

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Sixth Legislature

OF THE

STATE OF MAINE

1953

**DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE**

HOUSE

Wednesday, March 4, 1953

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

Prayer by the Rev. Mr. Emerson Curry of Kennebunkport.

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate:

Bill "An Act relating to Membership on the Maine School Building Authority" (S. P. 442) (L. D. 1152)

Came from the Senate received by unanimous consent and referred to the Committee on Education.

In the House, the Bill was received by unanimous consent and was referred to the Committee on Education in concurrence.

From the Senate:

Bill "An Act relating to Sheriffs' Indemnity Policies" (S. P. 427) (L. D. 1154)

Came from the Senate referred to the Committee on Judiciary.

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

From the Senate:

Bill "An Act Amending the Charter of the City of Lewiston" (S. P. 428) (L. D. 1155)

Came from the Senate referred to the Committee on Legal Affairs.

In the House, referred to the Committee on Legal Affairs in concurrence.

From the Senate:

Bill "An Act Providing for the Classification of Certain Surface Waters" (S. P. 429) (L. D. 1156)

Bill "An Act Amending the Water Improvement Commission and Creating Standards of Classification" (S. P. 430) (L. D. 1157)

Came from the Senate referred to the Committee on Natural Resources.

In the House, referred to the Committee on Natural Resources in concurrence.

From the Senate:

Resolve Authorizing Commissioner of Institutional Service to

Convey to Portland Water District a Right of Way for a Pipeline Over Land of the State School for Boys in South Portland (S. P. 443) (L. D. 1151)

Came from the Senate received by unanimous consent and referred to the Committee on Natural Resources.

In the House, the Resolve was received by unanimous consent and was referred to the Committee on Natural Resources in concurrence.

From the Senate:

Bill "An Act relating to Salaries of County Officers in Androscoggin County" (S. P. 444) (L. D. 1153)

Came from the Senate received by unanimous consent and referred to the Committee on Towns and Counties.

In the House, the Bill was received by unanimous consent and was referred to the Committee on Towns and Counties in concurrence.

From the Senate:

Bill "An Act relating to Requirements for Old Age Assistance" (S. P. 431) (L. D. 1158)

Came from the Senate referred to the Committee on Welfare.

In the House, referred to the Committee on Welfare in concurrence.

**Senate Reports of Committees
Leave to Withdraw**

Report of the Committee on Business Legislation on Bill "An Act relating to the Licensing of Non-Resident Life Insurance Agents" (S. P. 105) (L. D. 305) reporting leave to withdraw.

Came from the Senate with the Report read and accepted.

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

Ought to Pass

Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act Authorizing Husson College to Confer Degrees" (S. P. 87) (L. D. 193)

Report of the Committee on Liquor Control reporting same on Bill "An Act relating to Liquor Commission Functions" (S. P. 223) (L. D. 593)

Report of same Committee reporting same on Bill "An Act relating to Numbers Boards in State Stores" (S. P. 227) (L. D. 589)

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed.

In the House, Reports were read and accepted in concurrence. Bills read twice and tomorrow assigned.

The SPEAKER: The Chair notes the presence in the balcony of the Hall of the House of seventeen students from the Eighth Grade of the Consolidated School in Kennebunkport, under the supervision of Mrs. Roland Parsons.

In behalf of the House, the Chair bids you a very cordial and hearty welcome. (Applause)

Memorial, Bills and Resolves Requiring Reference

The following Memorial, Bills and Resolves, (transmitted by the Director of Legislative Research pursuant to Joint Order, S. P. 29) were received, and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Apportionment

Memorial of a Majority of the Selectmen of the Town of Windham in favor of Reapportionment of the Representatives (H. P. 1148) (Presented by Mr. Davis of Harrison)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act relating to Payments to Certain Towns in Lieu of Taxes" (H. P. 1124) (Presented by Mr. Edwards of Raymond)

(Ordered Printed)

Resolve Reapportioning Certain Moneys Appropriated for Reformatory for Women (H. P. 1125) (Presented by Mr. Whiting of Skowhegan)

(Ordered Printed)

Sent up for concurrence.

Claims

Resolve in favor of Moses A. Dolley of Vassalboro (H. P. 1126) (Presented by Mr. Dostie of Winslow)

Resolve to Reimburse Elmer F. Day of East Parsonsfield (H. P. 1127) (Presented by Mr. Evans of Cornish)

Sent up for concurrence.

Education

Bill "An Act relating to Education of Indian Children" (H. P. 1128) (Presented by Mr. Fuller of Bangor)

(Ordered Printed)

Sent up for concurrence.

Highways

Bill "An Act to Provide for the Sharing of Gasoline Taxes with Towns" (H. P. 1129) (Presented by Mr. Gates of Millinocket)

(Ordered Printed)

Sent up for concurrence.

Inland Fisheries and Game

Bill "An Act relating to Hunting and Fishing Licenses for Aliens" (H. P. 1130) (Presented by Miss Steeves of Lincoln by request)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act relating to Penalties for Liquor Law Violations" (H. P. 1131) (Presented by Mr. Dostie of Winslow)

(Ordered Printed)

Bill "An Act to Authorize Issuance of Bonds in the Amount of Twenty Million Dollars for Bonus to Maine Veterans of World War II and Korean Campaign" (H. P. 1132) (Presented by Mr. Dumais of Lewiston)

(Ordered Printed)

Resolve Proposing an Amendment to the Constitution to Provide for a Bonus to Maine Veterans of World War II and the Korean Campaign (H. P. 1133) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act relating to Discrimination at Places of Public Resort or Amusement" (H. P. 1134) (Presented by Mr. Fuller of Bangor)

(Ordered Printed)

Bill "An Act relating to Salaries of Members of Supreme Judicial Court and the Organization of the Superior Court" (H. P. 1135) (Presented by Mr. Jalbert of Lewiston)

(Ordered Printed)

Bill "An Act relating to Inheritance Taxes on Joint Property Held

by Husband and Wife" (H. P. 1136)
(Presented by Mr. Sanford of
Dover-Foxcroft)

(Ordered Printed)

Bill "An Act Designating Presi-
dential Election Day a Legal Holi-
day" (H. P. 1137) (Presented by
Miss Steeves of Lincoln)

(Ordered Printed)

Resolve Authorizing the Release
of State of Maine's Claim on T. 1,
R. 13, W. E. L. S., Piscataquis
County (H. P. 1138) (Presented by
Mr. Fuller of Bangor)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Change the
Name of Portland University Ex-
tension Courses, Inc., and to Grant
It Certain Powers" (H. P. 1139)
(Presented by Mr. Albee of Port-
land)

(Ordered Printed)

Sent up for concurrence.

Liquor Control

Bill "An Act relating to Excise
Taxes on Malt Liquor" (H. P. 1140)
(Presented by Mr. Jalbert of Lew-
iston)

(Ordered Printed)

Bill "An Act relating to Fees for
Retail Sale of Liquor" (H. P. 1141)
(Presented by same gentleman)

(750 Copies Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act relating to Permits
for Outdoor Advertising" (H. P.
1142) (Presented by Miss Steeves
of Lincoln by request)

On motion of Mr. Fuller of
South Portland, the Bill was re-
ferred to the Committee on Busi-
ness Legislation, ordered printed,
and sent up for concurrence.

Public Health

Bill "An Act relating to Hair-
dressing and Beauty Culture" (H. P.
1143) (Presented by Mr. Whiting of
Skowhegan, by request)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Repeal the Tax
on Cigars and Tobacco Products"
(H. P. 1144) (Presented by Mr. Low
of Rockland)

(Ordered Printed)

Sent up for concurrence.

Towns and Counties

Bill "An Act relating to Closing
County Offices on Saturdays" (H. P.
1145) (Presented by Mr. Cote of
Lewiston)

(Ordered Printed)

Bill "An Act relating to Holidays
for County Offices" (H. P. 1146)
(Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

Welfare

Resolve providing for a Pension
for Ola M. Doherty of Belfast (H.
P. 1147) (Presented by Mr. Clements
of Belfast)

Sent up for concurrence.

On motion of Mrs. Christie of
Presque Isle, House Rule 25 was
suspended for the remainder of to-
day's session, in order to permit
smoking.

ORDERS

On motion of Mr. DeBeck of Hol-
den, it was

ORDERED, that Mr. Brown of
Robbinston and Mr. Story of Wash-
burn be excused from attendance
because of illness, and that the
Clerk of the House be directed to
extend to them the sympathy of the
members in their illness, and ex-
press to them their hopes for a
speedy recovery.

On motion of Mr. Chase of White-
field, it was

ORDERED, that Rev. Leslie Far-
rar of Jefferson be invited to of-
ficiate as Chaplain of the House on
Thursday, March 26, 1953.

House Reports of Committees Divided Report

Tabled and Assigned

Majority Report of the Committee
on Transportation reporting "Ought
not to pass" on Bill "An Act relat-
ing to License Plates for Motor
Vehicle Owners Who Operate Ama-
teur Radio Stations" (H. P. 197) (L.
D. 213)

Report was signed by the follow-
ing members:

Messrs. HASKELL of Penobscot
JAMIESON of Aroostook
—of the Senate

Messrs. TRAVIS of Westbrook
FINEMORE of Bridgewater
DODGE of Strong
KELLY of Rumford
CURTIS of Bowdoinham
—of the House

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

Report was signed by the following members:

Mr. CUMMINGS of Sagadahoc
—of the Senate
Messrs. JEWETT of Bucksport
TOTMAN of Bangor
—of the House

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Travis.

Mr. TRAVIS: Mr. Speaker and Ladies and Gentlemen: I move the acceptance of the Majority "Ought not to pass" Report.

The SPEAKER: The gentleman from Westbrook, Mr. Travis, moves that the Majority Report of the Committee, "Ought not to pass" be accepted and sent up for concurrence.

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

Mr. TRAFTON: Mr. Speaker, I move that the matter be tabled and specially assigned for next Wednesday, pending acceptance of either report.

The SPEAKER: The gentleman from Auburn, Mr. Trafton, moves that this matter be tabled and specifically assigned for Wednesday, March 11, pending the motion of the gentleman from Westbrook, Mr. Travis, that the House accept the Majority "Ought not to pass" Report. Is this the pleasure of the House?

The motion prevailed and the two Reports, with accompanying papers, were so tabled and so assigned.

Leave to Withdraw

Mr. Stanwood from the Committee on Sea and Shore Fisheries on Bill "An Act relating to Salaries of Sea and Shore Fisheries Coastal Wardens" (H. P. 764) (L. D. 799) reported leave to withdraw.

Mr. Travis from the Committee on Transportation on Bill "An Act relating to Width of Motor Vehicles

and Trailers" (H. P. 555) (L. D. 535) reported same.

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Jalbert from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act to Appropriate Moneys for Additional Expenditures in the Treasury Department for the Fiscal Year Ending June 30, 1953" (H. P. 574) (L. D. 504)

Mr. Alden from the Committee on Claims reported same on Resolve in favor of W. D. Rankin of Intervale (H. P. 322)

Reports were read and accepted and sent up for concurrence.

Recommitted

Mr. Brown of Bangor from the Committee on Claims reported "Ought not to pass" on Resolve to Reimburse the Town of Brooks for Pauper Claim (H. P. 25)

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Dickey.

Mr. DICKEY: Mr. Speaker and Members of the House: I have talked with the gentleman from Medway, Mr. Potter, the Chairman of this Committee.

I now move that Item 6, House Paper 25, be recommitted to the Committee on Claims.

The SPEAKER: The gentleman from Brooks, Mr. Dickey, moves that Resolve to Reimburse the Town of Brooks for Pauper Claim, (H. P. 25) together with the "Ought not to pass" report, be recommitted to the Committee on Claims.

The Chair recognizes the gentleman from Medway, Mr. Potter.

Mr. POTTER: Mr. Speaker and Members of the House: In regard to Mr. Dickey's motion, the Committee on Claims, due to knowledge which they have at the present time, and which they did not have at the time that Mr. Dickey's claim came up in the committee, would be very glad to have the bill recommitted to our committee.

The SPEAKER: The question before the House is on the motion of the gentleman from Brooks, Mr.

Dickey, that Resolve to Reimburse the Town of Brooks for Pauper Claim (H. P. 25) together with the "Ought not to pass" report be recommitted to the Committee on Claims. Is this the pleasure of the House?

The motion prevailed and the matter was recommitted to the Committee on Claims and sent up for concurrence.

Mr. Potter from the Committee on Claims reported "Ought not to pass" on Resolve in favor of Mrs. E. E. Nelson of Farmingdale (H. P. 323)

Report was read and accepted and sent up for concurrence.

Recommitted

Mr. Potter from the Committee on Claims reported "Ought not to pass" on Resolve in favor of T. E. McSherry of Fryeburg (H. P. 320) (L. D. 391)

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Sweden, Mr. Moulton.

Mr. MOULTON: Mr. Speaker, when this bill came up for hearing I obtained permission from the Senate Chairman of the Claims Committee that he would hold that bill until Mr. McSherry got back and could appear at the hearing, and I move that this bill be recommitted to the Committee on Claims.

The SPEAKER: The gentleman from Sweden, Mr. Moulton, moves that Item 8 be recommitted to the Committee on Claims.

The Chair recognizes the gentleman from Medway, Mr. Potter.

Mr. POTTER: Mr. Speaker and Members of the House: The Committee on Claims would be glad to have this bill recommitted.

The SPEAKER: The question before the House is on the motion of the gentleman from Sweden, Mr. Moulton, that Resolve in favor of T. E. McSherry of Fryeburg (H. P. 320) (L. D. 391) together with the "Ought not to pass" report, be recommitted to the Committee on Claims. Is this the pleasure of the House?

The motion prevailed, and the matter was recommitted to the

Committee on Claims and sent up for concurrence.

Mr. Walker from the Committee on Claims reported "Ought not to pass" on Resolve in favor of George Babb of Intervale (H. P. 321)

Report was read and accepted and sent up for concurrence.

Tabled

Mr. Walker from the Committee on Claims reported "Ought not to pass" on Resolve to Reimburse the Town of Millinocket for Supplies Furnished the Warren Dorr Family (H. P. 62) (L. D. 59)

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Gates.

Mr. GATES: Mr. Speaker and Members of the House: I move that the resolve be substituted for the report. This resolve is simply a means to permit the State of Maine to fulfill its obligations to the town of Millinocket. This resolve is for a claim for money which was paid by the town of Millinocket for the support and care of Warren Dorr and his family. This family is composed of a man and wife and thirteen children. In 1932 Mr. Dorr fell into distress in the city of Portland. The city of Portland immediately sent a pauper notice to the town of Millinocket. Now I have not been able to find anywhere in my files any evidence that was submitted, neither have I been able to find what the evidence was, if any evidence was submitted, that would induce the selectmen from the town of Millinocket to accept this as their case.

I have attempted to contact the selectmen who were in office at that time. Two of them are dead and the third one is now in Florida.

In 1949, while in the Legislature at that time, I received a call from Portland from the Overseers of the Poor, informing me that Mr. Dorr and his family were burned out and requested us to move them to Millinocket. We did that. That was the first time that I, or any members of my board, had ever had an opportunity to contact Mr. Dorr. When I contacted Mr. Dorr in Millinocket, upon evidence I received

from him, I suspected that perhaps this case was not ours.

I immediately went to work to collect statements and affidavits. I started in February of 1949. In 1949, on October the 28th, I submitted to the Health and Welfare Department of the State of Maine, a statement of facts, with affidavits, as to this claim being a State case. In May of 1952, six months and seventeen days after the receipt of my notification, they acknowledged it and sent me a letter, addressed to my office, and acknowledged them to be a State case. In the last paragraph of that statement they informed me that they would reimburse the town for any bills or any expenses which they deemed had been given to them necessarily.

Now, there is a family of thirteen children and two adults, a family of fifteen, and I think, if you will examine the claim over a period of eighteen years, you will find that anything they got was not exorbitant.

I have submitted to the Claims Committee a bill which was an exact duplicate of our records which showed the entries in our Poor Account as they related to the Warren Dorr family. Those claims were an exact copy of that account. There was an affidavit attached by one of the members of my board which said that it was an exact account. Those reports have been audited every year since 1936 by an employee of your State Auditing Department, and they have been passed and showed that there was a voucher with at least two signatures from the Board of Selectmen, substantiating those claims.

Your Claims Committee accepts that as correct; they do not say that that is an incorrect amount.

I have also submitted to your Claims Committee a letter from the State Department, acknowledging that it is a State case, and that they are obligated for their care. The Claims Committee does not deny that it is a State case. I am presuming that they are denying this case under the provisions of Chapter 82, Section 5, which says that you must submit your claim to the State and that they will not reimburse before ninety days preceding their notice.

One of the Legislators has said to me: "That should be repealed." I cannot agree with him. I believe that is a good law and that it should remain there, for the reason that any claims coming in to the State, to the Welfare Department, previous to ninety days, if they were permitted to pay previous to that time, they could pay two and three or four years back, which would be taken out of three or four years' previous appropriations, in the current appropriations, but that law is there and is subject to amendment, not exactly amendment, but it is elastic enough so that the State can be permitted to pay their obligations.

Now if you go back to that case and refuse to pay for ninety days, you are closing the door. As a matter of fact, this is a test case. They are trying to find out whether or not the Legislature has the right to pay or permit the State to pay their true and just obligations. Now if, for any reason, you vote to refuse to accept the bill, you are simply closing the doors to every city and town in the State of Maine to the recovery of any amount of money that is due them in a like manner, and I think, members, that before voting on this thing, you had better give it considerable consideration to see how it will affect your own city and town.

Mr. Speaker, I am ready for the question and I, myself, and at least several other members in the House, will request that when the vote is taken, it be taken by a division of the House.

THE SPEAKER: The question before the House is on the motion of the gentleman from Millinocket, Mr. Gates, that Resolve to Reimburse the Town of Millinocket for Supplies Furnished the Warren Dorr Family (H. P. 62) (L. D. 59) be substituted for the "Ought not to pass" Report, and that when the vote is taken, it be taken by a division.

The Chair recognizes the gentleman from Medway, Mr. Potter.

MR. POTTER: Mr. Speaker, this claim dates back some twenty years, as the gentleman from Millinocket (Mr. Gates) has stated, back to 1932.

Two years ago this claim was before the Claims Committee and the committee thought that due to the age of the claim, it should not be paid. This year ten more men sat on the committee. We studied this very carefully, and we decided that there had to be some limitation. We are not using Section 5 of Chapter 82, but we are using Section 28 of Chapter 82, which states that if a town wishes to recover from another town or from the State, action shall be taken within two years.

This claim is for the sum of about \$9,500 spent over that period, and it was the opinion of the committee that where they spent \$9,500 over that period, they should have had plenty of time to find whether or not this family had a settlement in Millinocket or Portland, or if they were a State case. We relied particularly on Chapter 82, Section 28, for this, which suggests two years as the limit. We have the statute of limitations of six years in any ordinary business, and this claim has run over twenty years, and when you vote, members, in all due regard to the towns and with all due regard to the ninety-day clause, which I do not think the Claims Committee should go along with, this claim is so very old that if we take it up, we may have claims coming in here that are thirty years old or forty years old. It is hard to tell what can happen if we go that far back into history, and I hope, members, that you will consider the consequences of taking up claims of this age, and be careful how you vote.

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

Mr. FULLER: Mr. Speaker and Members of the House: There is more to this than the statute of limitations, and I will say, in support of the committee's report, that it seems to me that if the Municipal Officers of Millinocket did accept this person as a resident of the town back in 1932, that it is a pretty late date now for the Legislature to undo that. That point is more conclusive than the question of the statute of limitations. In the case of the statute of limitations it is more or less a technical defense, where the bill

ought to be paid but so much time has gone by that it cannot be collected, but here we have another point entirely, which may preclude really a consideration of this time element; it is whether or not the Municipal Officers there did accept these people as inhabitants of their town at the time the supplies were first provided.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Fogg.

Mr. FOGG: Mr. Speaker, I am on the Claims Committee and I would like to say a word in defense of the Claims Committee on this matter. First, I would like to commend the gentleman from Millinocket (Mr. Gates) for his courageous stand and persistent stand in defending his town on this. However, it does seem to me that the town of Millinocket should have gotten wise to what was taking place in this time of seventeen years, and I feel, as does the gentleman from Medway (Mr. Potter) honestly, that if we go ahead and pay this claim, which is quite a bit of money, we might be going back to World War I on claims. We have got to draw the line somewhere.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Gates.

Mr. GATES: Mr. Speaker, I just wish to make a few statements in rebuttal.

I admit there should be a statute of limitations but I do not think the State has got to follow that. This is not a court of law. If it were a court of law, we might have defense, but we are not a court of law; we are a legislative body, and it is our duty to permit the State of Maine to fulfill all of its obligations.

In regard to getting evidence to submit to the State in this case, I did not have an opportunity to contact this man or see this man until 1949. When I contacted the man in question I thought the information had been submitted.

Now it is ridiculous to plead a claim or try to evade the obligations of the State of Maine by this ninety-day clause. For example, there are many cases which come to the town that we investigate where it may take us at least sixty

days, seventy-five days or even ninety days to pick up the evidence. We may have to send to some town where we feel they have a settlement. They immediately refuse. We go through the same procedure and present it to another town. We can do that practically forever and ever and finally submit it to the State of Maine and they will accept it.

Now you can understand in regard to that statute of limitations there are times when it does not apply. Well, that is all. I did have something else to say but I have forgotten it, but nevertheless, members, I feel that if the State owes that bill, regardless of how far back it is, they should pay it. It is their responsibility; they acknowledge it is their responsibility and they ought to pay it. I hope that the members will consider, when they vote, just what effect it is going to have upon their town. If it does, you are going to close the doors against ever, ever getting any claims or any money or being reimbursed by the State. I was from February, 1949, until October of the same year gathering up the evidence to submit to the State. I couldn't do it in ninety days; and if I were that long in doing it, how do you expect a town to gather up within ninety days the evidence that it took the State, with their staff of trained investigators and Attorney General, to determine whether the town of Millinocket or the State of Maine should pay the claim, and all they had to do was to verify the statements that I sent in. I had to go out and pick up these statements and get affidavits, and I hope, Ladies and Gentlemen, when you vote, you will see the justice of this thing and vote as you should. I thank you.

The SPEAKER: As many as are in favor of the motion of the gentleman from Millinocket, Mr. Gates, to substitute Resolve to Reimburse the Town of Millinocket for Supplies Furnished the Warren Dorr Family (H. P. 62) (L. D. 59) for the report of the committee will please rise and remain standing in their places until the monitors have made and returned the count.

A division of the House was had.

Twelve having voted in the affirmative and sixty-seven having

voted in the negative, the motion did not prevail.

The SPEAKER: Is it now the pleasure of the House that the report of the committee be accepted and sent up for concurrence?

The Chair recognizes the gentleman from Millinocket, Mr. Gates.

Mr. GATES: Mr. Speaker, I make a motion that this be placed on the table without date of assignment, pending an amendment or some other action.

The SPEAKER: The gentleman from Millinocket, Mr. Gates, moves that this matter be tabled and unassigned pending acceptance of the report of the committee. Is this the pleasure of the House?

(Calls of "No" and "Yes.")

The SPEAKER: As many as are in favor of the motion of the gentleman from Millinocket, Mr. Gates, will please manifest their desire by saying aye: as many as are opposed will say no.

A viva voce vote being taken, the motion prevailed, and the Resolve, together with the "Ought not to pass" report of the committee, was tabled pending acceptance of the report.

Mr. Butler from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Resolve Regulating Ice Fishing in Coffee Pond, Cumberland County (H. P. 267) (L. D. 304)

Report was read and accepted and sent up for concurrence.

Recommitted

Mr. Currier from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Resolve Regulating Fishing in Rancourt Pond, Somerset County (H. P. 220) (L. D. 247).

Report was read.

On motion of Mr. Watson of Moose River Plantation the Resolve, together with the "Ought not to pass" report, was recommitted to the Committee on Inland Fisheries and Game and sent up for concurrence.

Mr. Frechette from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Resolve Regulating Ice Fishing in Big Wood Lake, Somerset County (H. P. 215) (L. D. 242)

Same gentleman from same Committee reported same on Resolve Regulating Ice Fishing in Attean Lake, Somerset County (H. P. 219) (L. D. 246)

Mr. Harnden from same Committee reported same on Resolve Opening Bald Mountain Pond, Somerset County, to Ice Fishing (H. P. 415) (L. D. 463)

Same gentleman from same Committee reported same on Resolve Opening Big Greenwood Pond, Piscataquis County, to Ice Fishing (H. P. 590) (L. D. 631)

Mr. Watson from same Committee reported same on Resolve Regulating Ice Fishing for Certain Fish in Coffee Pond, Cumberland County (H. P. 266) (L. D. 296)

Mr. Whitney from same Committee reported same on Resolve providing for a Fish Screen at the Outlet of Nubble Pond, in the Town of Raymond, County of Cumberland (H. P. 261) (L. D. 291)

Mr. Fuller from the Committee on Judiciary reported same on Bill "An Act relating to Penalty for Night Hunting" (H. P. 178) (L. D. 173)

Same gentleman from same Committee reported same on Bill "An Act relating to Trespass by Cattle and Other Domestic Animals" (H. P. 421) (L. D. 468)

Mr. Low of South Portland from same Committee reported same on Bill "An Act relating to Settlement of Employees at Pownal State School" (H. P. 333) (L. D. 400)

Same gentleman from same Committee reported same on Bill "An Act relating to Stockholders' Meetings" (H. P. 338) (L. D. 354)

Reports were read and accepted and sent up for concurrence.

Mr. Low of South Portland from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to Penalty for Carelessly Shooting a Human Being While Hunting" (H. P. 142) (L. D. 140)

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Holden, Mr. DeBeck.

Mr. DeBECK: Mr. Speaker, I move that we substitute the bill for the report and, Mr. Speaker, if I am in order I would like to make a few remarks.

The SPEAKER: The gentleman from Holden, Mr. DeBeck, moves

that the Bill be substituted for the Committee Report.

The gentleman may speak to the motion.

Mr. DeBECK: Mr. Speaker, at every session of the Legislature laws are being enacted to protect the deer in this State. I approve of it. I think the time has now come when something should be done to protect the men in the woods, not only the men who are out hunting but men who might be cutting wood or looking over land.

If a man, with his automobile, runs over a person out here on the highway, he is brought into court, he is accused of manslaughter, he is fined, or he is sentenced to five, ten, fifteen or twenty years in prison. A man takes his rifle and he goes out into the woods; he sees the bushes moving; he fires into the bushes before he can see what he is firing at; he shoots or wounds a human being. He may be brought into court and he may not be. If he is, he may be fined \$100, \$200, or perhaps he is not fined anything.

I believe that I have been in the woods nearly as much as any man in this House. I do not think it is any excuse for a man to say, when he fires into the bushes and wounds or kills a human being, "I thought it was a deer." What made him think so? He didn't see what he was firing at. My object, in introducing this bill, is not only to protect the men in the woods, but it is to teach people not to fire at anything before they can see what they are firing at. That is the cause of most of the careless hunting — firing into the bushes before they know what they are firing at.

Most of you recall two men who were out cutting wood last fall. One of them was killed. Did the man who killed that fellow really think he was a deer? No! He saw the bushes moving, and he fired into the bushes, and he killed the man.

I don't know as there is much more for me to say, but Mr. Speaker, when the vote is taken I ask for a division of the House, and I would like to say, further, that if this bill which I present, House Paper 142, Legislative Document 140, had been a law on the statute books a year ago, nineteen men would not have lost their lives. A large majority of

those men would now be alive. Let's do something to protect the men. I thank you.

The SPEAKER: The question before the House is on the motion of the gentleman from Holden, Mr. DeBeck, that Bill "An Act relating to Penalty for Carelessly Shooting a Human Being While Hunting" (H. P. 142) (L. D. 140) be substituted for the report of the committee, and the same gentleman requests a division when the vote is taken.

The Chair recognizes the gentleman from Bridgton, Mr. Whitney.

Mr. WHITNEY: Mr. Speaker, I speak as one who has been on both ends of the gun in regard to this measure. I fully agree with my friend across the way. No man should shoot at the motion of the bushes. There is a possibility that something or someone might possibly be mistaken for game. I think we should give due consideration to this bill before we pass it and be sure that we do not work a hardship on someone. I thank you.

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

Mr. LOW: Mr. Speaker and Members of the House: The committee agrees one hundred per cent with the objective sought to be attained by the proponents of this bill, but they disagree that this bill would accomplish that purpose. You will notice, incidentally, that the Judiciary Committee is made up of ten lawyers and they all agree that this bill ought not to pass, and no ten lawyers would agree on anything that is the least bit controversial.

Now the committee also disagrees with this bill especially because the punishment is mandatory and is not left to the discretion of the Court. The committee feels that the system that existed in this country since long before it was founded that whether punishment for violation of a law should be inflicted should be determined by factors which cannot be discovered until the time for sentencing had arrived and that therefore it should be left to the Judge.

Now after the committee had acted on this I was downstairs and I went in to see Mr. Ingraham, the Chief Warden of the Depart-

ment of Inland Fisheries and Game, and he told me that there are no such things as sound shots; that in his experience and in his investigations he has never heard of one; although he agrees that almost every other hunter will talk about having met somebody who has taken a sound shot he has never had any evidence to substantiate that. Also, of the nineteen people killed last year nineteen of them were not mistaken for deer or game: ten of them were; the other nine were killed by mis-handling of firearms.

Mr. Ingraham has had in his custody all of the men accused of negligently shooting a human being while hunting, and he has talked with them and observed what kind of individuals they are. They are all experienced hunters. Every man who has negligently shot a human being by mistaking him for game has been an experienced hunter. The ones who have killed somebody by poor handling of firearms have been inexperienced hunters.

Now these men who have negligently mistaken a human being for a deer did not shoot at something they thought was a deer; they did not shoot at the moving of the bushes, they shot at something they knew was a deer at the time. Now they did not stop to think of what the punishment was, and it would not have made any difference to them if the punishment for killing a human being by mistaking him for a deer was life, because that was the furthest thing from their minds, that that was a human being. To them it was a deer, and the punishment wouldn't make any difference.

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

Mr. FULLER: Mr. Speaker and Members of the House: In further support of the committee's position on this matter, I would like to add a little bit to the remarks of the gentleman from South Portland (Mr. Low). As he says, we are in complete sympathy with the purposes of the bill, but I would remind you that in more modern times we have been forced to the conclusion that it is not always

severity of punishment that counts as much as it is certainty. Let me remind you that in ancient times a man might have been hanged for stealing a loaf of bread. We have gotten away from that sort of thing and now there are different systems of punishment.

In this particular bill there are two things that seem to me to be practical objections. The penalty for wounding is mandatory imprisonment just as it is for killing. That means that when the one who did the shooting is imprisoned, the victim, for the period of imprisonment at least, may be entirely deprived of his right to collect damages because the hunter's earning capacity, of course, will be halted while he is locked up.

The other thing is that if the facts in a death case can be clearly established then, of course, the criminal penalties for manslaughter are always available to be used, so that it really is not necessary to have mandatory imprisonment as provided for here.

In conclusion, I will say that I am just as anxious as any other member of this House to have something worked out which will put a stop to these tragedies which happen year after year in our State.

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

Mr. CURTIS: Mr. Speaker, I wish to speak in support of the motion of the gentleman from Holden, Mr. DeBeck, in so far as doing something to get rid of this needless killing. Regardless of what my learned friend beside me here says, that it is what you think, thinking a thing doesn't make it so: you are just as dead if you have been shot by a man thinking you were a deer as if he shot you because he knew you were a human.

Now I think we should do something. I know that just a little over a year ago I had a crew in the woods. I have considerable wild land and I have never posted any, because I think when a man buys a license he has a right to hunt, and I do not go along with this posting. In fact, my land is about the only land in my town that is

not posted. But just a little over a year ago my crew had to take their horses and come home because the bullets were flying around so thick that they did not dare to stay any longer. Now unless something is done I am going to be forced to post that land, because I think it is just plain needless for so many people being killed. If they won't stop it by using a little common sense and a little judgment, then we must do something to bring it home to them to impress them that they will have to pay for their errors.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Cianchette.

Mr. CIANCHETTE: Mr. Speaker, I would just like to point out a couple of more points that have not been brought out in support of the recommendations of the committee.

In the first place, I would like to point out that in so far as I am able to determine, and I think that is true of all of the members of the committee, all of the enforcement agencies, the sheriffs, the judges, the county attorneys, all of the enforcement and prosecuting agencies in the State are opposed to this piece of legislation.

One of the reasons that was advanced by the Sheriff's Association is this: if the penalty for carelessly shooting a human being becomes a mandatory jail sentence, a person who does shoot another and discovers that he has done it is far more apt, if he knows he is going to prison for doing so, to go away and leave that poor fellow, who perhaps would not be too seriously injured at the time, but by being left alone wounded in the woods he would die there before any aid came to him. That has happened even under the present law, and that is one of the arguments that the sheriffs advanced in this regard.

One other point: We are speaking as if this were something altogether new, that there was no penalty at the present time for negligently shooting a human being. I would like to point out that under the present law a person convicted of negligently shooting a human being can be fined up to one thou-

sand dollars or can be imprisoned up to ten years. That is under the present law. So you actually are not making the law any stiffer by providing that he can be imprisoned up to three years. The way the law is presently set up, it gives the judge discretion to take into consideration the circumstances involved in that particular case.

You will notice, I think, this morning that there are three such bills together here, and the committee on all of those bills has unanimously voted "Ought not to pass." I think, when you realize the punishment that is provided for at the present time, you will see that this bill is not necessary and would adversely affect the purposes designed in the present law. I sincerely hope that this House will go along with the recommendation of the Judiciary Committee.

The SPEAKER: The Chair recognizes the gentleman from New Sharon, Mr. Caswell.

Mr. CASWELL: Mr. Speaker and Members of the House: I cannot speak with the fluency of the ten live lawyers who are on this judiciary committee but perhaps I can be as fluent as the ten dead woodsmen who cannot speak at all. It would seem to me that perhaps one of the difficulties in this matter is not in the present law in regard to negligently shooting a human being but in the leniency of the courts.

I have in mind a particular instance which happened in Franklin County, I think something like two or three years ago, where a man was shot through negligence. The case was tried in the Franklin County Court and at that same time, that same term of court, there was another case where an automobile was stolen and the man was caught. In both cases, the respondent was punished. In the case of the automobile, the fellow who stole the automobile drove it something like five or six miles and wrecked it and left it by the side of the road somewhat damaged but still usable. He got off with a prison sentence of something like one or two years. The man who shot the human being was fined, I think, \$200. Now you can figure out for yourself, reckoning wages what they are, what the Court thought

as to the difference between shooting a human being and stealing an automobile. I did not hear the court procedure; all I know about it is what was reported in the papers, but it would seem to me that the Court felt it was several times as bad to steal an automobile as it was to shoot a human being. I think that if the courts were not quite as lenient the present law would be satisfactory.

The SPEAKER: The Chair recognizes the gentleman from Holden, Mr. DeBeck.

Mr. DeBECK: Mr. Speaker, I wish to refer to what my good friend, the gentleman from Pittsfield, Mr. Cianchette, said in regard to some hunter wounding a man and going off and leaving him. My object is to prevent that man from being wounded.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Small.

Mr. SMALL: Mr. Speaker, as the only or almost only opponent to this measure at the hearing before the Judiciary Committee, I would like to say again as I said then: that I doubt if this bill would accomplish what it is intended to do, and it certainly has weaknesses.

The point that the gentleman from Pittsfield (Mr. Cianchette) made was well taken. That was one of the reasons that I had for opposing the bill, or two of the reasons.

I have seen my neighbors the victims of shootings; I have served on juries that have considered these cases; and for once I want to go along with the members of the Judiciary Committee in saying that I think they have come out with the proper report.

In our neighboring town of Roxbury a man was shot and he saw the man who shot him. He hollered at him but he ran away. The man who was shot was found, taken to the hospital, but, because of loss of blood, he died. I do not know, but I think sometimes that fear of reprisal or punishment might cause a man who has shot someone else to run away. Hunters as a whole are pretty conscientious and I would not say that would always happen.

I believe that every case is different from another case. I know that our sympathy should be with the victim and his family but I certainly trust the judges and our juries.

I think that this Legislature should be very careful and screen the bills that come before it. We trust our committees but I know that I just missed a bill that has gone through both Houses and, I believe, is now signed by the Governor and I wish that we could bring it back.

Sometimes these bills have one of the old "niggers in the woodpile" and we miss them. I hope that when you scrutinize other bills that have more or less the same purpose, you will look them over thoroughly. We have bills before this Legislature that have not come up yet that I think will do more good towards reaching the end that we seek to reach than this bill will. And, as I said before the committee, I am opposed to the passage of this bill because I do not think it will accomplish the purpose for which it was intended and I still feel the same way.

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

Mr. LOW: Mr. Speaker and Members of the House: There are just two points that I want to bring out in reply to what I have just heard and one is that you can not possibly compare the punishment that a person should receive for doing something with a criminal intent and the punishment that a person should receive for doing something negligently, such a comparison as was made just a little while ago. A man who steals an automobile has a criminal intent; a man who shoots somebody accidentally has no criminal intent whatsoever; you cannot possibly compare the two of them. Another thing that was mentioned is about the slight punishment that the Judge might give in certain cases. Well, now, you might also figure that that same Judge feels that perhaps a person is entitled to a \$100 fine and yet, under the law, he finds he must send him to jail for a year and he will probably find him not guilty and then

he would not get any punishment at all.

The SPEAKER: The Chair recognizes the gentleman from Sweden, Mr. Moulton.

Mr. MOULTON: Mr. Speaker, this body has the power to pass laws and impose fines and jail sentences but I think that you will all agree that it is an impossibility for this body to legislate the brains that govern the hands that use the firearms.

I move the previous question.

The SPEAKER: The gentleman from Sweden, Mr. Moulton, moves the previous question. In order for the Chair to entertain the motion for the previous question it requires the consent of one-third of the members present.

All those in favor of the Chair entertaining the motion for the previous question will please rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Obviously more than one-third of the members present having arisen, the motion for the previous question is entertained.

The question before the House now is: Shall the main question be put now? All those in favor will say aye; those opposed, no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The question now before the House is on the motion of the gentleman from Houlton, Mr. DeBeck, that Bill "An Act relating to Penalty for Carelessly Shooting a Human Being While Hunting" (H. P. 142) (L. D. 140) be substituted for the report of the Committee on Judiciary. The same gentleman requests a division.

As many as are in favor of the motion will please rise and remain standing in their places until counted and the monitors have made and returned the count.

A division of the House was had.

Twelve having voted in the affirmative and eighty-eight having voted in the negative, the motion did not prevail.

Thereupon the Report was accepted and sent up for concurrence.

Mr. Low of South Portland from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to Careless Shooting of Humans While Hunting" (H. P. 223) (L. D. 250)

Report was read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Low of South Portland from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to Night Hunting of Wild Animals" (H. P. 221) (L. D. 248)

Report was read.

(On motion of Mr. Osborne of Fairfield, tabled pending acceptance of the Committee Report and specially assigned for Thursday, March 5.)

Mr. Low of South Portland from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to Contracts of Minors" (H. P. 176) (L. D. 170)

Mr. McGlaulin from same Committee reported same on Bill "An Act relating to Daylight Saving Time" (H. P. 181) (L. D. 176)

Same gentleman from same Committee reported same on Bill "An Act relating to Descent of Real Estate in Divorce" (H. P. 183) (L. D. 178)

Same gentleman from same Committee reported same on Bill "An Act to Protect Bona Fide Purchasers of Real Estate when Owners Divorced" (H. P. 222) (L. D. 249)

Same gentleman from same Committee reported same on Bill "An Act relating to Nominations of Independent Candidates in General Election" (H. P. 336) (L. D. 403)

Same gentleman from same Committee reported same on Bill "An Act relating to Nomination of Candidates Not Included in the Primaries" (H. P. 337) (L. D. 404) as it is covered by other legislation.

Mr. Trafton from same Committee reported same on Bill "An Act relating to Approval by Towns of Agreements with Maine School Building Authority" (H. P. 340) (L. D. 356)

Reports were read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Stanwood from the Committee on Sea and Shore Fisheries reported "Ought not to pass" on Resolve Regulating Fishing for Smelts in Damariscotta Bay, Lincoln County (H. P. 544) (L. D. 525)

Report was read.

(On motion of Mr. Hilton of Bremen, tabled pending acceptance of Committee Report and specially assigned for Wednesday, March 11.)

Tabled and Assigned

Mr. Low of Rockland from the Committee on Taxation reported "Ought not to pass" on Bill "An Act Exempting Ships' Stores from Maine Sales Tax" (H. P. 17) (L. D. 11)

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Low.

Mr. LOW: Mr. Speaker and Members of the House: This is the first bill to come from the Committee on Taxation relating to exemptions from the sales tax. There will be many more, some large and some small, but even the small ones will aggregate a large amount.

This Legislature cannot act on many important measures until revenues of the State are known. So, it is obviously important that these various exemption bills should be disposed of one way or another promptly. It is hoped, therefore, by the committee that the sponsors of the bills who desire to table them will do so to a certain date, not too far in the future from the time they are reported out by the committee.

Therefore, with the approval of the sponsor of this bill, I move that it be tabled and specially assigned for one week from tomorrow.

The SPEAKER: The gentleman from Rockland, Mr. Low, moves that Item 34, Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act Exempting Ships' Stores from Maine Sales Tax" (H. P. 17) (L. D. 11) lie on the table pending acceptance of the committee report and be specially assigned for Thursday, March 12. Is this the pleasure of the House?

The motion prevailed and the Report with accompanying papers was so tabled and so assigned.

Tabled

Mr. Low of Rockland from the Committee on Taxation reported "Ought not to pass" on Bill "An Act relating to Inheritance Taxes on Property Passing to Wife" (H. P. 34) (L. D. 28)

Report was read.

(On motion of Mr. Stewart of Paris, the Bill together with the "Ought not to pass" Report was tabled pending acceptance of the Committee Report.)

Mr. Sanford from the Committee on Taxation reported "Ought not to pass" on Bill "An Act relating to Sales Tax on Aircraft" (H. P. 195) (L. D. 206)

Report was read and accepted and sent up for concurrence.

Referred to Committee on Education

Mr. Call from the Committee on Towns and Counties on Bill "An Act relating to Petition for Inspection of Schools" (H. P. 767) (L. D. 802) reported that same be referred to the Committee on Education.

Report was read and accepted and the Bill referred to the Committee on Education, and sent up for concurrence.

Ought to Pass Printed Bills

Mr. Low of South Portland from the Committee on Judiciary reported "Ought to pass" on Bill "An Act to Clarify Records as to Tax Mortgages" (H. P. 105) (L. D. 106)

Mr. Finemore from the Committee on Transportation reported same on Bill "An Act relating to Exemptions for Non-Resident Airmen" (H. P. 453) (L. D. 448)

Same gentleman from same Committee reported same on Bill "An Act relating to Exemptions for Non-Resident Aircraft" (H. P. 454) (L. D. 449)

Mr. Jewett from same Committee reported same on Bill "An Act relating to Minimum Speed of Motor Vehicles" (H. P. 37) (L. D. 31)

Mr. Totman from same Committee reported same on Bill "An Act to Clarify the Aviation Laws" (H. P. 451) (L. D. 446)

Mr. Travis from same Committee reported same on Bill "An Act relating to Registration Certificates for Airmen, Aircraft and Air Carriers" (H. P. 452) (L. D. 447)

Reports were read and accepted, the Bills read twice and tomorrow assigned.

Ought to Pass with Committee Amendment

Mr. Cates from the Committee on Appropriations and Financial Affairs on Resolve Appropriating Money for the Lands Reserved for Public Uses Trust Fund (H. P. 312) (L. D. 384) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to H. P. 312, L. D. 384, Resolve Appropriating Money for the Lands Reserved for Public Uses Trust Fund.

Amend said Resolve by inserting in the 4th line from the end thereof, before the words "general fund", the words "unappropriated surplus of the"

Committee Amendment "A" was adopted and the Resolve was tomorrow assigned for second reading.

Mr. Alden from the Committee on Claims on Resolve in favor of the Dragon Cement Company, Inc. (H. P. 91) (L. D. 95) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to H. P. 91, L. D. 95, Resolve in Favor of the Dragon Cement Company, Inc.

Amend said resolve by striking out in the last line thereof the words "by the bureau of taxation" and inserting in place thereof the

words 'from the general highway fund'

Committee Amendment "A" was adopted and the Resolve was tomorrow assigned for second reading.

Mr. Potter from the Committee on Claims on Resolve in favor of W. Lawrence Doble of Milo (H. P. 493) (L. D. 1258) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to H. P. 493, L. D. 1258, Resolve in Favor of W. Lawrence Doble of Milo.

Amend said resolve by striking out the figure "\$1,200" in the third line thereof and inserting in place thereof the figure '\$800'

Committee Amendment "A" was adopted and the Resolve was tomorrow assigned for second reading.

Mr. Evans from the Committee on Towns and Counties on Bill "An Act to Increase the Salaries of the Judge and Recorder of the Kennebunk Municipal Court" (H. P. 548) (L. D. 528) 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. 548, L. D. 528, Bill "An Act to Increase the Salaries of the Judge and Recorder of the Kennebunk Municipal Court."

Amend said Bill by inserting at the beginning of the 1st line thereof the underlined abbreviation and figure 'Sec. 1.'

Further amend said Bill by adding at the end thereof the following paragraph:

'**Sec. 2. Effective date.** The provisions of this act shall be retroactive to January 1, 1953.'

Committee Amendment "A" was adopted and the Bill was tomorrow assigned for third reading.

Mr. Peterson from the Committee on Towns and Counties on Bill

"An Act relating to Salaries of Certain County Officers of Washington County" (H. P. 359) (L. D. 375) 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. 359, L. D. 375, Bill "An Act Relating to Salaries of Certain County Officers of Washington County."

Amend said Bill by striking out the underlined figures "\$2,250" in the last line of section 2 thereof and inserting in place thereof the underlined figures '\$2,100'

Further amend said Bill by striking out the underlined figures "\$2,250" in the last line of section 3 thereof and inserting in place thereof the underlined figures '\$2,100'

Committee Amendment "A" was adopted and the Bill was tomorrow assigned for third reading.

Mr. Stanley from the Committee on Towns and Counties on Bill "An Act to Increase the Salary of Deputy Clerk of Courts, Penobscot County" (H. P. 552) (L. D. 532) 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. 552, L. D. 532, Bill "An Act to Increase the Salary of Deputy Clerk of Courts, Penobscot County."

Amend said Bill by striking out the underlined figures "\$3,000" in the last line thereof and inserting in place thereof the underlined figures '\$2,900'

Committee Amendment "A" was adopted and the Bill was tomorrow assigned for third reading.

Tabled and Assigned

Mr. Stanley from the Committee on Towns and Counties on Bill "An Act relating to Salaries of County Attorney and Assistant County Attorney of Penobscot County" (H. P. 553) (L. D. 533) reported "Ought to pass" as amended by Committee

Amendment "A" submitted therewith.

Report was read.

(On motion of Mr. Roberts of Dexter, the Report with accompanying papers was tabled pending acceptance of the Committee Report and specially assigned for Wednesday, March 11.)

Tabled and Assigned

Mr. Dodge from the Committee on Transportation on Bill "An Act to Increase the Fee Allowed Official Motor Vehicle Inspection Stations" (H. P. 450) (L. D. 445) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

(On motion of Miss Cormier of Rumford, the Report with accompanying papers was tabled pending acceptance of the Committee Report and specially assigned for Wednesday, March 11.)

Mr. Finemore from the Committee on Transportation on Bill "An Act to Create a Motor Vehicle Dealer Registration Board" (H. P. 244) (L. D. 225) 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. 244, L. D. 225, Bill "An Act to Create a Motor Vehicle Dealer Registration Board."

Amend said Bill by striking out at the end of the 23rd line of that part designated "Sec. 19-E" the underlined figures "\$60" and inserting in place thereof the underlined figures '\$65'

Further amend said Bill by adding at the end of the 8th line of that part designated "Sec. 19-F", after the underlined word and punctuation "section,", the underlined word 'may'

Further amend said Bill by striking out all of subsection IV in that part designated "Sec. 19-F" and inserting in place thereof the following:

IV. On proof that dealer has been convicted of a violation of any

of the provisions of sections 19 to 19-I, inclusive.'

Further amend said Bill by striking out the last underlined sentence of that part designated "Sec. 19-G" and inserting in place thereof the following underlined sentence:

'Pending judgment of the court, such motor vehicle dealer registration plates shall remain in full force and effect.'

Committee Amendment "A" was adopted and the Bill was tomorrow assigned for third reading.

Tabled

Mr. Kelly from the Committee on Transportation on Bill "An Act relating to Permits for Moving Heavy Objects Over Highways" (H. P. 288) (L. D. 273) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Cianchette.

Mr. CIANCHETTE: Mr. Speaker, in view of the fact that there were two other bills which came before the Transportation Committee, yesterday, which deal with this same problem, I have discussed this with the sponsor of the bill, Mr. Curtis, and Mr. Kelly, who signed this report, and I now move, with their consent, that Item 53 lie on the table pending acceptance.

The motion prevailed and the Report with accompanying papers was tabled pending acceptance of the Committee Report.

The SPEAKER: The Chair notes the presence in the balcony of the Hall of the House of a group of seventy students from the Junior High School in Rumford in charge of Mr. Leach, Mrs. Gogan and Mr. Hillman. In behalf of the House, the Chair extends to you a very cordial and hearty welcome. (Applause)

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

Mr. TURNER: Mr. Speaker, Item 52, Bill "An Act to Create a Motor Vehicle Dealer Registration Board"

(H. P. 244) (L. D. 225) I would like to lie on the table.

The SPEAKER: The Chair calls to the attention of the gentleman from Auburn, Mr. Turner, that Item 52 has been assigned for third reading tomorrow. If this does not accomplish the gentleman's objective, does the gentleman wish to reconsider our action whereby we assigned this bill for third reading tomorrow?

Mr. TURNER: I guess that will be all right, Mr. Speaker.

The SPEAKER: The Chair thanks the gentleman.

Passed to be Engrossed

Bill "An Act relating to Ballot Clerks in Small Towns" (H. P. 104) (L. D. 105)

Bill "An Act Regulating the Dragging of Scallops in Harrington River and Bay and Pleasant River, Washington County" (H. P. 150) (L. D. 147)

Bill "An Act to Provide a Credit Against the Sales Tax when the Price is not Paid" (H. P. 152) (L. D. 134)

Bill "An Act relating to Arrests on Execution" (H. P. 180) (L. D. 175)

Bill "An Act relating to Acquisition of Schoolhouse Lots by Condemnation" (H. P. 269) (L. D. 297)

Bill "An Act relating to Police Officers in Uniform Stopping Motor Vehicles for Examination" (H. P. 270) (L. D. 298)

Bill "An Act relating to Salary of Judge of the Winthrop Municipal Court" (H. P. 285) (L. D. 270)

Bill "An Act relating to Harrison Mutual Fire Insurance Company" (H. P. 314) (L. D. 386)

Bill "An Act relating to Appropriation for Flags in Schools" (H. P. 360) (L. D. 376)

Bill "An Act relating to the Boundary Line Between the Towns of Sanford and North Berwick, York County" (H. P. 362) (L. D. 378)

Bill "An Act relating to the Salary of the County Attorney of Piscataquis County" (H. P. 363) (L. D. 379)

Bill "An Act relating to Fees of Jurors" (H. P. 440) (L. D. 484)

Bill "An Act relating to Fees Payable to Registers of Deeds" (H. P. 442) (L. D. 486)

Bill "An Act relating to the Road Repair Tax Fund in the Townships of Alder Stream, Coburn Gore, Chain of Ponds, and Jim Pond" (H. P. 444) (L. D. 498)

Bill "An Act relating to Rental for the South Portland Municipal Court" (H. P. 445) (L. D. 488)

Bill "An Act to Exempt the Sale of Meals by Hospitals and Nursing Homes" (H. P. 545) (L. D. 526)

Bill "An Act relating to the Salary of the County Treasurer of Lincoln County" (H. P. 549) (L. D. 529)

Bill "An Act relating to Payment to Lincoln County Law Library" (H. P. 551) (L. D. 531)

Bill "An Act to Increase the Salary of the Clerk of Courts of Penobscot County" (H. P. 554) (L. D. 534)

Resolve in favor of the Town of Medway (H. P. 63) (L. D. 1176)

Resolve in favor of Clyde Moores of Springfield (H. P. 139) (L. D. 1160)

Resolve in favor of Dr. Bernard R. Marcus of Auburn (H. P. 161) (L. D. 1161)

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

Tabled and Assigned

Resolve in favor of Freelow Crummit of Whitefield (H. P. 404) (L. D. 1159)

Was reported by the Committee on Bills in the Third Reading.

(On motion of Mr. Watson of Moose River Plantation, tabled pending second reading and specially assigned for Thursday, March 5.)

Resolve Closing Sourdnahunk Lake, Piscataquis County, to All Fishing (H. P. 414) (L. D. 462)

Resolve in favor of the Town of Friendship (H. P. 503) (L. D. 511)

Resolve in favor of the Town of Freeport (H. P. 500) (L. D. 1177)

Resolve in favor of the Town of Hudson (H. P. 505) (L. D. 513)

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

Amended

Resolve Closing Georges River, Knox County, to Taking of Smelts (H. P. 605) (L. D. 604)

Was reported by the Committee on Bills in the Third Reading.

Mr. McCluskey of Warren presented House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 605, L. D. 604, Resolve Closing Georges River, Knox County, to Taking Smelts.

Amend said Resolve by adding after the word "smelts" in the last line thereof, the words 'except by hook and line.'

House Amendment "A" was adopted, and the Resolve was given its second reading, passed to be engrossed as amended and sent to the Senate.

Amended Bills

Bill "An Act relating to Guaranteed Loans to Veterans" (S. P. 80) (L. D. 186)

Bill "An Act Amending the Charter of the City of Portland re Sinking Fund" (H. P. 420) (L. D. 467)

Bill "An Act Amending the Town of Orono High School District" (H. P. 433) (L. D. 480)

Resolve Regulating Fishing in Sourdahunk Lake in Piscataquis County (H. P. 413) (L. D. 461)

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 Committee Amendment "A" and sent to the Senate.

Passed to be Enacted

An Act relating to Railroad Grade Crossings (S. P. 65) (L. D. 132)

An Act relating to Payment to Kennebec County Law Library (S. P. 91) (L. D. 196)

An Act relating to Payment to Oxford County Law Library (H. P. 36) (L. D. 30)

An Act to Provide for the Issuance of Bonds of the State to Refund Kennebec Bridge Loan Bonds (H. P. 40) (L. D. 41)

An Act relating to Blue Hill-George Stevens Academy (H. P. 114) (L. D. 116)

An Act Increasing the Salary of the Mayor of the City of Augusta (H. P. 153) (L. D. 149)

An Act relating to Appointment of Certain City Officials of Eastport (H. P. 188) (L. D. 199)

Finally Passed

Resolve Naming the Myron H. Avery Park of Mt. Bigelow (S. P. 28) (L. D. 16)

Resolve in favor of Knox Memorial Association, Inc. for Support and Maintenance of "Montpelier" (H. P. 42) (L. D. 43)

Resolve Authorizing Commissioner of Inland Fisheries and Game to Pay Certain Claims (H. P. 90) (L. D. 94)

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

Orders of the Day

The SPEAKER: Under Orders of the Day, the Chair lays before the House the first tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Inland Fisheries and Game on Resolve Regulating Fishing in Porter Lake, Franklin County (H. P. 65) (L. D. 61) tabled on February 25 by the gentleman from Strong, Mr. Dodge, pending acceptance of the report, and the Chair recognizes that gentleman.

On motion of Mr. Dodge, the Report with accompanying papers was recommitted to the Committee on Inland Fisheries and Game and sent up for concurrence.

The SPEAKER: The Chair lays before the House the second tabled and today assigned matter, Bill "An Act relating to Hospital Aid" (H. P. 364) (L. D. 380) tabled on February 25 by the gentleman from Belfast, Mr. Clements, pending third reading.

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

Mr. FULLER: Mr. Speaker and Members of the House: I now offer House Amendment "A" to House Paper 364, Legislative Document 380, and move the adoption of this amendment.

In offering this amendment, I will say that it is not intended to take in any more territory or cover any more ground than the original bill but it seems to me that it will clarify the provisions of the bill and make it more forceful than perhaps it is in its present form.

The SPEAKER: The gentleman from Bangor, Mr. Fuller, offers House Amendment "A" and moves its adoption. The Clerk will read House Amendment "A".

The CLERK:

HOUSE AMENDMENT "A" to H. P. 364, L. D. 380, Bill "An Act Relating to Hospital Aid."

Amend said Bill by striking out of section 16-A the following underlined sentence "**The spouse, parents, and adult children of sufficient ability shall be responsible for the hospital bill of their kindred,**" and inserting in place thereof the following:

"When an indigent person shall obtain necessary hospitalization within this State, the following persons in addition to the patient shall be responsible for the payment to the hospital of the charges incurred.

Each spouse shall be responsible for the payment of charges for the necessary hospitalization of the other, except where legally separated or voluntarily living apart.

Parents shall be responsible for the payment of charges for the necessary hospitalization of their minor children or incompetent children.

Adult children of sufficient ability shall be responsible for the payment of charges for the necessary hospitalization of their parents.'

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

Mr. TOTMAN: Mr. Speaker, I would like to direct a question through the Chair to the gentleman (Mr. Fuller) who presented the amendment and I admittedly am possibly asking, in the eyes of a layman, a question that legally is standard terminology but, to a layman, it sounds like a terrific loophole, and that is that phrase at the end of the third underlined paragraph "voluntarily living apart". I do not want to sound facetious—I do not mean to be facetious—but I

do pose this hypothetical case and ask to be corrected if need be.

Isn't it conceivable that a very poor family living in a very, very modest shack or house, for the purpose of avoiding a rather large hospital bill, would almost voluntarily oppose living apart just to escape the technicality?

The SPEAKER: The gentleman from Bangor, Mr. Totman, directs a question through the Chair to the gentleman from Bangor, Mr. Fuller.

The gentleman from Bangor, Mr. Fuller, may reply if he so desires.

Mr. FULLER: Mr. Speaker and Members of the House: That very problem is a very pressing problem confronting the Department of Health and Welfare in the A.D.C. cases. I see no way to avoid it in a situation of this kind unless you have a very arbitrary law that each spouse is responsible for the bills of the other spouse as long as they are married regardless of whether one has deserted the other or regardless of any other situation.

Thereupon, House Amendment "A" was adopted, the Bill was given its third reading, passed to be engrossed as amended and sent to the Senate.

The SPEAKER: The Chair lays before the House the third tabled and today assigned matter, Bill "An Act relating to Lights on Boats" (S. P. 376) (L. D. 1039) tabled on February 26 by the gentleman from Bangor, Mr. Totman, pending reference in concurrence.

(In the Senate, referred to the Committee on Natural Resources.)

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

Mr. TOTMAN: Mr. Speaker and Members of the House: In regard to L. D. 1039, I have consulted with the House Chairman of the Committee on Natural Resources and now move that L. D. 1039 be referred to the Committee on Transportation.

The SPEAKER: The gentleman from Bangor, Mr. Totman moves that the third tabled and today assigned matter, Bill "An Act relating to Lights on Boats" (S. P. 376) (L. D. 1039) be referred to the Committee on Transportation in non-concurrence. Is this the pleasure of the House?

The motion prevailed and the Bill was referred to the Committee on Transportation in non-concurrence and sent up for concurrence.

The SPEAKER: Is there any objection to taking up at this time a communication from the Governor, which has just been received? The Chair hears no objection and the Clerk will read the communication.

The CLERK:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA

March 4, 1953

To the Honorable Senate and House of Representatives of the 96th Legislature

Herewith I hand you for your consideration a communication addressed to the Governor, the Senate and House of Representatives by Honorable Percival Proctor Baxter, relative to a gift for the development of Mackworth Island, Bridge and Rock, as a School for the Deaf, and or, a Children's Honor Home and School.

We all appreciate the generous offer from our former Governor, and recognize his fine public spirit. We shall give our best thought to his suggestions and hope that the State will be able to benefit from this his most recent benefaction.

(Signed) BURTON M. CROSS
(H. P. 1149) Governor

Portland, Maine
March 4, 1953

To the Honorable Burton M. Cross, Governor, and the Honorable Senate and House of Representatives of the Ninety-Sixth Legislature of the State of Maine:

In 1943 (Chapter 1 of the Private and Special Laws of Maine) the State accepted from me the GIFT IN TRUST of Mackworth Island, the Bridge to the same and Mackworth Rock all in the Town of Falmouth forever to be held in Trust for the People of Maine. Under the terms of this Trust the State has full authority to use the Island, Bridge and Rock in any way it may choose provided the use is for "STATE PUBLIC PURPOSES."

In the Deed of Trust this property was leased to me for my use as long as I desired provided I assumed all expenses incident to its care and operation. At that time I also donated to the State of Maine the sum of ten thousand (\$10,000.00) dollars as a TRUST FUND for Island, Bridge and Rock purposes.

From 1943 to 1949 during the Summer months I lived on the Island and maintained it and the Bridge without expense to the State. In 1949, however, I moved from the Island and thereafter the State assumed full ownership and responsibility.

In an OFFICIAL COMMUNICATION addressed to the Legislature (pages 703 to 708 of the said Laws of 1943) this property is described and I suggested that it be used as "a home for sick and underprivileged children" and further stated that "ITS USE FOR CHILDREN WOULD BE ESPECIALLY PLEASING TO ME." This is merely a suggestion and imposes no obligation upon the State other than the "State Public Purposes" provision as specified in the Deed of Trust. Ten years have passed and now I am desirous of having my Gift put to a useful purpose during my lifetime.

I now offer the State the sum of six hundred twenty-five thousand (\$625,000.00) dollars in two items; five hundred thousand (\$500,000.00) dollars to be expended toward the construction of a new school for the Deaf or toward the construction of a new Home and School for the wards of the State as hereafter described, and one hundred twenty-five thousand (\$125,000.00) dollars for the construction of a new bridge to the same. The Bridge Engineer of the Highway Department has given me the latter figure as his estimate of the cost of a suitable Bridge.

My suggestion is that you first construct a new Maine School for the Deaf on the Island, and that later you erect thereon a Home and School for such of the State's younger wards as it may be desirable to take from some of the private homes throughout the State where they now are boarding at an expense to the State of about five hundred (\$500.00) dollars per year

per child. My thought as to a second institution is that in the boarding homes referred to no doubt there are certain younger children of exceptional promise whose removal to a special institution might give them a better chance to develop into useful citizens. It well may be that in time both institutions referred to can be established on the Island; the new School for the Deaf and what may be called an Honor Home and School for one hundred or two hundred of the State's selected children. There is ample room for these two institutions. It is for you to decide on which one of them you will expend this five hundred thousand (\$500,000.00) dollars Gift.

It is well for the offer of this Gift to contain some limitation of time for its acceptance and my offer will hold during the present Legislative Session. If accepted by Legislative Act I pledge to place this six hundred twenty-five thousand (\$625,000.00) dollars in the hands of the Governor as soon as he gives his approval to the plans and orders construction begun.

This offer will be considered as withdrawn if the construction of one or the other of the suggested institutions and of the Bridge be not begun by January 1, 1955. Provision will be made so that my Gift obligation will be honored in case of my decease.

I request that this communication be published in full in the Laws of Maine 1953 as a permanent record for the guidance of future generations.

Respectfully

(Signed)

PERCIVAL PROCTOR BAXTER
(Applause)

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

Mr. FULLER: Mr. Speaker and Members of the House: I move that this communication conveying this wonderful gift from the Honorable Percival P. Baxter be received with thanks.

The Honorable Percival P. Baxter was a member of this House, a member of the Maine Senate, one of our outstanding Governors, known and loved by us all, a wise, kindly and most generous man.

I also move that the Clerk of this House be instructed to convey the thanks of the Members of this House to this fine gentleman and philanthropist for this wonderful offer.

Thereupon, the communication from Governor Cross and the communication from Honorable Percival P. Baxter were placed on file and sent up for concurrence.

On motion of the gentleman from Standish, Mr. Center, the House voted to take from the table the fourteenth tabled and unassigned matter, Bill "An Act relating to Organization of the Maine Sardine Tax Committee" (H. P. 1114) (L. D. 1257) tabled by the same gentleman on March 3 pending reference.

On further motion of Mr. Center the Bill was referred to the Committee on Sea and Shore Fisheries and sent up for concurrence.

On motion of Mr. Reynolds of Northeast Harbor, the House voted to take from the table the eighth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Inland Fisheries and Game on Bill "An Act Creating Placentia Island, Hancock County, as a Game Preserve" (H. P. 213) (L. D. 240) tabled by the same gentleman on February 25 pending acceptance of the Committee Report.

On further motion of Mr. Reynolds, the Report was accepted and sent up for concurrence.

On motion of Mr. Reynolds of Northeast Harbor, the House voted to take from the table the ninth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Inland Fisheries and Game on Bill "An Act Creating Sutton Island, Hancock County, as a Game Preserve" (H. P. 212) (L. D. 239) tabled by the same gentleman on February 25 pending acceptance of the Committee Report.

On further motion of the same gentleman, the Report was accepted and sent up for concurrence.

On motion of the gentleman from Northeast Harbor, Mr. Reynolds,

the House voted to take from the table the tenth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Inland Fisheries and Game on Bill "An Act relating to Closed Season on Deer on Cranberry Isles, Hancock County" (H. P. 410) (L. D. 459) tabled by the same gentleman on February 25 pending acceptance of the Committee Report.

At the request of Mr. Reynolds, the Report with accompanying papers was retabled pending acceptance of the Committee Report and specially assigned for Wednesday, March 11.

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

Mr. STEWART: Mr. Speaker, with reference to a motion proposed by the gentleman from South Portland, Mr. Fuller, I believe a part of that motion was not acted upon in regard to thanking the former Governor Baxter for the gift and expressing our thanks by communication. Do I understand that that may now be acted upon? If so, I wish to do so.

The SPEAKER: The Chair requests that the gentleman from Portland, Mr. Stewart, defer his motion and the Chair believes that the matter will be properly taken care of.

Mr. Bibber of Kennebunkport was granted unanimous consent to address the House.

Mr. BIBBER: Mr. Speaker and Members of the House: The community of Kennebunkport has the

distinct honor and pleasure during the year of 1953 of celebrating its 300th anniversary and, on behalf of the inhabitants of that town, of which I am a resident and also their duly elected Representative, I have been instructed to invite the Speaker, the Clerk and the personnel and the Members of the House to participate in this 300th anniversary during the months of July and August of this year. The generosity of the folks in Kennebunkport is only exceeded by their warm hospitality and we will assure you of a very wonderful time. Thank you. (Applause)

Mr. Fuller of South Portland presented the following order out of order and under suspension of the rules and moved its passage.

ORDERED, that the felicitations of the members of the House of Representatives be extended to the town of Kennebunkport on its three hundredth anniversary which is being observed this year.

AND BE IT FURTHER ORDERED, that the Clerk of the House be directed to send to the Chairman of the Board of Selectmen of the town an attested copy of this Order.

The Order received passage.

The SPEAKER: The House is continuing under Orders of the Day.

If there is no further business to come before the House, at this time, the Clerk will read the notices.

On motion of Mr. Williams of Hodgdon,

Adjourned until 1:30 o'clock tomorrow afternoon.