MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Fourth Legislature

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL AUGUSTA, MAINE

HOUSE

Thursday, January 30, 1969

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

Prayer by the Rev. Mr. George Mills of Farmingdale.

The journal of yesterday was read and approved.

The SPEAKER: Pursuant to the directive of Senate Paper 95, Joint Order passed in concurrence on January 29 relative to Indian Affairs, the Chair appoints the following House members: The gentleman from Perham, Mr. Bragdon; the gentleman from Kittery, Mr. Dennett; and the gentleman from Eastport, Mr. Mills.

Papers from the Senate

Bills and Resolve from the Senate requiring reference were disposed of in concurrence, with the following exception:

Tabled and Assigned

From the Senate:

Bill "An Act relating to Construction or Acquisition of School Buildings for Mentally Retarded Children" (S. P. 133) (L. D. 417)

Came from the Senate referred to the Committee on Education.

In the House: On motion of Mr. Lund of Augusta, tabled pending reference in concurrence and specially assigned for the next legislative day.

Reports of Committees Ought to Pass with Committee Amendment

Report of the Committee on Judiciary on Bill "An Act relating to Settlement with Joint Tortfeasors" (S. P. 41) (L. D. 124) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House: The Report was read and accepted in concurrence and the Bill read twice.

Committee Amendment "A" (S-4) was read by the Clerk and adopted in concurrence, and the

Bill assigned for third reading the next legislative day.

Tabled and Assigned

Report of the Committee on Judiciary on Bill "An Act relating to Workmen's C o m p e n s a t i o n Third-Party Actions" (S. P. 42) (L. D. 125) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, the Report was read.

(On motion of Mr. Berman of Houlton, tabled pending acceptance in concurrence and specially assigned for Wednesday, February 5.)

Non-Concurrent Matter

Bill "An Act Appropriating Funds for a Two-Classroom Building at Somerville Plantation" (H. P. 267) (L. D. 343) which was referred to the Committee on Education in the House on January 23.

Came from the Senate referred to the Committee on Appropriations and Financial Affairs in nonconcurrence.

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

Non-Concurrent Matter

Bill "An Act relating to Approval of Appointment of Assistant County Attorney for Washington County" (H. P. 299) (L. D. 375) which was referred to the Committee on State Government in the House on January 23.

Came from the Senate referred to the Committee on Towns and Counties in non - concurrence.

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

Non-Concurrent Matter

Bill "An Act Increasing the Salary of the County Attorney for Washington County" (H. P. 300) (L. D. 376) which was referred to the Committee on State Government in the House on January 23.

Came from the Senate referred to the Committee on Towns and Counties in non - concurrence.

Counties in non - concurrence.

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

Non-Concurrent Matter

Bill "An Act Creating a Second Assistant County Attorney for the County of York" (H. P. 302) (L. D. 378) which was referred to the Committee on State Government in the House on January 23.

Came from the Senate referred to the Committee on Towns and Counties in non-concurrence.

Counties in non - concurrence.

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

Non-Concurrent Matter

Bill "An Act Increasing Fee for Motor Vehicle Duplicate Licenses" (H. P. 304) (L. D. 380) which was referred to the Committee on Highways in the House on January 23.

Came from the Senate referred to the Committee on Transportation in non - concurrence.

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

Non-Concurrent Matter

Bill "An Act relating to Settlement Status of Persons Residing in Rest Homes and Nursing Homes" (H. P. 36) (L. D. 37) which was passed to be engrossed as amended by Committee Amendment "A" in the House on January 22.

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

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

From the Senate: The following Order:

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, February 4, at 10:00 o'clock in the morning. (S. P. 157)

Came from the Senate read and passed.

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

Petitions, Bills and Resolves Requiring Reference

The following Joint Resolution presented by Mr. Sahagian of Belgrade and approved by a majority of the Committee on Reference of Bills for introduction in accordance with Joint Rule 11:

WE, your Memorialists, the Senate and House of Representatives of the State of Maine, in their One Hundred and Fourth Regular Session assembled, most respectfully present and petition The Honorable Maurice H. Stans, Secretary of the Commerce; The Honorable David Kennedy, Secretary of the Treasury; The Honorable Stanley R. Resor, Secretary of the Army, in their capacities as Members of the Foreign Trade Zones Board, and The Honorable Walter J. Hickel, Secretary of the Interior, as follows:

WHEREAS, the citizens of Washington County have been long denied the opportunity to pursue, in their area, employment which not only results in meaningful economic benefits but also in that feeling of pride and well-being which comes from the knowledge that one's work is meaningful as well: and

WHEREAS, the expanse and the 90-foot depth of the waters of the roadstead off Machiasport in said county lend themselves to the establishment of docking and off loading facilities for the oil supertankers of the future; and

WHEREAS, the absence of an oil refinery in the six - state New England region contributes to the inflated cost of home heating oil which is a source of concern to many citizens of New England; and

WHEREAS, the facilities of the Maine Port Authority at Portland, Maine and the harbor at Portland are under - utilized; and

WHEREAS, the recent proposal by the Maine Port Authority to establish a general purpose foreign trade zone at Portland and a special purpose foreign trade subzone at Machiasport has captured the imagination of this Legislature and of New England, due to the positive likelihood of substantial economic and other benefits thereby accruing not only to the citizens of Portland and of Washington County in the

form of increased trade and employment, but also the entire New England region as well because of the prospect of lower fuel prices in the region resulting from the establishment in the Machiasport subzone of an oil refinery as more fully appears in a study prepared and published for the Maine Port Authority, January 17, 1969; and

WHEREAS, action on the application by the Maine Port Authority to establish said zone and subzone has been unreasonably delayed by the predecessor members of the Foreign Trade Zones Board; and

WHEREAS, a successful refinery operation and the achievement of lower fuel prices for New England in major part depend upon the readjustment or expansion by the Secretary of the Interior of present oil import quota allocations; now, therfore be it

RESOLVED: That your memorialists recommend and respectfully urge to the respective Secretaries of Commerce, the Treasury and the Army, sitting as the Foreign Trade Zones Board, to accord to the said application of the Maine Port Authority the highest priority and to render a prompt decision on the merits thereof; and be it further

RESOLVED: your memorialists recommend and respectfully urge to the Secretary of the Interior that in the event of approval of the Authority's application by the Foreign Trade Zones Board, an appropriate allocation under the existing oil import quota be made to such oil refinery operators as locate in the Machiasport subzone; or, in the alternative, that the present restrictions on the importation of crude oil be revised or removed to the end that the best interests of New England and the nation at large be better served; and be it further

RESOLVED: That a copy of this Resolution, duly authenticated by the Secretary of State, be transmitted by the Secretary of State to the Honorable Maurice H. Stans, Secretary of the Commerce; to the Honorable David Kennedy, Secretary of the Treasury; to the Honorable David Kennedy, Secretary of the Honorable David Kennedy, Secretary of the Treasury; to the Honorable David Kennedy, Secretary of the Honorable David Kennedy, Secretary of

able Stanley R. Resor, Secretary of the Army, to the Honorable Walter J. Hickel, Secretary of the Interior and to each member of Congress from the New England States; and be it further

RESOLVED: That each copy of this Resolution so transmitted by the Secretary of State be accompanied by a copy of the study made to the Maine Port Authority and published January 17, 1969. (H. P. 420)

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mr. Sahagian.

Mr. SAHAGIAN: Mr. Speaker, and Ladies and Gentlemen of the Maine Legislature: For several months you have heard a great deal and read a great deal about foreign trade zone in Maine. As you know, the Senate is working hard to obtain official action from the appropriate Federal authorities, U.S. Senators, Congressmen and Governors are continuing to build up evidence to support Maine's request for a foreign trade zone in Portland and a sub - zone in Machiasport.

I have been interested in the advantages of foreign trade zones for many years. As many of you know, I introduced L. D. 1495 before the 103rd Maine Legislature. My bill "To Provide for an Economic Survey to Establish an Industrial Foreign Trade Zone in Maine" was passed by the 103rd Legislature and signed by the Governor in June 1967.

Two years ago I told this Legislature the following:

- "1. I feel that it would bring commerce to our State from all corners of the world.
- 2. We are, in fact, in a position to become a crossroad for trade by air and sea.
- 3. It would, I believe, entice major companies throughout the world to utilize our State in its commerce and could very well result in the location of new plants and facilities in our State.
- 4. The future potential of world trade passing through Maine is difficult to estimate but, surely, if developed properly under State control we could reap a great deal in commerce, growth, relations and position."

I am very pleased now to present to the Governor, the members of the 104th Maine Legislature, and the citizens of Maine, the results of the survey conducted under my bill. The bill directed the Maine Port Authority to conduct the study and as a direct result of this bill came the proposal for a foreign trade zone which is now a very prominent issue. Esco Research, a Maine research group of Portland, Maine was employed to conduct the study.

Esco Research is a non - profit organization c o m p r i s e d of prominent educators and business leaders from within our State — all dedicated to developing the economic resources of our State. I am particularly pleased that a group of Maine people were given the opportunity to make this survey for us and I believe Esco certainly proved beyond a reasonable doubt, the feasibility of a foreign trade zone for Maine.

economic survey has evaluated a number of possible locations for trade zone activity at various points along the Maine coast. It has selected the locations where such development would be economically feasible and of maximum benefit to the economy of the entire State. The study indicated that a primary foreign trade zone is economically advantageous at Machiasport. This study will provide us with further evidence to support our request for Federal approval of a foreign trade zone in Maine.

Ladies and gentlemen of the Maine Legislature, I conclude with these remarks that we have proved the feasibility of a foreign trade zone for Maine beyond a reasonable doubt, that the potential economic benefits for all of the potential northeast section of the United States in reduced oil prices, economic expansion, world trade, job opportunities, is paramount, and finally let us hope that the decision for locating a trade zone in Maine will be based on its merits alone for the good of all of our citizens. I know that, if we all work together, then our combined efforts will be successful in obtaining a foreign trade zone for Maine.

I want to thank those members of the 104th Legislature who were members of the 103rd Legislature and voted for my bill at that time. Thank you very much.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I think it behooves every member of this Legislature at this time that the Memorial has been introduced, and this is to serve notice on our Federal system that precedence has now been established by the outgoing Secretary of the Interior, Secretary Udall, by granting an allocation to the fiftieth state of our Nation, the State of Hawaii, and I think that the Federal Government now need not sit on their laurels so many years before trying to do some-thing for the northeast. I think probably this will help serve notice, although the members of the Congress and members of the U.S. probably look at Memorial as somewhat something of an aftermath more than something for them to give them direction. But I think this is a good notice that the people of the Northhave been discriminated against by the big oil interests of our Country, and that they should no more pass up the opportunity to grant this to the State of Maine for this free world zone any longer, that it's been time long enough and that we should receive some immediate action from those sources in the Federal Government. Thank you.

Thereupon, the Joint Resolution was adopted and sent up for concurrence.

The following Bills and Resolves were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Agriculture

Bill "An Act Increasing Tax on Milk Producers for Promotional Purposes" (H. P. 401) (Presented by Mr. Hall of Windham)

(Ordered Printed)
Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act to Authorize Bond Issues in the Amount of \$8,200,000 to Provide Funds for School Building Construction under the Provisions of Section 3457 and Section 3459 of Title 20, R.S. and \$1,600,000 to Provide Funds for the Construction of Regional Technical and Vocational Centers under the Provisions of Section 2356-B of Title 20, R.S." (H. P. 402) (Presented by Mr. Martin of Eagle Lake)

Bill "An Act Appropriating Funds to Office of Chief Medical Examiner" (H. P. 403) (Presented by Mr. Richardson of Cumberland)

Resolve Authorizing a Study of the Operational Aspects of the Superior and Supreme Courts (H. P. 404) (Presented by same gentleman)

(Ordered Printed) Sent up for concurrence.

Business Legislation

Bill "An Act to Amend the Charter of the North Yarmouth Mutual Fire Insurance Company" (H. P. 405) (Presented by Mr. Richardson of Cumberland)

(Ordered Printed) Sent up for concurrence.

Claims

Resolve to Reimburse Warren F. Chapman of Skowhegan for Well Damage by Highway Maintenance (H. P. 406) (Presented by Mr. Dam of Skowhegan)

Resolve to Reimburse Henry H.
Martin, Sr., of Benton, for Service - incurred Disability while
Employed by State Highway
Department (H. P. 407) (Presented
by Mr. Lee of Albion)
(Ordered Printed)

(Ordered Printed)
Sent up for concurrence.

Education

Bill "An Act Repealing Provision for Student Tuition in Coordination of Public Higher Education" (H. P. 408) (Presented by Mr. Donaghy of Lubec)

(Ordered Printed) Sent up for concurrence.

Health and Institutional Services

Bill "An Act relating to Incorrigibles at Juvenile Training

Centers' (H. P. 409) (Presented by Mr. Vincent of Portland) (Ordered Printed)

Sent up for concurrence.

Inland Fisheries and Game

Resolve Regulating Ice Fishing on Indian, Orange and Sunken Lakes in Washington County (H. P. 410) (Presented by Mr. Donaghy of Lubec)

Resolve Regulating Ice Fishing on Rocky Lake, Washington County (H. P. 411) (Presented by same gentleman)

(Ordered Printed) Sent up for concurrence.

Labor

Bill "An Act relating to the Extension of Workmen's Compensation" (H. P. 412) (Presented by Mr. Temple of Portland)

(Ordered Printed)
Sent up for concurrence.

Legal Affairs

Bill "An Act to Incorporate the Town of Flagstaff" (H. P. 413) (Presented by Mr. Faucher of Solon)

(Ordered Printed) Sent up for concurrence.

State Government

Bill "An Act relating to Inspection of County Jails" (H. P. 414) (Presented by Mr. Richardson of Cumberland)

Bill "An Act relating to Biennial Elections of Penobscot Indians" (H. P. 415) (Presented by Mr. Rideout of Manchester)

Resolve Proposing an Amendment to the Constitution Providing for Appointment and Membership of the Council (H. P. 416) (Presented by Mr. Gilbert of Turner)

(Ordered Printed) Sent up for concurrence.

Taxation

Bill "An Act relating to Tax on Pari-Mutuel Pools on Harness and Running Horse Racing" (H. P. 417) (Presented by Mr. Harriman of Hollis)

Resolve Proposing an Amendment to the Constitution Exempting Snow Traveling Vehicle Fees and Taxes from Limitation on Expenditure of Motor Vehicle

Revenues (H. P. 418) (Presented by Mr. Crommett of Millinocket) (Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act relating to Inspection of Motorcycles" (H. P. 419) (Presented by Mr. Stillings of Berwick)

(Ordered Printed) Sent up for concurrence.

Orders

On motion of Mrs. Giroux of Waterville, it was

ORDERED, that the members of the House of Representatives, extend their sympathy to Mr. CARTER of Winslow, in the recent loss of his brother.

On motion of Mr. Buckley of Leeds, it was

ORDERED, that Rev. Carl H. Geores, Jr. of North Leeds be invited to officate as Chaplain of the House Wednesday, February 26, 1969.

Mr. Snow of Caribou presented the following Joint Order and

moved its passage:
WHEREAS, in peace or war the rhythmic cadence of a spirited marching band inspires an urge to the highest devotion to native land and to the greatest personal sacrifice for love of country; and

WHEREAS, sentiments of pride and patriotism abundantly flowed from the citizens of Maine as the Caribou High School Band played in a grand moment before the President of the United States, Richard M. Nixon, during the inaugural parade; and

WHEREAS, the heart lifting melody of this talented band, under the able direction of Kenneth Matthews, served to awaken the imagination and spur the patriotic impulses to move men "forward together"; now, therfore, be it

ORDERED, the Senate con-curring, that the Members of the House of Representatives and Senate of the 104th Maine Legislature extend to the combined membership of the Caribou High School Band, its director and school principal, a message of gratitude for outstanding accomplishment

and wish them continual success in their efforts to bring recognition and honor to our State and Nation; and be it further

ORDERED, that copies of this Joint Order, duly authenticated, be immediately transmitted by the Secretary of the Senate to Mr. Kenneth Matthews and Mr. Freeman Brewer in recognition of the band's inspiring performance. (H. P. 421)

The Order received passage and was sent up for concurrence.

House Reports of Committees Ought Not to Pass

Mr. Croteau from the Committee on Claims reported "Ought not to pass" on Resolve to Reimburse Mrs. Harry Η, Smart o f Kennebunkport for Well Damage by Highway Reconstruction (H. P. 138) (L. D. 160)

Mr. Curtis from same Committee reported same on Resolve to Reimburse Russell S. Leonard of Wells for Injuries Sustained in Automobile Accident with Deer (H. P. 161) (L. D. 200)

Reports were read and accepted and sent up for concurrence.

Ought to Pass Printed Bills

Mrs. Lincoln from the Committee on Claims reported "Ought to pass" on Resolve to Reimburse the Town of Strong for Support of Evangeline C. Bean (H. P. 136) (L. D. 158)

Mr. Bernier from the Committee on Public Utilities reported same on Bill "An Act Ratifying Lease Given by the State to Portland Pipe Line Corporation" (H. P. 41) (L. D. 42)

Mr. Emery from same Committee reported same on Bill "An Act to Amend the Charter of the Fryeburg Water Company Granting Certain Additional Powers and Ratifying and Con-Certain Acts of firming Corporation" (H. P. 94) (L. D. 103)

Mr. Mosher from same Committee reported same on Bill "An Act relating to the Exemption of Operations School Bus Regulation by the Public Utilities Commission' (H. P. 172) (L. D. 211)

Mr. Williams from same Committee reported same on Bill "An Act Increasing Compensation of Trustees of Sanford Sewerage District" (H. P. 174) (L. D. 213)

Mr. Harriman from the Committee on Taxation reported same on Bill "An Act relating to Penalties under the Use Fuel Tax Act" (H. P. 127) (L. D. 143)

Mr. Ross from same Committee reported same on Bill "An Act Providing for Legal Assistance by the State to Municipalities in Property Valuation Cases" (H. P. 101) (L. D. 109)

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

Passed to Be Engrossed

Bill "An Act Authorizing Application of 1966 Assessed Valuation for Reimbursement to Towns for Snow Removal in Winter Season of 1968-1969" (S. P. 30) (L. D. 88)

Bill "An Act Providing Public Dump for Albany Township and Milton Township, Oxford County" (H. P. 50) (L. D. 51)

Bill "An Act relating to Duty of Receiver of Unsolicited Merchandise" (H. P. 144) (L. D. 170)

Bill "An Act Designating Landlocked Salmon as the State of Maine Fish" (H. P. 150) (L. D. 176)

Resolve Authorizing Forest Commissioner to Exchange Land in West Forks, Somerset County (H. P. 99) (L. D. 107)

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 and sent to the Senate.

Passed to Be Enacted Emergency Measure

An Act Providing for a Council - Manager Form of Government for the Town of Millinocket (H. P. 65) (L. D. 84)

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 total was taken. 129 voted in favor of same and none against, and accordingly the Bill was

passed to be enacted, signed by the Speaker and by unanimous consent was ordered sent fortwith to the Senate.

Passed to Be Enacted

An Act relating to Closed Season on Wild Hares in Lincoln County (H. P. 17) (L. D. 20)

Was 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.

Orders of the Day

Mr. Lund of Augusta was granted unanimous consent to address the House.

Mr. LUND: Mr. Speaker and Members of the House: It is but a few days since the good inhabitants of Trenton made their decision against locating an aluminum plant in that community. The people of the State and the news media will soon have forgotten their approval or disappointment the decision. and proponents are regrouping and looking for new sites and more receptive townspeople. Those of us who are concerned over the future of our State are concerned that the lesson of Trenton may be lost.

First of all, we may wish to re examine the law under which the financing plan was proposed, because it provides for secrecy in the details of the application, in contravention of the State's Right to - Know law. Thus, conservation - minded people who were interested in learning the details of the proposal to find out if there were safeguards against air and water pollution were frustrated in their efforts. It was not even possible to learn the identity of the behind the aluminum company proposal in order to determine that company's record of control of air and water pollution.

Gentlemen, the people of the State of Maine are not satisfied with an attitude from their State Government of "Father knows best." We may well ask the question whether the present Maine Industrial and Recreation al Finance Approval Board law and procedures are adequate to provide the quality and quantity of

information needed by the people of a community to vote on a

financing plan.

The second, and perhaps more important issue, concerns the approval process itself. apparent that if the aluminum plant were built, the impact of the process upon air and water would be felt far beyond the boundaries of Trenton. If we may assume the truth of the representations made opponents of the plan, the recreational values of the Bar Harbor area and surrounding communities would have seriously impaired. We may well ask whether it is sufficient to require the approval only of the immediate community in which the project will be located. Trenton's decision was probably right for its neighboring communities, but the next town to which the promoters of this enticing project offer their goodies may be just a little bit hungrier and a little more willing to take the bitter with the sweet, a little less concerned about their neighbors.

It should also be pointed out that if the promoters of the aluminum plant had not required low - cost municipal financing, and had their own financial resources, then there would have been no need for a local vote of approval. All that would be needed would be the land options. We are talking about zoning our wildlands. Perhaps we should be thinking about zoning our coastline. Certainly we don't value it any less.

I hope that our legislative leadership and our executive leadership will consider the implications of the Trenton aluminum plant issue as an object lesson in the inadequacy of our present laws to deal with a problem that is certain to plague the State of Maine in years to come.

The Chair laid before the House the first tabled and today assigned matter: Bill "An Act relating to Reimbursement of Fuel Tax for Miles Traveled on Maine Turnpike" H. P. 371)

Tabled — January 29, by Mr. Bourgoin of Fort Kent.

Pending — Motion of Mr. Gauthier of Sanford to refer to Committee on Transportation.

Thereupon, the Bill was referred to the Committee on Transportation, ordered printed and sent up for concurrence.

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

HOUSE REPORT — Ought not to pass — Committee on State Government on Bill "An Act to Permit a Teacher to be a Selectman or a City Council Member" (H. P. 124) (L. D. 140)

Tabled — January 29, by Mr. Martin of Eagle Lake.

Pending — Acceptance.

On motion of Mr. Rideout of Manchester, recommitted to the Committee on State Government and sent up for concurrence.

Mr. Noyes of Limestone was granted unanimous consent to address the House.

Mr. NOYES: Mr. Speaker, I would like to pay tribute to one of my fellow citizens of Limestone, L. Reuben McLaughlin, who has been recognized as the outstanding conservation farmer by the Soil and Water Conservation Committee. I am sure that my colleagues in this body join with me in congratulations to Mr. McLaughlin on receiving this honor. Mr. McLaughlin is well deserving of this award. Thank you.

On motion of Mr. Bragdon of Perham,

Adjourned until Tuesday, February 4, at ten o'clock in the morning.