

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

***One Hundred and Tenth***  
***Legislature***

**OF THE**

**STATE OF MAINE**

**SECOND REGULAR SESSION**  
**January 6, 1982 to April 13, 1982**

**INDEX**

**FOURTH SPECIAL SESSION**  
**April 28, 1982 and April 29, 1982**

**INDEX**

**FIFTH SPECIAL SESSION**  
**May 13, 1982**

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**SECOND CONFIRMATION SESSION**  
**July 16, 1982**

**INDEX**

**HOUSE**

Friday, February 26, 1982

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

Prayer by the Reverend Jack E. Shankel of the Maine District Church of the Nazarene, Augusta.

The journal of yesterday was read and approved.

**Messages and Documents**

The following Communication:

State of Maine  
MAINE STATE RETIREMENT SYSTEM  
State Office Building  
State House Station 46  
Augusta, Maine 04333

January 25, 1982

Honorable Joseph E. Brennan  
Governor of Maine  
State House, Augusta  
Members, 110th Legislature

Dear Governor Brennan and Members of the Legislature:

The Board of Trustees of the Maine State Retirement System submit herewith a report of the financial transactions of the System, statements of the assets and liabilities for the year ending June 30, 1981, report of the Actuary, the Investment Consultant, the Executive Director and the Group Life Insurance Underwriter. This report is submitted in accordance with the provisions of 5 MRSA, Section 1031, subsection 9.

The Board of Trustees is comprised of seven voting members and the State Treasurer who is an ex-officio non-voting member. The Board includes two members appointed by the Governor, subject to review and approval of the Joint Standing Committee on Aging, Retirement and Veterans, and confirmed by the Legislature, one member appointed by the Governor from a list of three nominees submitted by the Maine Retired Teachers Association, one member elected by the Maine Teachers Association, one member elected by the Maine State Employees Association, one member appointed by the Maine Municipal Association, and one member who is a recipient of a retirement allowance through the System and elected by the foregoing members.

Total investments of the System at June 30 amounted to \$346,806,884 based on book value. These investments had a market value at year end of \$364,724,813, a gain over cost value of \$17,917,929. This gain was reflected for the most part in the difference between the cost and market value of common stock, which has a market value of \$40,159,899 in excess of cost.

Net income from investments credited to the System totalled \$47,071,951 during the year, and was comprised of the gain on the sale of securities (\$18,441,734) and earnings on investments (\$29,306,260), which were reduced by investment management and custodial services (\$676,042). The time-weighted rate of return on investments under management by the several investment managers was 15.7% during the fiscal year, as compared to 14% in the previous fiscal year, and 11.1% in the fiscal year ended June 30, 1979. The time-weighted rate of return is based on the market value of securities at the beginning and end of the fiscal period, plus dividends and interest received on these investments. The rate of return on reserves of the System for the year ended June 30, 1981, based on the book value and costs of investments was 8.5695% as compared with 7.8799% for the previous fiscal year. At year end there was cash on deposit with the State Treasurer of \$33,892,717, which was invested in the State Treasurer's "Cash Pool". Interest is credited to the system monthly on these cash deposits and the average interest rate credited to these funds during the year was 14.54%.

Of particular concern to the Board of Trustees during recent years has been the continu-

ing liability and use of the System's reserves to finance benefit payments to "non-contributory" teachers, whose benefit plan has not been funded. Prior to the last session of the Legislature the Board of Trustees repeated its request for funding for this group, and the Governor's budget included the funding that the Trustees requested, i.e., \$12,100,000 in the first year of the biennium and \$13,200,000 in the second year of the biennium. This request was passed by the Legislature and included in the legislative appropriation act (Chapter 316, PL 1981). If funding for this group continues at this level the unfunded liability for this group will be amortized during the same funding period that the regular teacher group and the state employee group will be completed; that is, 18.8 years.

Very truly yours,

S/WILLIAM G. BLODGETT  
Executive Director for  
the Board of Trustees,  
Maine State Retirement System

The Communication was read and with accompanying report ordered placed on file.

**Petitions, Bills and Resolves****Requiring Reference**

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

**Business Legislation**

Bill "An Act to Establish 'Free Look' Requirements for Medicare Supplement Policies" (Emergency) (H. P. 2111) (Presented by Representative Brannigan of Portland) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27) (Ordered Printed)

Sent up for concurrence.

**Health and Institutional Services**

Bill "An Act to Require Installation of Electrical Generators in Nursing Homes for Emergency Use" (H. P. 2112) (Presented by Representative Foster of Ellsworth) (Cosponsors: Representative Randall of East Machias, Senators Perkins of Hancock and Brown of Washington) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)

Sent up for concurrence.

**Special Sentiment Calendar**

In accordance with House Rule 56, the following items (Expressions of Legislative Sentiment) Recognizing:

Oscar Hallee of Waterville, who will celebrate the 100th anniversary of his birth on February 27, 1982; (H. P. 2108) by Representative Jacques of Waterville. (Cosponsors: Representatives Kany of Waterville, Fitzgerald of Waterville and Senator Pierce of Kennebec)

Mildred and Fred McDonald, of Milo, who observed the 60th anniversary of their wedding on January 30, 1982; (H. P. 2109) by Representative Masterman of Milo. (Cosponsor: Senator Pray of Penobscot)

In Memory of:

Harry R. Carroll, Dean of Admissions at Colby College, who dedicated his life to students and their education; (H. P. 2110) by Representative Tarbell of Bangor. (Cosponsor: Representative Kany of Waterville)

There being no objections, these items were considered passed or adopted and sent up for concurrence.

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

Representative Bordeaux from the Committee on Public Utilities on Bill "An Act to Prevent the Pollution of Burntland Pond" (H. P. 1788) (L. D. 1778) reporting "Leave to Withdraw"

Reports were read and accepted and sent up

for concurrence.

**Ought to Pass****Pursuant to Joint Order H. P. 2113**

Representative LaPlante from the Committee on Local and County Government pursuant to Joint Order (H. P. 2113) reporting a Bill "An Act to Extend the Time for the Apportionment of County Taxes" (Emergency) (H. P. 2114) (L. D. 2035) asking leave to report that the same "Ought to Pass"

Report was read and accepted and the Bill read once. Under suspension of the rules, the Bill was read the second time, passed to be engrossed and sent up for concurrence.

**Consent Calendar****First Day**

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H. P. 1902) (L. D. 1887) Bill "An Act Amending the Charter of the Boothbay-Boothbay Harbor Community School District" (Emergency)—Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-611)

On the request of Mr. Higgins, of Scarborough, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-611) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

(H. P. 1809) (L. D. 1794) Bill "An Act to Adjust Fees for Licenses Issued by the Real Estate Commission"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-612)

There being no objections, the above item was ordered to appear on the Consent Calendar of March 1, under listing of Second Day.

(H. P. 1819) (L. D. 1804) Bill "An Act to Require the Towing of Unauthorized Vehicles from Parking Areas Designated for Handicapped Persons' Vehicles"—Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-613)

On the request of Mr. Murphy of Kennebec, was removed from the Consent Calendar.

The SPEAKER: The Chair recognizes the gentleman from Kennebec, Mr. Murphy.

Mr. MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 1804 appears before you as a unanimous report from the Transportation Committee. We feel very proud that this chamber has an opportunity to take a positive step in terms of removing barriers for handicapped citizens and sending a message to the communities that they may enact handicapped parking, that they may levy a fine, and we feel that this is a positive beginning in the removal of barriers.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-613) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

(H. P. 1791) (L. D. 1781) Bill "An Act to Clarify the Regulation of Sewer Districts"—Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-614)

On the request of Mr. Dillenback of Cumberland, was removed from the Consent Calendar.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Dillenback.

Mr. DILLENBACK: Mr. Speaker and Members of the House: The Chairman of the committee wasn't here when I had this removed from the Consent Calendar, but I hope he will speak on this.

We would like to have this tabled for several days because a bonding authority for the district is looking at the bill, so I would like to have it tabled for two days.

Thereupon, on motion of Mr. Davies of Orono, tabled pending acceptance of the Committee Report and specially assigned for Tuesday, March 2.

#### Consent Calendar Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(H. P. 1922) (L. D. 1904) RESOLVE, Authorizing the Maine Forest Service to Convey by Bid Sale of the State's Interest in Certain Real Estate in the Maine Forestry District and to Use the Proceeds for Energy-saving Improvements to Other Existing Fire Control Building (C. "A" H-609)

No objections having been noted at the end of the Second Day, the House Paper was passed to be engrossed as amended and sent up for concurrence.

#### Passed to Be Engrossed

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Waldo County for the Year 1982 (Emergency) (H. P. 2103) (L. D. 2026)

Was reported by the Committee on Bills in the Second Reading, read the second time, the House Paper was passed to be engrossed and sent up for concurrence.

#### Amended Bill

Bill "An Act to Exempt Portions of the Central Maine Air Quality Control Region from Petroleum Liquids Transfer Vapor Recovery Requirements" (H. P. 1836) (L. D. 1833) (C. "A" H-605)

Was reported by the Committee on Bills in the Second Reading, read the Second time, the House Paper was passed to be engrossed as amended and sent up for concurrence.

The following papers appearing on Supplement No. 1 were taken up out of order by unanimous consent:

#### Non-Concurrent Matter

RESOLVE, Authorizing David Condon to Bring Suit Against the State (H. P. 1830) (L. D. 1812) on which the Minority "Ought to Pass" as amended by Committee Amendment "A" (H-599) Report of the Committee as on Legal Affairs was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-599) in the House on February 24, 1982

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Legal Affairs read and accepted in non-concurrence.

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

#### Non-Concurrent Matter

Bill "An Act to Clarify Variable Rate Disclosures in the Maine Consumer Credit Code" (H. P. 1752) (L. D. 1742) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-595) Report of the Committee on Business Legislation was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-595) in the House on February 19, 1982.

Came from the Senate with the Minority "Ought to Pass" as amended by Committee Amendment "B" (H-596) Report of the Committee on Business Legislation read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (H-596) in non-concurrence.

In the House:

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

Mr. BRANNIGAN: Mr. Speaker, I move that

we adhere.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, I move that we recede and concur and ask for a division.

The SPEAKER: The pending question is on the motion of the gentleman from Yarmouth, Mr. Jackson, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

59 having voted in the affirmative and 73 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Brannigan of Portland, the House voted to adhere. (Later Reconsidered)

The following papers appearing on Supplement No. 2 were taken up out of order by unanimous consent:

#### Leave to Withdraw

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act to Provide for Discount Automobile Insurance for 3 Years for Persons 55 Years Old or Older upon Completion of a Motor Vehicle Accident Prevention Course" (S. P. 764) (L. D. 1822)

Came from the Senate with the Report read and accepted.

In the House, the Report was read.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: The Business Legislation Committee considered this piece of legislation very carefully which would have provided for older people, those of 55 and over, to take a special kind of course to prepare us for driving when our bodies are getting older and when we have to make certain adjustments because of age. For doing that, a discount would be given, we would have had to require a discount to be given by the insurance companies.

Our committee had a lot of sympathy for the need of this kind of course, for the safety it provides, and also for the request and requirement of some people wishing to get discounts in their older years.

However, we felt that we would like to give the insurance companies time to do this voluntarily. Even though our senior citizens would like to push very hard to have this made a law, we would like to see it done voluntarily, so we are saying by this "leave to withdraw" and by our concern, that we would encourage insurance companies to take a very close look at these courses, look at these discounts, and to evaluate them and hopefully they will see the value and will do it voluntarily, without any need for legislature in the future.

Thereupon, the Report was accepted in concurrence.

#### Special Sentiment Calendar

The Following items:

Recognizing:

The East Grand High School Girls' Basketball Team and coach Brett Moores, for winning the Eastern Maine Class D Basketball Tournament for 1981-82; (S. P. 892)

Erwin L. Knowlen and Helen G. Knowlen, of Holden, who celebrated their 50th wedding anniversary on February 25, 1982; (S. P. 891)

The Lubec High School Girls' Basketball Team and coach Ray Rice, who for the first time in the history of the school made the Eastern Maine Finals; (S. P. 893)

There being no objections, the above items were considered passed in concurrence.

The following paper appearing on Supplement No. 3 was taken up out of order by unanimous consent:

The following Joint Resolution: (S. P. 894)  
JOINT RESOLUTION IN COMMEMORATION  
OF THE VISIT OF THE FRENCH NAVAL

SHIP "R.H.M. CENTAURE"

WHEREAS, on April 13, 1778, the French Naval Frigate, "Le Sensible" arrived in Falmouth Harbor, now Portland, for the purpose of delivering to the colonists the Treaty of Alliance advising the colonists that the Government of France had formally and openly acknowledged American Independence and pledged its aid and support; and

WHEREAS, word of France's entry into the war spread from Falmouth in the district of Maine through New England, to General George Washington and his troops in Pennsylvania; and

WHEREAS, the decision of France to aid American colonists was of particular importance to the eventual attainment of American Independence; and

WHEREAS, this historic occasion is an integral facet of the City of Portland's Celebration 350; and

WHEREAS, this historic occasion will be commemorated in March of 1982, in the City of Portland and the State of Maine upon the arrival of the French Naval Ship "R.H.M. Centaure" on March 4, 1982; and

WHEREAS, the visit of the French Naval Ship "R.H.M. Centaure" is an occasion of great significance to Maine and its citizens; now, therefore, be it

RESOLVED: That, We, the members of the 110th Legislature while duly assembled in the Second Regular Session at the Capitol in Augusta, do extend our welcome to the officers and crew of the "R.H.M. Centaure" upon the occasion of their visit to the State of Maine in commemoration of Portland's Celebration 350; and be it further

RESOLVED: That a duly authenticated copy of this Resolution of welcome be sent forthwith, on behalf of the Legislature and the People of Maine, to the City of Portland for appropriate transmittal to the commanding officer of the French Naval Ship "R.H.M. Centaure" upon the occasion of that vessel's arrival at Portland Harbor.

Came from the Senate read and adopted.

In the House, under suspension of the rules, the Resolution was read and adopted in concurrence.

The following papers appearing on Supplement No. 4 were taken up out of order by unanimous consent:

Bill "An Act Concerning Solid Waste Disposal Sites" (S. P. 887) (L. D. 2033)

Came from the Senate referred to the Committee on Energy and Natural Resources and ordered printed.

In the House, the Bill was referred to the Committee on Energy and Natural Resources in concurrence.

Bill "An Act to Clarify the Authority of the Courts to Remand Persons to Alcohol Shelters" (Emergency) (S. P. 888) (L. D. 2034)

Came from the Senate referred to the Committee on Judiciary and ordered printed.

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

Bill "An Act Amending the Code of Fair Practices and Affirmative Action" (S. P. 886) (L. D. 2032)

Came from the Senate referred to the Committee on State Government and ordered printed.

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

The following papers appearing on Supplement No. 6 were taken up out of order by unanimous consent:

#### Ought Not to Pass

Representative McSweeney from the Committee on Legal Affairs on Bill "An Act to Re-

gulate Dealers in Used Goods for Resale, Trade or Scrap" (H. P. 1917) (L. D. 1894) reporting "Ought Not to Pass".

Pursuant to Joint Rule 22, was placed in the legislative files without further action and sent up for concurrence.

#### Passed to Be Enacted

An Act to Clarify the Certificate of Approval Holder and Maine Wholesale Licensee Agreement Act (S. P. 768) (L. D. 1826) (S. "A" S-384)

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.

#### House at Ease

Called to order by the Speaker.

The following paper appearing on Supplement No. 5 was taken up out of order by unanimous consent:

#### Passed to be Enacted Emergency Measure

An Act to Extend the Time for the Apportionment of County Taxes (H. P. 2114) (L. D. 2035)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and two-thirds vote of all the members elected to the House being necessary, a total was taken, 129 voted in favor of the same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

#### (Off Record Remarks)

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

Mr. GWADOSKY: Mr. Speaker, on Supplement No. 1, L. D. 1742, having voted on the prevailing side, I now move that we reconsider our action whereby this House voted to adhere and I urge you all to vote against me.

The SPEAKER: The gentleman from Fairfield, Mr. Gwadosky, moves that we reconsider our action whereby we voted to adhere on Bill "An Act to Clarify Variable Rate Disclosures in the Maine Consumer Credit Code" (H. P. 1752) (L. D. 1742) (House adhered to its action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-595) (In Senate, Bill passed to be engrossed as amended by Committee Amendment "A" H-596)

The Chair recognizes the gentleman from Biddeford, Mr. Racine.

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I would ask for a division on this motion. Also, I am requesting that the chairman explain to the assembly the difference between Committee Amendment "A" and Committee Amendment "B" because this is a very important bill, and I believe that in the process we are going kind of fast right now, and I would like to slow down the process just a little bit. So if the chairman would explain what the bill does it would be appreciated.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: I appreciate Representative Racine giving me this opportunity, as he is on the other side, in allowing me to explain the bill. It is not that important a matter, but I think it is important, nonetheless.

Variable rate loans are something still pretty foreign to most of us. In fact, when I first heard about my friends in Canada not knowing what their house payments were going to be for the next 20 years because it would change from time to time, I was amazed. But, as you know, in the last two or three years, variable rate kind of loans have been talked about and are

even being offered occasionally in our state, which means that in some way the interest rate is going to vary over the life of your mortgage, car loan or whatever. So last session, we dealt with the whole issue of variable rates. We had a bill that was quite comprehensive and it did two things in the beginning. It regulated them and it told bankers and loaners what they could do and what they couldn't do, how often they could raise it, how much at a time, how much per year, etc. It also said you had to tell people what they were getting into.

After working it a great deal and many of us reluctantly giving in, we decided we would not regulate it but we would make it very strong that we would tell people what they were getting into in every way we could, how much it would go up, how often, what index it would be tied to as it went up and down and so forth. So, we put everything into disclosure, tell people if they want to get into it, if they want to take it with these kinds of intangibles and unknowns, fine.

There was one little area that we didn't spell out specifically, and that is in the area of what is known as open-end credit. If you buy a house, that's closed end, you know how much; if you buy a car, that's closed end, you know how much you are paying. Open end is when you have credit cards and you have \$100, \$200, \$500, up to a particular limit, you don't know when you get into it how high you are going.

What we had said was, one of the things you have to tell people is what will happen. You have to give them an example of what is going to happen. A bank wanted to offer one of these open-end credits and they said, how are we going to tell them when we don't know. If it is a \$5,000 loan for a car, we can tell them what will happen to that \$5,000 if it changes a little, but if it is open end, we really don't know. So the regulators said okay, we'll go back to the legislature and straighten that out later, but in the meantime, just tell people what would happen if they borrowed \$500. This is what we are dealing with.

Representative Perkins suggested a thousand dollars was better because it is easier to figure on a thousand dollars.

So if you vote to adhere, as I recommend, as a majority of the committee recommends, then that is what you will be voting for this afternoon, that people on open-end credit will have to give an example based on a hypothetical \$1,000, what will happen.

The minority of the committee think this is a silly little disclosure and they say "no disclosure" on open end credit, rule it out. That is what you will be voting on if you were to vote against adhering.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: What we are asking you to do here is to reconsider this bill, which would bring it back, and then we could recede and concur, which would put it in position with the other body.

As my colleague has very aptly explained, there are two reports here, A and B, and I happen to be on the minority, which is B. I guess it comes down to a question of philosophy. When you have a credit card, plastic money, whatever you want to call it, you get a notice with that, it tells you what the rate is, you can figure out from that what you are going to have to pay if you borrow money against that card, and I guess we feel you should be able to figure that out without an example having to be laid out for you by the bank based on either \$500 or \$1,000. That example doesn't really have any bearing with reality. You may have borrowed \$29.95, or you may have borrowed up to \$4,000, and Report A says you have got an example using \$1,000 and then you can sit down and correlate that back through and you can figure out what kind of interest rate you might be faced with.

We're saying, you know the rate you are borrowing at, you know what the steps can be and everything, and you can figure it out without the banks having to go through and lay this all out and sort of hold your hand and lead you through it.

I would ask you to reconsider. The rest of the bill is important. This one part is the only part we disagreed with, so I hope you will reconsider and then we could recede and concur with the other body.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: I hope you will not vote to reconsider, which means we stay with adhere.

Variable rates are something that are very new, and anything we can do to help people understand them in these beginning years of having to live with them, we should do it. It isn't a major issue, but I think anytime we can educate somebody about variable rates and what it means to get into something that is going to change, I think we should do it and that is why I urge you to vote against the motion to reconsider.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Fairfield, Mr. Gwadosky, that the House reconsider its action whereby it voted to adhere. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

58 having voted in the affirmative and 63 in the negative, the motion did not prevail.

#### (Off Record Remarks)

On motion of Mr. Smith of Island Falls.

Adjourned until Monday, March 1, at four o'clock in the afternoon.