of Bangor  
DENBOW of Lubec  
— of the House.

Reports were read.

On motion of Mr. Coulthard of Scarborough, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

### Divided Report

Majority Report of the Committee on Towns and Counties reporting "Ought not to pass" on Bill "An Act relating to Effective Date for Salary Increase for County Officers" (H. P. 616) (L. D. 851)

Report was signed by the following members:

Messrs. WYMAN of Washington  
PIKE of Oxford  
CRAM of Cumberland  
— of the Senate.

Mrs. SHAW of Chelsea  
Messrs. HAMMOND of Paris  
MacPHAIL of Owl's Head  
WIGHT of Presque Isle  
POIRIER of Lewiston  
PHILBRICK of Augusta  
— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following member:

Mr. CROMMETT of Millinocket  
— of the House.

Reports were read.

The Majority "Ought not to pass" Report was accepted and sent up for concurrence.

#### Passed to Be Engrossed

Bill "An Act relating to Jurisdiction of Juvenile Courts in Certain Motor Vehicle Violations" (S. P. 107) (L. D. 335)

Bill "An Act relating to Definition of Alien under Fish and Game Laws" (S. P. 315) (L. D. 981)

Bill "An Act Increasing Aides-de-Camp to Governor" (S. P. 336) (L. D. 1001)

Bill "An Act relating to Bids of Prime Contractor for State Public Improvements" (S. P. 372) (L. D. 1038)

Bill "An Act relating to Nonforfeiture Benefits and Valuation Standards for Life Insurance Policies" (S. P. 448) (L. D. 1277)

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

##### Tabled and Assigned

Bill "An Act to Clarify the State Boating Law" (H. P. 333) (L. D. 460)

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

Mr. Tyndale of Kennebunkport offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 333, L. D. 460, Bill, "An Act to Clarify the State Boating Law."

Amend said Bill in subsection V of that part designated "Sec. 4." of section 4 by striking out in the 6th line the underlined figure "5" and inserting in place thereof the underlined figure "6"

(On motion of Mr. Viles of Anson, tabled pending the adoption of

House Amendment "A" and specially assigned for Thursday, March 21.)

Bill "An Act Repealing Law Requiring Clerk of Courts to Mail Divorce Judgments When Duty to Support" (H. P. 771) (L. D. 1125)

Bill "An Act relating to Suspension of Certain Licenses by Commissioner of Sea and Shore Fisheries" (H. P. 1005) (L. D. 1455)

Bill "An Act Providing for Jurisdiction of Kittery Port Authority Over Town Wharves and Relating to Organization and Powers of the Authority" (H. P. 1006) (L. D. 1456)

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

#### Amended Bills

Bill "An Act Revising Laws Relating to Benefits for State Employees While in the Armed Forces" (S. P. 78) (L. D. 186)

Bill "An Act relating to Underwater Swimming and Diving" (H. P. 790) (L. D. 1143)

Bill "An Act relating to Appointment and Duties of Deputy Registers of Probate" (H. P. 927) (L. D. 1361)

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

Bill "An Act Revising the Highway Safety Committee" (S. P. 371) (L. D. 1037)

Bill "An Act relating to Counsel for Indigent Persons in Criminal Cases" (S. P. 507) (L. D. 1423)

Resolve Regulating Fishing in Certain Waters in York County (S. P. 524) (L. D. 1439)

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

#### Amended Third Reader

##### Tabled and Assigned

Bill "An Act relating to Fee for Tags in Registering Deer" (H. P. 40) (L. D. 63)

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

(On motion of Mr. Karkos of Lisbon, tabled pending passage to be engrossed and specially assigned for Tuesday, March 19.)

**Passed to Be Enacted  
Emergency Measure**

An Act Providing County Funds for Insurance for Firemen (S. P. 164) (L. D. 440)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 114 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act to Authorize the Municipalities of Eagle Lake, Fort Kent, New Canada Plantation, St. Francis Plantation and Wallgrass Plantation to Suspend the Operation of Community School District No. 1 and Reorganize as a School Administrative District (H. P. 327) (L. D. 454)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 119 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Passed to Be Enacted**

An Act relating to Hours of Employment in Nursing Homes (S. P. 177) (L. D. 476)

An Act relating to the Taxation of Railroad Land and Buildings (S. P. 192) (L. D. 491)

An Act relating to Place of Residence of Superintendents of State Hospitals (S. P. 291) (L. D. 864)

An Act relating to Permits for Contract Carriers (S. P. 332) (L. D. 997)

An Act to Allow Temporary Authority for Motor Carrier Operations on Assignment and Transfer (S. P. 333) (L. D. 998)

An Act relating to Certain Advertising Signs Erected on the Interstate System (S. P. 359) (L. D. 1025)

An Act relating to Identification of Authorized Carrier Vehicles (S. P. 431) (L. D. 1174)

An Act relating to State Police Retirement Benefits under the Maine State Retirement System (S. P. 457) (L. D. 1284)

An Act relating to Retirement Allowances for Certain State Employees After Restoration to Service (S. P. 517) (L. D. 1424)

An Act Prohibiting a General Contractor to Bid Unless Able to Perform Part of Work (S. P. 523) (L. D. 1438)

An Act relating to Licenses for Discharge into Classified Waters (H. P. 241) (L. D. 309)

An Act relating to Registrar of Voters of Town of Rumford Holding Other Town Officers (H. P. 386) (L. D. 585)

An Act relating to Purchase of Equipment and Vehicles by City of South Portland (H. P. 476) (L. D. 679)

An Act Repealing Law Relating to Appointment of Members of Police Force of the City of Brewer (H. P. 484) (L. D. 686)

An Act Amending the Charter of the City of Portland Concerning Election Districts (H. P. 541) (L. D. 758)

An Act Regulating Taking of Smelts in Town of Surry (H. P. 554) (L. D. 769)

An Act relating to Closed Season for Scallops (H. P. 681) (L. D. 937)

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  
Tabled and Assigned**

An Act relating to Prohibition Against Entering on Private Property and Peeking Therein (H. P. 888) (L. D. 1184)

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

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

Mr. ANDERSON: Mr. Speaker, I believe my colleagues are all aware —

The SPEAKER: Do not debate your tabling motion.

Mr. ANDERSON: I would like to table item 20, legislative document 1184, "An Act relating to Prohibition Against Entering on Private Property and Peeking Therein," unassigned.

The SPEAKER: The question before the House is the motion of the gentleman from Ellsworth, Mr. Anderson, that item 20 be tabled unassigned.

Mr. Gifford of Manchester requested a division on the tabling motion.

The SPEAKER: Those in favor of this matter being tabled unassigned, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Eleven having voted in the affirmative and eighty-nine having voted in the negative, the tabling motion did not prevail.

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

Mr. ANDERSON: Mr. Speaker, would I be allowed to give my reasons why I wanted the motion?

The SPEAKER: Unless the gentleman intends to make a tabling motion, he may debate the measure.

Mr. ANDERSON: Due to the absence of Mr. Turner, due to illness, I thought it would only be courteous to him where he was interested in this bill to hold it over pending his recovery.

The SPEAKER: The Chair recognizes the gentleman from Hodgdon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker, I would like to table this measure until next Thursday.

The SPEAKER: The gentleman from Hodgdon, Mr. Williams, moves that item 20 be tabled until Thursday next. Is this the pleasure of the House?

Mr. Gifford of Manchester requested a division on the tabling motion.

The SPEAKER: The gentleman from Manchester, Mr. Gifford, re-

quests a division on the tabling motion of the gentleman from Hodgdon, Mr. Williams, that item 20 be tabled until Thursday next.

The Chair recognizes the gentleman from Southport, Mr. Rankin.

Mr. RANKIN: Mr. Speaker, I understood we were not to be in session on Thursday.

The SPEAKER: The gentleman poses a question through the Chair, and the Chair will reply that we are not having a session on Thursday next.

Mr. WILLIAMS: Mr. Speaker, I would change my motion to Wednesday.

The SPEAKER: The gentleman from Hodgdon, Mr. Williams, changes his motion that item 20 be tabled until Wednesday next. Is that the pleasure of the House?

(Cries of "no.")

The SPEAKER: All those in favor will say aye; those opposed, no.

A viva voce vote being taken, the tabling motion did prevail.

An Act relating to License Plates for Disabled or Paraplegic Veterans (H. P. 995) (L. D. 1436)

#### Finally Passed

Resolve to Repeal Certain Special Resolve Pensions (H. P. 397) (L. D. 596)

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

The SPEAKER: The Chair is extremely pleased this afternoon to recognize in the House a group of about forty gentlemen taking courses in practical politics under the sponsorship of the United States Chamber of Commerce, accompanied by William Houston, conductor of the class. These gentlemen are sponsored by the Representative from Brownville, Mr. Ross; the gentleman from East Millinocket, Mr. Birt; and the gentleman from Millinocket, Mr. Crommett.

On behalf of the House, the Chair extends to you a warm and cordial welcome and we trust that you will enjoy and profit extremely by your stay with us here this



afternoon because of your interest in political endeavor. (Applause)

#### Orders of the Day

The Chair laid before the House the first tabled and specially assigned order of the day:

HOUSE MAJORITY (8) REPORT — Ought not to pass — MINORITY (2) REPORT — Ought to pass— Committee on Taxation on Bill "An Act relating to a Net Income Tax Law for the State of Maine." (H. P. 945) (L. D. 1295)

Tabled — March 13, by Mr. Wellman of Bangor.

Pending — Acceptance of either Report.

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

Mr. WATERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would move that the House would accept the Majority "Ought not to pass" Report, and for these reasons: this bill as presented, it begins by levying a personal income tax on a joint income of \$5,000 a year which might be very well for the first time that this tax was levied, but it would be opening a door and sooner or later, probably sooner, it would soon dip down into the lower income groups. We all know that the lower income families are having it hard enough as it is.

Another thing, this bill would tie the state tax completely to the federal, not only as to definition of net income but also to personal exemptions and rates. Thus any change in rates or exemptions made by the Congress would be reflected directly in the state tax and could well create quite a serious problem.

For these reasons, I would again move that the House accept the Majority "Ought not to pass" Report.

The SPEAKER: The question before the House is the motion of the gentleman from Auburn, Mr. Waterman, that the House accept the Majority "Ought not to pass" Report.

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

Mr. CHILDS: Mr. Speaker and Members of the House: Let me first

take this opportunity to thank my brother from Bangor, Representative Wellman, for granting me a twenty-four hour stay of execution on this bill.

Also I can assure you that I do not plan to take up a great deal of time discussing this matter for I think it is very evident what the final score will be.

I do think that in fairness to the members of the Legislature that they should know exactly what the mechanics of the bill are and exactly how it operates. I think that the gentleman from Auburn, Mr. Waterman, was discussing one phase of a bill which is not before us now. I am of the opinion — I haven't read the bill in a couple of weeks, but I was of the opinion that this did not start at an amount over \$5,000, that it works entirely on a net basis which would be five percent of the amount paid to the Federal Government for individuals and seven percent of the amount paid by corporations.

In other words assuming that you paid the Federal Government \$1,000 tax, you would at that time use the figure of five percent, which would mean that you would pay the State of Maine \$50; and if you paid the Federal Government \$100, you would pay the State of Maine \$5. This bill also taxes banks and insurance companies and taxes all corporations. At the present time, as you undoubtedly know, the only corporate tax that we have in the State of Maine is a franchise tax. And if my memory serves me correctly again, I believe that many of our corporations which have a substantial amount of income, are only paying a \$10 franchise tax.

The gentleman from Auburn, Mr. Waterman, is absolutely correct when he says that this tax somewhat depends upon our federal tax. And if the structure of the federal tax did change, it would mean it would have an effect on our state tax, which will only mean of course that once the federal tax would change, we would have to have a special session and readjust the figure. I don't think that special sessions is a novel idea to the Maine Legislature.

The true issue before us is not the adoption of a state income tax.

I don't think any of us are particularly happy about paying taxes. The true issue before us is, are we going to accept an income tax or are we going to be pushed into a corner and accept the sales tax? Now this is the oldest trick in the game. To go ahead and kill all the tax bills and leave us left with one tax bill. Then they go ahead and pass all the money bills, then they say to the House, well here you are, you passed eight or nine million dollars a year or eighteen million dollars in the biennium with spending bills; the only thing left now is the sales tax. Now you have either got to accept the sales tax or you have got to vote against these spending bills. It is my feeling that we should wait, and I am not going to make a tabling motion, but it is my opinion that we should wait and see exactly what direction we are going before we kill all our tax bills. Unfortunately, that is a decision that I am not able to make.

I believe that the difference and why I happen to favor the income tax, and as probably many of you know who served back with me six or so years ago, I opposed the sales tax at that time, and I oppose it now. But I think the difference between an income tax and a sales tax, and what is the true indicator or what is the best tax based on ability to pay. I think a person who makes \$10,000 a year and a person who makes \$5,000 a year for all practical purposes is normally or generally paying exactly the same when it comes to a sales tax. I think in fairness to the average person who makes three or four thousand dollars a year, that he should be based on his ability to pay and not just a general sales tax.

Therefore, I hope that the motion to accept the Majority Report does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: As the representative from a resort area, I cannot let this occasion pass without a few comments on what in my opinion would be the most adverse effect upon the economy of

the state resulting from an income tax.

Many seasonal residents have an affection and strong longing for this state and make it their legal residence, even though they may not live here the year round. Upon retirement, an increasingly large number of this type of resident comes to Maine, and lives here until the end of their days. Our state benefits tremendously, not only in the sales tax which is our present or major vehicle of taxation, but in inheritance taxes in a manner which cannot be measured but which is very substantial.

We have a prosperous economy in this sector, the recreational and seasonal resident, we have a prosperous industry. The psychological appeal of a tax-free and income tax-free state is tremendous. The State of Florida has even put in its Constitution that there be no income tax in that state. We presently are free from that type of taxation. Conversely, the existence of an income tax, tends to drive away these very persons who make up what is now a prosperous industry.

I certainly support the motion to accept the ought not to pass report.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Bangor, Mr. Wellman.

Mr. WELLMAN: Mr. Speaker, Ladies and Gentlemen of the House: My good friend from Portland, Mr. Childs, in his remarks on this bill has pointed out one fact that I think that we should be very careful of in considering this bill. When we tie ourselves to the federal income tax, we are tying ourselves to my way of thinking, a "wild horse." We don't know what is going to happen to this bill in our National Congress in this session. If we were tied to this federal income tax, what would happen to us here?

The second point I would like to make is the very nature of this bill, as I said, it ties it to the federal income tax. Is this constitutional? I'm not sure. I asked many good lawyers and they tell me that there is serious doubt in their minds whether by so doing we are not passing the authority that is left with this Legislature, to impose taxes, to some other body.

I don't want to go on to any more prolonged debate on this bill. I hope we take the question under consideration very quickly. My good friend, Mr. Waterman from Auburn, and Mr. Smith from Bar Harbor have brought out their points of view on this. I urge you to adopt the motion made by the gentleman from Auburn, Mr. Waterman.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I have been a tax assessor in my day; I have studied taxes ever since Caesar started way back 2000 years ago and I have never found anywhere in the writings of anyone or anyone that I have contacted, anybody that likes to pay taxes. I think we would all be happy to be exempt, but undoubtedly regardless of how this bill may be written, the time is coming when the State of Maine is going to adopt an income tax and it is, as the gentleman from Portland says and as we all know, he didn't have to say that because we all know it, it is the fairest tax of all. I was very sorry back in '52 when this noble body here in Augusta adopted the two-cent sales tax because a great many throughout the state and especially in the rural areas wanted a one-cent sales tax and a small income tax. I think we would have done well if we had adopted that because we would have somewhere to go now.

I think we all have on our desks here sheets of what this extra cent sales tax is going to do to industry, and I just can't buy what the gentleman has said here that how badly it will hurt—an income tax would hurt the tourist trade. I don't think it will hurt them at all. In fact the states around us don't have any sales tax, and I think sometime whether it is at this session or not, we are going to buy the income tax. There is no other way out of it.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Old Orchard Beach, Mr. Plante.

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House:

"Maine. . . is poorly equipped to deal with the problem of taxation through its biennial considerations by the joint standing Committee on Taxation. Seldom is any member of this committee equipped with the background to decide tax issues rationally. Committee consideration bears little or no relation to the federal, state and local structure in general. It is carried out with no knowledge of tax theory, with no opportunity to study the strength of the tax base, and with no means of evaluating the information given by hearing witnesses all of whom are against the proposed legislation and none of whom testify under oath. Since there is seldom any intellectual basis for the committee report, the Legislature has for guidance only a spilt mish mash of personal prejudices, confusion and ignorance. Committee reports are frequently brought out at the end of the session, debated with more fire than logic, and passed or killed or compromised on the basis of the strength of the contending pressure groups."

These are not the words of a radical outsider from beyond Maine's boundaries, but rather an impartial report on the methods by which we secure approval of tax measures — of our very own non-partisan Legislative Research Committee consisting of 15 Republicans and 1 Democrat.

The approach concerning taxes at this session of the Legislature is not much different than it has been in the past. Hearings are held and five minutes later committee members are asked to sign reports without giving any consideration to an overall fiscal policy, social benefits, optimum levels, economic stability, tax incidence, neutrality or any other factors which should be considered.

Some individuals have implied that our position is an easy one to attain. Let me be frank with you. The question which has caused me to lose sleep since the beginning of the session is: "How can we make it perfectly clear that we want an income tax and stand by it; prepare the way for an income tax in the not too distant future and at the same time act responsibly as we all want to do, in order to pro-

vide the necessary revenue for carrying out the programs that we are pledged to support?"

And you, the Majority Party, think you have troubles!

Seriously, we have tried, and shall continue to try, to inform the public of all tax alternatives, or what economies can be realized, and of what are our essential needs. We feel that through such frank and open discussions we will be performing our primary duty as a party and as individuals, for, in the final analysis, this state will never have a good tax structure without an informed and educated public.

A state income tax would introduce a degree of progression into our relatively regressive tax system, and distribute the tax burden in a more equitable fashion among individuals than the alternative state sources. The use of our present bases, at their current levels, in conjunction with an income tax appears, in the long run, the most logical solution to Maine's financial problems. This is why we recommend that any demonstrated need for new revenues should be met through legislative action, by tax programs, in which the principle of ability-to-pay is paramount.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Wellman.

Mr. WELLMAN: Mr. Speaker, in listening to the remarks of my good friend from Old Orchard Beach, Mr. Plante, I am wondering whether he is making an attack on the integrity of the members of the Taxation Committee, the integrity of this House, or the Republican Party. If he is making an attack on the integrity and the manner in which the members of the Taxation Committee considered the bills that are before them, I deeply resent this attack because I feel that the gentlemen who are on this committee are doing their utmost to consider in the very best way that they possibly can, the measures that are before them.

If it is an attack on this House, I deeply resent that too, because I think this House is capable of considering and deliberating carefully on how that they will determine the affairs that will face this state.

If this is an attack on the Republican Party, I merely would point to the fact that one member of this Party has already arisen in opposition to the personal stand which I am taking here today. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Plante.

Mr. PLANTE: Mr. Speaker and Ladies and Gentlemen of the House: I have never engaged in personalities and I certainly have not made remarks concerning our approach in reference to taxes with any intent to reflect upon the integrity of any individual, of any committee, or upon this body. It is simply an attack upon the system, and I emphasized that my introductory remarks evaluating our method of selecting taxes were not my own words. I quoted specifically from the Legislative Research Report, which all of you have a copy of, and which, although it may be a rare thing, all of us should sometimes look at it, and I quoted every single word in reference to evaluating our tax approach. Every single word was taken from that document, which I emphasized was a non-partisan committee consisting of 15 Republicans and 1 Democrat. Absolutely, and in no circumstances were my remarks intended to reflect upon the integrity of this House, the integrity of any individual or the integrity of the Republican Party. I respect the Republican Party, I respect the two-party system, and only on that basis will I debate any issue at this session.

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

Mr. JALBERT: Mr. Speaker, I realize the importance of the measure. I also realize that no amount of debate will change any votes anyway. I would suggest we go on. I do not intend to make a motion for the previous question, but I suggest we have the question.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Auburn, Mr. Waterman, that the House accept the Majority "Ought not to pass" Report on Bill "An Act relating to a Net Income Tax Law for the State of Maine," House Paper 945,

Legislative Document 1295. Is that the pleasure of the House?

The motion prevailed. Sent up for concurrence.

#### 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, March 19th at ten o'clock in the morning. (S. P. 538)

Came from the Senate today read and passed.

In the House, the Order was read.

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

Mr. JALBERT: Mr. Speaker, I want to go along with the order, but I would suggest that where we are going home, that you explain the procedure next week.

The SPEAKER: For the information of the House and at the request of the gentleman from Lewiston, Mr. Jalbert, the House will be in session on Tuesday and Wednesday. All day Thursday will be devoted to hearings and executive decisions of the committees. On Friday, we will be back in session. We will have a four-day week beginning next week.

Thereupon, the Order received passage in concurrence.

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

Bill "An Act Increasing Mileage Allowance for State Employees on State Business." (H. P. 400) (L. D. 599) — (Filing H-51)

Tabled — February 27, by Mr. Taylor of South Portland.

Pending — Passage to be Engrossed.

On motion of Mr. Taylor of South Portland, the Bill was passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

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

HOUSE REPORT — Ought to pass with Committee Amendment "A" (Filing H-71) Committee on Claims on RESOLVE to Reimburse Town of Atkinson for Medical Care

Furnished George E. Ellis. (H. P. 196) (L. D. 265)

Tabled — February 28, by Mr. Ross of Brownville.

Pending — Acceptance of Report.

On motion of Mr. Ross of Brownville, the "Ought to pass" Report and Resolve were indefinitely postponed and sent up for concurrence.

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

HOUSE REPORT — Ought not to pass — Committee on Claims on RESOLVE to Reimburse the Town of Washington for Aid to State Paupers. (H. P. 422) (L. D. 575)—Acceptance of Report Reconsidered.

Tabled — February 28, by Mr. Finley of Washington.

Pending — Acceptance of Report.

On motion of Mr. Finley of Washington, retabled pending acceptance of the "Ought not to pass" Report and specially assigned for Wednesday, March 20.

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

HOUSE MAJORITY REPORT (8) —Ought to pass in New Draft under title of "An Act Providing for Safety Seat Belts for Automobiles and School Busses." (H. P. 996) (L. D. 1437) — MINORITY REPORT (2) — Ought not to pass—Committee on Transportation on Bill "An Act Providing for Safety Seat Belts for Motor Vehicles." (H. P. 13) (L. D. 9)

Tabled — March 5, by Mr. Wellman of Bangor.

Pending — Acceptance of Either Report.

On motion of Mr. Brewer of Bath, retabled pending acceptance of either report and specially assigned for Wednesday, March 20.

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

HOUSE REPORT — Ought not to pass — Committee on Claims on RESOLVE to Reimburse the Town of Orient for Aid to State Paupers. (H. P. 430) (L. D. 635)

Tabled — March 6, by Mr. Williams of Hodgdon.

Pending — Acceptance of Report.

On motion of Mr. Williams of Hodgdon, the "Ought not to pass" Report was accepted and sent up for concurrence.

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

AN ACT to Reconstitute School District No. 2 (H. P. 94) (L. D. 138)

Tabled — March 6, by Mr. Easton of Winterport.

Pending — Passage to be Enacted.

Thereupon, on motion of Mr. Easton of Winterport, the House voted to suspend the rules and to reconsider its action of February 5 whereby the Act was passed to be engrossed.

Mr. Easton of Winterport offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 94, L. D. 138, Bill, "An Act to Reconstitute School Administrative District No. 2."

Amend said Bill by striking out all of the 9th, 10th, 11th and 12th lines of section 1 and inserting in place thereof the following: "Revised Statutes, as amended. The proceedings taken in the"

Further amend said Bill in the next to the last line of section 2 by inserting after the word "district" the following words and punctuation:

"with regard to the issuance of capital outlay bonds, or any borrowing in anticipation of the sale thereof, or the preparation, presentation and acceptance of any school budget or any borrowing for current operating expenses,"

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

The SPEAKER: The House will be in recess for about three minutes.

#### After Recess

Called to order by the Speaker.

The following paper from the Senate was taken up out of order by unanimous consent:

The following Order:

ORDERED, the House concurring, that H. P. 474, L. D. 677, "An Act Providing for Approval of Bonds or Notes at Special Elections in City of Saco," be recalled from the Governor's Office to the Senate (S. P. 541)

Came from the Senate today read and passed and ordered sent forthwith to the House.

In the House: The Order was read.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Bedard.

Mr. BEDARD: Mr. Speaker and Members of the House: The reason why this bill was recalled, we are entitled to federal money for a sewage treatment plant and we have to have an emergency measure in order to get that money. That is why it is being recalled.

Thereupon, the Order received passage in concurrence.

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

SENATE JOINT ORDER Relative to Recalling from Legislative Files, Judiciary Committee Report on I. B. 1 (Cousins Island) (S. P. 533)

Tabled — March 7, by Mr. Prince of Harpswell.

Pending — Passage.

The SPEAKER: The Chair recognizes the gentleman from Harpswell, Mr. Prince.

Mr. PRINCE: Mr. Speaker, Ladies and Gentlemen of the House: I am going to move for indefinite postponement of this order. This piece of legislation has already been taken care of favorably by this Legislature. If you can recall, a few weeks ago the petitions from the petitioning committee of Cumberland and Chebeague Island were filed with the Secretary of State. The Secretary of State reminded the Legislature of its findings and the Legislature reported this to the Committee of Judiciary made up of ten able attorneys. The Committee of Judiciary received this and sent it back to the Secretary of State for inspection and certification.

It was necessary under the gubernatorial election to have 29,000 plus legal signatures. There were 34,000

plus signatures, and the Secretary of State reported so to the Committee of Judiciary. The Committee of Judiciary unanimously reported this order that it should come before the people of the State of Maine in a referendum election. It was accepted in the Legislature and so far as I am concerned, this is the end of this order.

If there is any unforeseen combination of circumstances that question the constitutionality of this referendum act, I do have a bill that yet has not been heard and could be taken care of at that time. I realize that under this dome there are personalities that are very much opposed to the construction of a causeway from Cousins Island to Littlejohns and a causeway from Littlejohns to Chebeague. I realize that they are reaching for straws or looking for loopholes as far as constitutionality is concerned, but where this Legislature has acted upon this measure, I feel that we have completed our mission, and Mr. Speaker, I ask for indefinite postponement of this order.

The SPEAKER: The gentleman from Harpswell, Mr. Prince, moves the indefinite postponement of Senate Joint Order relative to recalling from the Legislative files a Judiciary Committee Report.

The Chair recognizes the gentleman from Bar Harbor, Mr. Smith.

Mr. SMITH: Mr. Speaker, I understand there is a question, a technical question concerning the wording of this order. I move that it be recommitted to the Committee on Judiciary.

The SPEAKER: For the information of the gentleman from Bar Harbor, Mr. Smith, the Clerk will read the order.

Whereupon, the Order, Senate Paper 533, was read by the Clerk.

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

Mr. CHILDS: Mr. Speaker, I concur with the gentleman from Bar Harbor, there is a technical mistake, but I do not believe that recommitting the order, and that is the only thing as I understand before the House now, would serve any useful purpose. I believe that we will have to have the petitions themselves back. May I inquire

from the Clerk if what is in his possession now is only the order?

The SPEAKER: For the information of the gentleman from Portland, Mr. Childs, this Joint Order has never been referred to a Committee. Would the gentleman continue?

Mr. CHILDS: Mr. Speaker, may I only say that the order, committing the order to the Judiciary Committee I do not believe would serve any useful purpose, so therefore I hope that this motion to indefinitely postpone will not prevail.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. Smith.

Mr. SMITH: Mr. Speaker, I withdraw my motion to commit the order. I do think that an opportunity should be provided to examine the wording of the resolve. That is what I had in mind.

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

Mr. RUST: Mr. Speaker, I move that this item be retabled until Wednesday next.

The SPEAKER: The gentleman from York, Mr. Rust, moves this matter be retabled until Wednesday next pending the motion of the gentleman from Harpswell, Mr. Prince, for indefinite postponement. Is that the pleasure of the House?

Mr. PRINCE: I ask for a division please.

The SPEAKER: A division has been requested. All those in favor of tabling this matter until Wednesday next, March 20, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Seventy-nine having voted in the affirmative and thirty-five having voted in the negative, the tabling motion did prevail.

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

HOUSE MAJORITY REPORT (9)  
—Ought not to pass — MINORITY REPORT (1) — Ought to pass—  
Committee on Claims on RESOLVE in Favor of Kermit O. Stadig of Soldier Pond." (H. P. 326) (L. D. 453)

Tabled — March 7, by Mr. Gallant of Eagle Lake.

Pending — Motion of Mr. Brewer of Bath to accept Majority Report.

Thereupon, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

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

Bill "An Act relating to Open Season for Fishing in Fish River, Aroostook County." (H. P. 813) (L. D. 1200)

Tabled — March 7, by Mr. Gallant of Eagle Lake.

Pending — Passage to be Engrossed.

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

Mr. GALLANT: Mr. Speaker, I move this bill be passed to be engrossed.

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

Mr. ANDERSON: Mr. Speaker, I would like to table this item 9 until Tuesday, March 19.

The SPEAKER: The gentleman from Ellsworth, Mr. Anderson, moves this bill be tabled pending passage to be engrossed and specially assigned for Tuesday, March 19. Is this the pleasure of the House? (Cries of "no")

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

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

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

RESOLVE Regulating Fishing in Upper and Lower Range Ponds, Dumpling Pond and Ingalls Pond, Androscoggin and Cumberland Counties. (H. P. 447) (L. D. 651)—(Filing H-72)

Tabled — March 7, by Mr. Edwards of Raymond.

Pending — Passage to be Engrossed.

Mr. Edwards of Raymond offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 447, L. D. 651, Resolve, Regulating Fishing in Upper and Lower Range Ponds, Androscoggin and Cumberland Counties.

Amend said Resolve in the title by adding at the end before the period the following 'and Lily Pond, Cumberland County'

Further amend said Resolve, in the headline, by inserting after the word "Counties" the words and punctuation 'and Lily Pond, Cumberland County'

Further amend said Resolve by adding at the end before the period the following words and punctuation ', and opening Lily Pond, New Gloucester, Cumberland County, to fishing from the last Saturday in April to September 30th of each year and establishing a daily limit of 5 trout, removing the bag limit on pickerel and prohibiting the use of any type of motor inboard or outboard'

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

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

JOINT RESOLUTION Petitioning Congress to Defeat and Reject Changes in Timber Taxation. (S. P. 537) — Adopted in Senate.

Tabled — March 13, by Mr. Jalbert of Lewiston.

Pending — Adoption. (Ordered Reproduced.)

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

Mr. JALBERT: Mr. Speaker and Members of the House: I tabled this item because I wanted the order reproduced and looked over. It has always been my thinking that these items should be referred to a committee and probably we would be more alert or aware of what these propositions are. I am making no motion, I am only making a comment.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Wellman.

Mr. WELLMAN: Mr. Speaker and Members of the House: What my



good friend from Lewiston, Mr. Jalbert, has said, makes good sense. However, this is a situation where our Forestry Commissioner is ready to depart for Washington and he needs this in his pocket. I urge its adoption.

The SPEAKER: The gentleman from Bangor, Mr. Wellman, moves this Joint Resolution be adopted in concurrence. Is this the pleasure of the House?

The motion prevailed.

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

Bill "An Act relating to Surrender of Motor Vehicle Operator's License to Secretary of State." (H. P. 873) (L. D. 1260) In House Read the Third Time.

Tabled — March 13, by Mr. Pease of Wiscasset.

Pending — Passage to be Engrossed.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

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

Bill "An Act Permitting Sale of Liquor by Passenger Boat Corporations." (H. P. 673) (L. D. 929)—In House Read the Third Time.

Tabled — March 13, by Mr. Brown of Fairfield.

Pending — Passage to be Engrossed.

On motion of Mr. Rankin of Southport, retabled pending passage to be engrossed and specially assigned for Friday, March 22.

Mr. Rust of York was granted unanimous consent to address the House briefly.

Mr. RUST: Mr. Speaker and Members of the House: In the course of our deliberations we are repeatedly being reminded of situations wherein our State ranks behind some other state or behind some other person's conception of what the average is. Consequently, it is my pleasure this morning to address these few brief words to you regarding an institution that in my opinion ranks second to none. I refer to our own Maine Maritime Academy at Castine. This Academy enjoys not only the national repu-

tation but a world-wide reputation as the finest institution of its kind.

As a graduate of the Academy, I deem it a privilege to take a few minutes in our tight schedule today to remind you that during this week you received an invitation to go on the Academy Training Ship, the S.S. State of Maine from Portland to Castine on Sunday, March 24th. You have the letters, you have the cards. I hope you will take the opportunity to take advantage of this trip, and if I can be of any assistance, I would be glad to do so. Thank you.

Mr. Wellman of Bangor was granted unanimous consent to address the House briefly.

Mr. WELLMAN: Mr. Speaker, I would like to call your attention to the third item on your notices in reference to a little party that is going to be held on the 20th for our good colleague and my fellow-townsmen, "Doc" Arnold. I hope you will get your tickets, and they are available in the Majority office.

On motion of Mr. Thornton of Belfast, the House voted to take from the table the first tabled and unassigned matter:

Majority (9) Report — Ought not to pass and Minority (1) Report Ought to pass — Committee on Education on Bill "An Act to Incorporate the City of Belfast as a School Administrative District." (H. P. 273) (L. D. 367)

Tabled — February 11, by Mr. Thornton of Belfast.

Pending — Motion of Mr. Braeden of Waterboro to accept Majority Ought not to pass Report.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Thornton.

Mr. THORNTON: Mr. Speaker, I would now like to move that this Bill and the accompanying Reports be recommitted to the Committee on Education, and in explanation I will say that I have drafted an amendment which I would like to take up with the members of that Committee.

The SPEAKER: The gentleman from Belfast, Mr. Thornton, moves the Bill and the accompanying Reports be recommitted to the Committee on Education. Is that the pleasure of the House?

The motion prevailed. Sent up for concurrence.

The SPEAKER: The Speaker at this time would like to commend the Members of the House on the conduct of the business before this body, not only today, but during

the preceding weeks. I congratulate you one and all.

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On motion of Mr. Linnekin of Limington,

Adjourned until Tuesday, March 19, at ten o'clock in the morning.