

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Ninth Legislature

OF THE

STATE OF MAINE

1959

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Friday, May 8, 1959

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

Prayer by the Rev. Mrs. Alice T. Hart of Hallowell.

The journal of yesterday was read and approved.

Papers from the Senate

The following paper from the Senate not on the Advance Journal:

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, May 11, at four o'clock in the afternoon. (S. P. 488)

Came from the Senate read and passed.

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

The SPEAKER: At this time the Chair would recognize the presence in the gallery of the House of the 8th Grade History Class of Lisbon Grammar School accompanied by their Principal, John L. Weldon and Roger Sirois, their Teacher and Coach. On behalf of the House the Chair extends to you ladies and gentlemen a most hearty and cordial welcome, and we hope you will enjoy and profit by your visit here today. (Applause)

Senate Reports of Committees Ought Not to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Resolve Appropriating Moneys for Private Hospital Aid to Medically Indigent (S. P. 268) (L. D. 730)

Report of the Committee on Judiciary reporting same on Bill "An Act Creating a Motor Vehicle Accident Indemnity Fund" (S. P. 167) (L. D. 388)

Report of same Committee reporting same on Resolve Authorizing Ronald and Nancy Bradstreet, of Beverly, Massachusetts, to Sue State of Maine (S. P. 354) (L. D. 1009)

Report of the Committee on Transportation reporting same on Bill "An Act relating to Reciprocity

in Registration for Motor Vehicles of Residents of Foreign Countries" (S. P. 421) (L. D. 1205)

Came from the Senate read and accepted.

In the House, Reports were read and accepted in concurrence.

Ought to Pass with Committee Amendment

Report of the Committee on Appropriations and Financial Affairs on Resolve Providing for Purchase of History of the Town of Unity (S. P. 152) (L. D. 373) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 152, L. D. 373, Resolve, Providing For Purchase of History of the Town of Unity.

Amend said Resolve by striking out in the 2nd line the figure "900" and inserting in place thereof the figure '450'.

Further amend said Resolve by striking out in the 3rd line the figure "100" and inserting in place thereof the figure '50'.

Committee Amendment "A" was adopted in concurrence and the Resolve assigned for second reading the next legislative day.

Report of the Committee on Labor on Bill "An Act relating to Weekly Benefit for Partial Unemployment" (S. P. 72) (L. D. 122) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 72, L. D. 122, Bill, "An Act Relating to Weekly Benefit for Partial Unemployment."

Amend said Bill in the 7th line by indicating the striking out of the figures "1958" by drawing a line through said figures and inserting immediately after said stricken out figures the underlined figures '1959'

Further amend said Bill in the 11th line by striking out the underlined figures "\$15" and inserting in place thereof the underlined figures '\$10'

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

**Ought to Pass
with Committee Amendment
Amended in Senate**

Report of the Committee on Appropriations and Financial Affairs on Resolve for the Purchase of One Hundred Copies of "The Story of Houlton" (S. P. 108) (L. D. 258) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 108, L. D. 258, Resolve, for the Purchase of One Hundred Copies of "The Story of Houlton."

Amend said Resolve by striking out in the 1st line the figure "100" and inserting in place thereof the figure '50'.

Further amend said Resolve by striking out in the last line the figure "1,000" and inserting in place thereof the figure '500'.

Committee Amendment "A" was adopted in concurrence.

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

SENATE AMENDMENT "A" to S. P. 108, L. D. 258, Resolve, for the Purchase of One Hundred Copies of "The Story of Houlton."

Amend said Resolve, in the Title, by striking out the words "One Hundred" and inserting in place thereof the word 'Fifty'.

Senate Amendment "A" was adopted in concurrence and the Resolve assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Election Laws reporting "Ought not to pass" on Bill "An Act relating to Alternative Methods of Nominating Candidates" (S. P. 423) (L. D. 1219)

Report was signed by the following members:

Messrs. DUNN of Kennebec
WOODCOCK of Penobscot
— of the Senate.

Mr. BROWN of Bangor
Mrs. DEAN of Buxton
Messrs. PITTS of Harrison
PERT of Bath
CAHILL of Moscow
— of the House.

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

Report was signed by the following members:

Mr. WEEKS of Cumberland
— of the Senate.
Mr. WESTON of Farmingdale
Mrs. KNAPP of Yarmouth
— of the House.

Came from the Senate with the Reports and Bill indefinitely postponed.

In the House: Reports were read.

On motion of Mr. Weston of Farmingdale, the House voted to concur with the Senate.

**Report of the Committee
on Public Health**

Report of the Committee on Public Health to which was referred the Report of the Bureau of Public Improvements on Study the Present Site for the State School for Boys reporting that it be placed on file.

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted in concurrence, and the accompanying papers ordered placed on file.

Final Reports of the Committees on Claims and Transportation

Final Report of the Committee on Claims.

Final Report of the Committee on Transportation.

Came from the Senate read and accepted.

In the House, the Reports were read and accepted in concurrence.

Orders

On motion of Mr. Lowery of Brunswick, it was

ORDERED, that Rev. William D. Chapman of St. Paul's Episcopal Church, Brunswick, be invited to officiate as Chaplain of the House on Friday, May 15, 1959.

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

House Reports of Committees Ought Not to Pass Tabled

Mr. Cousins from the Committee on Taxation reported "Ought not to pass" on Bill "An Act Increasing Tax on Cigarettes." (H. P. 78) (L. D. 116)

Report was read.

On motion of Mr. Wade of Auburn to table unassigned, a viva voce vote being doubted, a division of the House was had.

Seventy-nine having voted in the affirmative and twenty-seven having voted in the negative, the motion to table did prevail.

Tabled and Assigned

Mr. Walsh from the Committee on Taxation reported "Ought not to pass" on Bill "An Act relating to Additional Revenue by Severance Taxes on Severer of Timber or Producer of Timber Products." (H. P. 903) (L. D. 1272)

Report was read.

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

Mr. ROWE: Mr. Speaker, if the House would be kind enough, and because I would like to make a permanent record of the research that I have done on this particular tax, I hope they will give me per-

mission to table this bill and specifically assign it for Wednesday, May 13.

The SPEAKER: The gentleman from Madawaska, Mr. Rowe, moves that the Committee Report be tabled and specially assigned for Wednesday next pending acceptance. Is this the pleasure of the House?

The motion prevailed.

Divided Report Tabled

Majority Report of the Committee on Taxation on Bill "An Act relating to Tax on Transient Rentals" (H. P. 126) (L. D. 180) reporting same in a new draft (H. P. 962) (L. D. 1364) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs.

WILLEY of Hancock

FOURNIER of York

— of the Senate.

Messrs. PARSONS of Hartford

MAXWELL of Jay

CYR of Augusta

WALSH of Verona

COUSINS of Bangor

BAXTER of Pittsfield

— of the House.

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

Report was signed by the following members:

Mr. WYMAN of Washington

— of the Senate.

Mr. ROLLINS of Belfast

— of the House.

Reports were read.

(On motion of Mr. Wade of Auburn, tabled pending acceptance of either Report and unassigned.)

Divided Report Tabled

Majority Report of the Committee on Taxation reporting "Ought to pass" on Bill "An Act relating to Sales Tax on Motor Vehicles Traded In " (H. P. 179) (L. D. 250)

Report was signed by the following members:

Messrs. WILLEY of Hancock

FOURNIER of York

— of the Senate.

Messrs. MAXWELL of Jay
 PARSONS of Hartford
 CYR of Augusta
 WALSH of Verona
 COUSINS of Bangor
 BAXTER of Pittsfield
 ROLLINS of Belfast
 — of the House.

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

Report was signed by the following member:

Mr. WYMAN of Washington
 — of the Senate.

Reports were read.

(On motion of Mr. Wade of Auburn, tabled pending acceptance of either Report and unassigned.)

Divided Report

Majority Report of the Committee on Taxation on Bill "An Act Refunding Gasoline and Use Fuel Taxes to Local Transit Operators" (H. P. 701) (L. D. 1001), which was re-committed, reporting same in the same new draft (H. P. 950) (L. D. 1346) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. WILLEY of Hancock
 FOURNIER of York
 — of the Senate.
 Messrs. BAXTER of Pittsfield
 COUSINS of Bangor
 PARSONS of Hartford
 MAXWELL of Jay
 CYR of Augusta
 WALSH of Verona
 — of the House.

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

Report was signed by the following members:

Mr. WYMAN of Washington
 — of the Senate.
 ROLLINS of Belfast
 — of the House.

Reports were read.

On motion of Mr. Cousins of Bangor, the Majority Report "Ought to pass" in New Draft was accepted, the New Draft read twice and assigned for third reading the next legislative day.

Divided Report Tabled

Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act Increasing Sales Tax" (H. P. 867) (L. D. 1235)

Report was signed by the following members:

Messrs. WILLEY of Hancock
 WYMAN of Washington
 FOURNIER of York
 — of the Senate.

Messrs. CYR of Augusta
 COUSINS of Bangor
 WALSH of Verona
 MAXWELL of Jay
 PARSONS of Hartford
 ROLLINS of Belfast
 — of the House.

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

Report was signed by the following member:

Mr. BAXTER of Pittsfield
 — of the House.

Reports were read.

(On motion of Mr. Wade of Auburn, tabled pending acceptance of either Report and unassigned)

Divided Report

Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act Providing for Severance Taxation of Certain Natural Resources" (H. P. 902) (L. D. 1271)

Report was signed by the following members:

Messrs. WILLEY of Hancock
 WYMAN of Washington
 FOURNIER of York
 — of the Senate.

Messrs. BAXTER of Pittsfield
 COUSINS of Bangor
 WALSH of Verona
 CYR of Augusta
 PARSONS of Hartford
 ROLLINS of Belfast
 — of the House.

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

Report was signed by the following member:

Mr. MAXWELL of Jay
 — of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker and Members of the House: On April 16 I presented an order and asked that the Law Court look into the constitutionality of this bill. They brought out a report that wasn't in the best favor as far as my bill was concerned, so I would like to take just a minute of your time this morning to briefly explain the bill.

Unlike most of the tax bills coming before you, my measure is not an added tax, but an effort to equalize present tax problems connected with woodland taxes. I would, in effect, repeal all present wildland tax whether organized or unorganized townships. I realize only too well that the power to tax is also the power to destroy. We have heard that many times this year, but now the Constitution also says our tax program shall or should be reviewed every ten years. It has been a good many ten years since wildlands have been looked at as a place to equalize a part of our problem, so I think it is time to do some realistic thinking on this tax problem. To quote from my bill, Section 1, the Purpose, "it is the intent of this chapter to provide equitable taxation of the natural resources of the State, utilizing tax measures consistent with conservation of such resources, to the end that the lands in the State shall continue to furnish increasing natural resource products, and the towns in which such lands lie shall receive just tax revenues from such lands." Therefore, my bill would in effect levy a ten cent an acre tax as a minimum land tax on all wildlands in the State of Maine regardless of service available. Again I quote: "Tax need not benefit all people in equal degrees." Then to obtain more and of course the needed revenue achieve more equity in taxation of natural resources, utilize a consistent measure of tax and promote conservation. A severance tax with respect to all timber, sand gravel and minerals severed from the land of Maine, tax to be payable to the State Tax Assessor on a monthly basis. These taxes

can be paid back to the organized townships. The effective date of this document was to be January 1, 1960.

This is a sensible tax. It would equalize all wildland taxes both large and small making each pay an equal and just amount. It would make the industry pay its own way without added assessment for fire, county or other items such as is being done today. Forestry in Maine represents eighty-six per cent of the surface area of our state. The acreage is 16,600,000 acres of commercial forest land today. The percentage of severance tax could be regulated to meet the demands of forestry and also give some money for school funds. Maybe I shouldn't mention this, but at one time there were public lots intended to pay the freight on our public schools and ministers.

Wildlands are a source of wealth producers. Therefore, by all means this is a sensible way to get an equal tax. Under one of the provisions of my bill, anyone owning forty acres or over could then turn this land into wildland and come under the ten cent minimum tax. Now let me briefly point out that this bill would do more for the State than just revenue for the present time. It would induce both large and small owners alike to selective cuts therefore aiding in good conservation and a forest potential for the future generation. Induce small owners to keep their lands by selective cutting. The results are better water sheds, less stream dry-up, less fire hazards, number three, more small owners, farmers and wood operators and so forth would turn their land into wildland and this would induce them to keep it and grow trees. It would result in faster growth of young trees as wildland is not subject to grazing by cattle. A severance tax is a sensible tax. It would be payable when a man cuts and sells, that is, when he has the money to pay. Of course all dams and buildings and so forth on wildlands would be taxed separately.

All taxes, no matter what tax it might be, is a burden to someone, and that someone is always in the end the consumer. In most cases we must use care that one group

does not profit to the disadvantage of another, so I believe that L. D. 1271 is a step in the right direction, and I would like to predict that within two, four or six years, such a tax will be used in the State of Maine. I now move the acceptance of the Majority "Ought not to pass" Report, and hope that this bill will be considered when a tax study of our State comes up.

The SPEAKER: The gentleman from Jay, Mr. Maxwell, moves that the House accept the Majority "Ought not to pass" Report on Bill "An Act Providing for Severance Taxation of Certain Natural Resources." Is this the pleasure of the House?

The motion prevailed, the Report was accepted and sent up for concurrence.

Divided Report Tabled

Report "A" of the Committee on Taxation on Bill "An Act Increasing State Property Taxes" (H. P. 448) (L. D. 654) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. WILLEY of Hancock
FOURNIER of York
— of the Senate.

Messrs. PARSONS of Hartford
CYR of Augusta
BAXTER of Pittsfield
— of the House.

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

Report was signed by the following members:

Mr. WYMAN of Washington
— of the Senate.
Messrs. MAXWELL of Jay
WALSH of Verona
COUSINS of Bangor
ROLLINS of Belfast
— of the House.

Reports were read.

(On motion of Mr. Wade of Auburn, tabled pending acceptance of either Report and unassigned.)

Divided Report Recommitted

Majority Report of the Committee on Welfare reporting "Ought not to pass" on Bill "An Act Repealing Relative Responsibility in Old Age Assistance, Aid to the Blind and Aid to the Disabled" (H. P. 19) (L. D. 28)

Report was signed by the following members:

Mr. ROSS of Sagadahoc
— of the Senate.
Mr. STORM of Sherman
Mrs. HARRINGTON of Patten
Messrs. HANSON of Bradford
HANCOCK of Nobleboro
— of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (H. P. 963) (L. D. 1365) under title of "An Act Relieving Children and Certain Relatives of Financial Responsibility in Old Age Assistance, Aid to the Blind and Aid to the Disabled" and that it "Ought to pass"

Report was signed by the following members:

Mr. BOUCHER of Androscoggin
— of the Senate.
Messrs. REED of Woolwich
HEALY of Portland
RUSSELL of Portland
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Sherman, Mr. Storm.

Mr. STORM: Mr. Speaker and Members of the House: I find myself in a somewhat peculiar position this morning having signed the Majority Report on L. D. 28 and then on this morning's calendar finding a new bill, L. D. 1365 which we have never seen until this morning and didn't know that there was such a thing coming, and this L. D. 1365 has never been before the Committee, and for that reason I would now move that the whole thing be recommitted to the Committee on Welfare.

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

Mr. ROWE: Mr. Speaker and Members of the House: Two months ago there was a redraft of L. D. 28 made and the redraft was given

to the Chairman of the Welfare Committee and a copy for each member of that committee, but I understand for some reason or other they have not been distributed and studied by the Committee. It is a clean-up of the original draft, and the title becomes clearer as to what the bill is designed to do, and I am wholeheartedly in agreement with the House Chairman of the Committee, the gentleman from Sherman, Mr. Storm, and I hope the House will go along with recommitting the bill.

The SPEAKER: The question before the House is the motion of the gentleman from Sherman, Mr. Storm, that both Reports and both drafts be recommitted to the Committee on Welfare. Is this the pleasure of the House?

The motion prevailed. Sent up for concurrence.

Passed to Be Engrossed

Bill "An Act to Regulate the Practice of Nursing" (S. P. 475) (L. D. 1339)

Bill "An Act relating to Appeals from Interlocutory Decrees" (H. P. 792) (L. D. 1124)

Bill "An Act to Authorize the Municipalities of Farmingdale and Hallowell to Form a School Administrative District and the Municipalities of Bingham, Caratunk Plt., Moscow, The Forks Plt., and West Forks Plt. to Form a School Administrative District" (H. P. 959) (L. D. 1361)

Bill "An Act to Authorize Enfield, Greenbush, Greenfield, Howland, Maxfield, Passadumkeag, La Grange and Sebouis Plantation to Form a School Administrative District and to Authorize North Berwick and South Berwick to Form a School Administrative District" (H. P. 960) (L. D. 1362)

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

Third Reader Amended

Resolve Opening Wilson Lake, Franklin County, to Ice Fishing (H. P. 66) (L. D. 104)

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

Mr. Maxwell of Jay offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 66, L. D. 104, Resolve, Opening Wilson Lake, Franklin County, to Ice Fishing.

Amend said Resolve by striking out all of the Emergency Preamble.

Further amend said Resolve by striking out all of the Emergency Clause at the end.

The SPEAKER: The Chair now recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, it is self-explanatory as far as that goes. Originally this bill was brought in, in the middle of the winter when there was some ice fishing. The ice has now gone out of Wilson Lake. So we don't need any emergency preamble.

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

Amended Bill

Bill "An Act Correcting Certain Inconsistencies in the Probation and Parole Law" (H. P. 290) (L. D. 437)

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

Emergency Measure

An Act to Continue the Citizens Committee on Survey of State Government (S. P. 321) (L. D. 897)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 97 voted in favor of same and 17 against. The Bill, having failed to receive the necessary two-thirds vote, did not receive passage.

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

Mr. JALBERT: Mr. Speaker, I ask for a roll call vote.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, requests a roll call. For the Chair to order a roll call, the Chair must have the expression of a desire for a roll call from at least one-fifth of the members of the House. Will those who favor a roll call on the final enactment of this measure please rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously, more than one-fifth having arisen, a roll call is ordered. The Chair will state the question. This bill having had its three several readings in the House and having been passed to be engrossed, and having had its two several readings in the Senate and having been passed to be engrossed, and the Committee on Engrossed Bills having reported it as being truly and strictly engrossed, is it now the pleasure of the House that this bill shall be passed to be enacted? This being an emergency measure it requires under the Constitution the approval of two-thirds of all the members of the House.

If you favor the passage for enactment of this measure, you will say "Yes" when your name is called. If you oppose it, you will say "No". The Clerk will call the roll.

ROLL CALL

YEA — Aliberti, Bacon, Barnett, Baxter, Beane, Berman, Bragdon, Briggs, Brown, Cape Elizabeth; Brown, Ellsworth; Cahill, Call, Chapman, Norway; Choate, Cormier, Cote, Cousins, Couture, Cox, Coyne, Cyr, Augusta; Cyr, Fort Kent; Dean, Dennett, Dostie, Dudley, Dufour, Dumais, Earles, Edgerly, Edmunds, Edwards, Raymond; Emmons, Ervin, Frazier, Gallant, Good, Hanson, Lebanon; Harrington, Harris, Haughn, Heald, Healy, Hendricks, Hendsbee, Hilton, Hobbs, Hodgkins, Hughes, Jacques, Jalbert, Jewell, Jewett, Johnson, Karkos, Kellam, Kilroy, Knight, Lancaster, Lane, Lantagne, Lemelin, Linnell, Lowery, Mathews, Maxwell, Mayo, Miller, Morse, Nadeau, Perry, Easton; Perry, Hampden; Pert, Philbrick, Pike, Pitts, Plante, Prue, Reed, Rollins, Rowe, Madawaska; Russell, Saunders, Smith,

Falmouth; Stanley, Tardiff, Treworgy, Trumbull, Wade, Walls, Warren, Whiting, Whitman, Young.

NAY — Baker, Brown, Bangor; Carter, Carville, Caswell, Chapman, Gardiner; Christie, Clark, Crockett, Curtis, Dennison, Dodge, Dumaine, Dunn, Edwards, Stockton Springs; Hancock, Hanson, Bradford; Hardy, Hutchinson, Kennedy, Knapp, Lindsay, Mathieson, Monroe, Parsons, Rankin, Sanborn, Smith, Exeter; Storm, Turner, Walter, Weston, Wheaton, Williams, Winchenpaw.

ABSENT — Boone, Brockway, Caron, Danes, Davis, Calais; Davis, Westbrook; Desmarais, Dow, Doyle, Graves, Jones, Kinch, Lacharite, Lebel, Letourneau, Maddox, Moore, Porell, Rowe, Limerick; Shepard, Walsh.

Yes 94, No 35, Absent 21.

Mr. JALBERT: Mr. Speaker?

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

Mr. JALBERT: I move this bill and its accompanying papers lie upon the table and be specially assigned for Tuesday next.

The SPEAKER: Would the gentleman defer? Ninety-four having voted in the affirmative, thirty-five having voted in the negative, with twenty-one absentees, the Bill fails of passage.

Would the gentleman from Lewiston approach the rostrum?

(Conference at rostrum)

Passed to Be Enacted

An Act relating to Powers of Board of Trustees of Maine Maritime Academy (S. P. 245) (L. D. 628)

An Act to Create a State of Maine Authority for Emergency and Fire Fighting Training (S. P. 361) (L. D. 1044)

An Act relating to Increase in Temporary Loans for County of Kennebec (S. P. 465) (L. D. 1329)

An Act relating to Income from Sale of Geological Survey Publications (H. P. 260) (L. D. 392)

An Act relating to Sewage Pollution Surveys (H. P. 432) (L. D. 638)

An Act Revising the Laws Relating to Water Improvement Commission (H. P. 561) (L. D. 794)

An Act to Create the Berwick Water and Sewerage District (H. P. 931) (L. D. 1317)

Finally Passed

Resolve Providing for Biographical Sketches of Maine Composers (S. P. 90) (L. D. 208)

Resolve to Purchase Fifty Copies of "History of Otisfield" (H. P. 21) (L. D. 44)

Resolve to Provide Funds for Matching Federal Funds for Training in Fisheries Trades (H. P. 82) (L. D. 129)

Resolve for the Purchase of Fifty Copies of "A History of the Town of Porter, Maine" (H. P. 268) (L. D. 400)

Resolve to Purchase Fifty Copies of "A History of Aurora, Maine" (H. P. 530) (L. D. 765)

Resolve Creating a Committee on the Uniform Commercial Code (H. P. 681) (L. D. 981)

Resolve Appropriating Moneys for Restoration of Certain Forts in Aroostook County (H. P. 712) (L. D. 1017)

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 item of Unfinished Business at the top of page 7 of the calendar, Bill "An Act Establishing a Minimum Wage," Senate Paper 472, Legislative Document 1337, consideration of which the House was engaged in at the time of adjournment yesterday. The pending question before the House is the assignment for third reading, House Amendments "A" and "C" having been adopted.

Thereupon, the Bill was assigned for third reading the next legislative day.

The SPEAKER: The Chair now lays before the House the second item of Unfinished Business, Bill "An Act relating to Minimum Wages," Senate Paper 82, Legislative Document 154, tabled on May 7 by the gentleman from Bridgton,

Mr. Haughn, pending passage to be engrossed, and the Chair recognizes that gentleman.

Mr. HAUGHN: Mr. Speaker and Members of the House: Whereby the other bill will be coming up for third reading and this one is up for passage to be engrossed, so both bills will be able to receive equal consideration, I would now move that this L. D. 154 be tabled unassigned until the other bill has been disposed of, and I would request a division when the vote is taken.

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, moves that this matter be tabled unassigned pending passage to be engrossed. A division has been requested. Will those who favor the tabling motion, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-six having voted in the affirmative and sixty-six having voted in the negative, the motion to table did not prevail.

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

Mr. WADE: Mr. Speaker and Members of the House: I now move that L. D. 154 be indefinitely postponed.

The SPEAKER: The question now before the House is the motion of the gentleman from Auburn, Mr. Wade, that this bill be indefinitely postponed.

The Chair recognizes the gentleman from Rumford, Miss Cormier.

Miss CORMIER: Mr. Speaker and Members of the House: We still feel that this is the better of the two bills. We think that the exemptions in the other bill are too broad. However, we realize that we are outnumbered, and therefore, with reluctance we will go along with the motion to indefinitely postpone.

The SPEAKER: The question before the House is the motion of the gentleman from Auburn, Mr. Wade, that Bill "An Act relating to Minimum Wages," Senate Paper 82, Legislative Document 154, be indefinitely postponed. Will those who favor the motion to indefinitely postpone, please say aye; those opposed, no.

A viva voce vote being doubted, a division of the House was had.

Seventy-six having voted in the affirmative and forty having voted in the negative, the Bill was indefinitely postponed and sent up for concurrence.

The SPEAKER: At this time the Chair would request the Sergeant-at-Arms to escort to the rostrum the gentleman from Belfast, Mr. Rollins, to serve as Speaker pro tem.

Thereupon, the Sergeant-at-Arms escorted the gentleman from Belfast, Mr. Rollins, to the rostrum to serve as Speaker pro tem amid the applause of the House, and Speaker Edgar retired from the Hall.

The SPEAKER pro tem: The Chair now lays before the House the first tabled and today assigned matter, Senate Report "Ought not to pass" of the Committee on Judiciary on Bill "An Act Requiring Uninsured Motorist Coverage in Liability Insurance Policies," Senate Paper 70, Legislative Document 120, tabled on April 27 by the gentleman from Kittery, Mr. Dennett, pending acceptance in concurrence, and the Chair recognizes that gentleman.

Mr. DENNETT: Mr. Speaker and Members of the House: I believe that the House has before it this morning what can be considered a serious problem. The 98th Legislature was directed by order to make a study of the problem of the uninsured motorist. For nearly two years the Legislative Research Committee made a study of this problem. They were confronted with several propositions; one was compulsory insurance, I think a great number of the members of this Legislature know full well what compulsory insurance means. It is in effect in two of our States and has been a disastrous proposition as well as creating chaos within those states. It has done nothing to improve the situation. If anything, it has done something to worsen it.

The next proposition that they had before them, and which the majority of the Committee reported favorably upon, was a scheme to set up an unsatisfied judgment fund. Despite admonitions by those who were in a position to know pretty well

what they were talking about that the act would be unconstitutional, nevertheless their feelings, and I am speaking of the Legislative Research Committee, was favorable. The other day the Justices of the Court rendered an opinion on that scheme, and it was definitely found to be unconstitutional.

The next plan was the proposition that at the moment lays before you. It is the so-called New Hampshire Plan. Now I am going to take a very strange position on this morning. I am neither for nor against the plan, but I think that in all fairness, it should be fairly presented to this House that you, the members of the House, might give it due consideration and act according to your consciences and if you think that the thing should stay alive, pass it in that manner; if you think it should die, kill it.

What is this proposition that we presently have before us? It calls for the mandatory attachment to the motor vehicle liability policy of an endorsement which would in the case of an accident where the insured was injured by an uninsured motorist, it would pay up to \$10,000 for one person; it would pay up to \$20,000 for more than one person in one accident. Let me state that it also goes a little farther. It affords coverage, and bear in mind this is coverage for bodily injury only, property damage is not taken into consideration, it provides coverage for the members of the family of the insured, and it covers them not only when they are riding in the motor vehicle, but should they be struck and injured or even death resulting from any automobile accident, whether they were riding in their own vehicle or walking by the roadside, so it covers — and I want to make that clear — under the present family policy, any member of the family in any type of an accident involving a motor vehicle that the operator or owner is uninsured.

Now secondly, it further covers, which is even more than the wildest dreams of compulsory insurance, it covers against hit-and-run accidents. It also covers against operators of stolen vehicles. Now again, what are the objections principally to this? The objections, number one, is its compulsory feature, that it

would be mandatory that this be attached to the policy and of course the assured would have to pay for it. Number two, what would he have to pay? Presently, the law as it is in the State of New Hampshire and of course mandatory and on each and every policy, the rate is \$2.00 per vehicle. Presently this endorsement is in effect in the State of Maine, but its attachment is voluntary. Its cost varies from \$4.00 to \$7.00 depending on the territory in which the vehicle is garaged. The bill itself sets forth that the rate shall be approved by the Insurance Commissioner, so what the rate would be at the moment if this was accepted, I have no idea. Perhaps an educated guess would be in the vicinity of \$3.00. You may question why this would be higher in Maine than in New Hampshire, and I will merely state that as near as could be ascertained, and this again is only an educated guess, and an educated guess by the Motor Vehicle Department, that seventy-eight per cent of the vehicles in Maine are insured; twenty-two per cent are uninsured. New Hampshire, with its stronger financial responsibility law than we have in Maine has approximately ninety to ninety-two per cent of the owners and operators insured. This is a record that is even comparable with those states that have compulsory insurance, because both New York and Massachusetts estimate that the evaders are about ten per cent of their assured.

Now another thing that I think should be clearly understood by the House is how does industry itself feel about this bill. Industry in the main opposes it, they do not think that it should be adopted. There are some segments of industry that favor it. The agents themselves throughout the State of Maine are divided. Some think it is a wonderful thing and others think it should be rejected. How does the general public accept it? I don't know. The only thing that I can say is that in some areas the voluntary attachment of the endorsement has been widely accepted. In other areas, very, very few persons have purchased it. In some areas the agents themselves have been quite aggressive in pushing it. In other

areas they have been more or less lackadaisical. So what the public acceptance would be to this I certainly have no idea. However, it is certainly worthy of the consideration of this House. Another argument against it which will be brought forth is its conflict of interest. You have a strange situation of the insurer, and what I mean by the insurer is the company carrying your insurance acting for you in one phase of your insurance and for all purposes against you in another. He is acting for you where he agrees by the terms of the policy to indemnify you for any loss that you might sustain through your negligent or ownership, use or operation of the vehicle, the conflict is whereby he agrees also to indemnify you for a loss which has occurred by the negligence of some other person. These things in all probability will be brought out. I want to put forth both sides of the proposition so that you might receive it fairly and squarely. The only thing that I can also add is that it is now favorably accepted in our neighboring State of New Hampshire and the experience has definitely been good. I am going to throw it squarely to the House and it can be argued either way. Personally, I don't care whether you accept it or reject it, but I do want you to give it serious consideration. I now move, Mr. Speaker, the substitution of the bill for the report.

The SPEAKER pro tem: The Chair recognizes the gentleman from South Portland, Mr. Earles.

Mr. EARLES: Mr. Speaker and Ladies and Gentlemen of the House: I wish to compliment my brother Legislator, the gentleman from Kittery, Mr. Dennett. He has set forth fulsomely many aspects of the bill that you have before you, and I am doubly appreciative because I won't have to say so much and you won't have to go to your newspapers in refuge.

I would like to say that two years ago the Judiciary Committee in considering matters related to compulsory insurance, and incidentally the concept was turned down as I recall unanimously, it was mentioned there was such a thing as a clause obtainable or a rider on your policy

obtainable to cover an insured against the act under certain circumstances of an uninsured motorist. Certain of the subject matter of two years ago which related to insurance was referred to the Legislative Research Committee as has been indicated to you. A minority element of the Legislative Research Committee posed the proposition as to whether or not this particular type of legislation would be desirable, and the bill that you have before you is based upon that. As you know, the Judiciary Committee uniformly and unanimously moved and voted that it ought not to pass, and there were several reasons in addition to those which the gentleman from Kittery has set forth, and I will mention two of them.

First, that the primary problem that faces highway safety people, the insurance industry, is namely the uninsured motorist who causes an accident, is not financially responsible and recovery is not possible. As it is now, a person who does carry insurance and feels a responsibility for himself and his fellow man on the highway may obtain this insurance. This bill, if the bill were substituted for the report as the motion is made, would require that you and I insure ourselves, legislatively be required to insure ourselves against the uninsured motorist. We can now do it voluntarily, it is a matter of common sense. The very fact that people take insurance shows a certain amount of common sense I would say.

Secondly, if this bill is substituted for the Report and subsequently became law, what does it do with regard to the problem of the uninsured motorist? It in no way insures or pressures or creates an atmosphere for impelling the uninsured motorist to become insured, so that actually as a practical matter, it is a matter of personal protection to have this loss payable clause.

Now if I may relate back to a reference I made earlier to the hearing on some of this subject matter two years ago. It was the first time that I had ever heard of this rider that was available relating to the uninsured motorist insurance, and in the interim I have heard,

perhaps there is no reason why I should, but I have been amongst — some lawyers are amongst insurance people and I have heard no particular reference to it, and it has come up again at this time, so I would like to restate a simple conclusion. The Committee felt that it was up to the responsible individual to make this rider of insurance against the uninsured motorist, for him to make it available to himself, and not be legislated into the position whereby he would have to take it, and as the gentleman from Kittery so properly and aptly said, the decision is yours, and I trust that you will vote against the motion to substitute the bill for the "Ought not to pass" Report. Thank you, Mr. Speaker.

The SPEAKER pro tem: The Chair recognizes the gentleman from Rockland, Mr. Knight.

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Judiciary Committee, I feel that I should state my reasons for voting as did the entire Judiciary Committee the unanimous ought not to pass report on this bill. The insurance companies appeared before the Judiciary Committee and argued very eloquently in opposition to compulsory insurance, and I might add, they argued very successfully. That was on the one hand.

On the other hand, they introduced a bill through the gentleman from Kittery, Mr. Dennett, that in effect is compulsory insurance. It does not require the uninsured motorist to become insured; it requires you, the person who would buy insurance voluntarily, to take this added clause, and as a form of compulsory insurance, I feel that that should not be forced upon the public, and I feel that the motion of the gentleman from Kittery, Mr. Dennett, that the bill be substituted for the Report, should not prevail.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: It is true, as the gentleman from Kittery said, that this is optional with the people who carry insurance. He says he doesn't know how

the people feel about it. I can tell you how the people feel about it that you really talk to about it, because in selling insurance, I find that eight out of ten that I really explain this to, take it. Usually about two out of the ten do not; maybe they don't have the money with them to really buy it, but they usually take it after they find out about it.

Now the gentleman from South Portland says that it does not insure the insured. Now it surely does insure the insured. Now if I am insured and someone strikes me that doesn't have any money or is not insured why I am just out of luck, but if I carry this, which in my company costs \$3.00 a year, I am insured against him. So I think it is well worth it, and as I say, eight people out of ten who understand it, take it. Now there is one question I would like to direct, I understood there was a bill coming up, and I wondered if this was it, or whether there is another one, that whereby the man that took this insurance or he was insured against, he did get into an accident and the company had to pay for the accident that the state would take away his license and would not allow him a license again in the State of Maine until he had paid the amount the company had paid. Does that come into this bill or is there one to that effect?

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Miller.

Mr. MILLER: Mr. Speaker, I would like to go along and concur with the gentleman from South Portland and hope that the ought not to pass report prevails.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Briggs.

Mr. BRIGGS: Mr. Speaker, I wish to concur with the gentleman from Rockland, Mr. Knight. As you all know, they have compulsory insurance in Massachusetts, and in a great many instances the insurance rates there have doubled and tripled, and it has become almost financially impossible for some people there to run automobiles. I believe that this bill if passed would be an opening wedge for compulsory insurance, and therefore I hope that

the motion of the gentleman from Kittery, Mr. Dennett, to substitute the bill for the report does not prevail.

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

Mr. CURTIS: Mr. Speaker, I asked a question and you have not put it. Somebody must know that has made a study of this.

The SPEAKER pro tem: The gentleman from Bowdoinham, Mr. Curtis asks a question through the Chair, I didn't understand, I beg your pardon sir.

Mr. DENNETT: Mr. Speaker, I think the question of the gentleman from Bowdoinham, Mr. Curtis, is certainly deserving of an answer, and I will state at this moment that the bill that the gentleman refers to is the one that the Justices of the Supreme Court gave an opinion that it was unconstitutional, and only this morning we have accepted the "Ought not to pass" Report of the Committee. This has nothing to do with that bill.

Now, Mr. Speaker, if I may, I will while I am on my feet, I would like to correct the gentleman from Rockland, Mr. Knight. Number one, this is not my bill. Secondly, I think if he will recall, the insurance companies argued very eloquently against this bill, not for it. One small segment of the industry argued for it. The majority of the insurance industry, as I stated before, is opposed to it. I argue neither for nor against it. I merely moved to substitute the bill for the report that the House may give it due consideration. I again reiterate I do not care what you do with it.

The SPEAKER pro tem: The Chair recognizes the gentleman from Madison, Mr. Hendsbee.

Mr. HENDSBEE: Mr. Speaker and Ladies and Gentlemen of the House: As a sufferer under compulsory insurance in Massachusetts for many years, I do not want to go on record as being in favor of compulsory insurance, because the way it is written down there whatever part of the State or the City that you live in, the accidents that occur there are charged up to your city regardless of where the automobiles come from that are

involved, and consequently that has gone to the point where it is almost unbearable, and I do want to go on record as not being in favor of any sort of compulsion, but on my insurance, I do carry a rider which insures me against the uninsured motorist. Now there is no compulsion attached to that, you may take it if you wish, and I do take it and I think it costs a little better than \$5.00 a year, and that certainly is a lot of relief to me to know that I am insured against somebody who is not insured. And we have tried to talk people into getting some sort of insurance on their cars, but there are a lot of them that don't seem to want to do it, and of course we have no way of forcing them, so the only thing we can do is insure our own cars against those who are not insured.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Briggs.

Mr. BRIGGS: Mr. Speaker, I now move that this bill and all accompanying papers be indefinitely postponed.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Portland, Mr. Briggs, that Bill "An Act Requiring Uninsured Motorist Coverage in Liability Insurance Policies Senate Paper 70, Legislative Document 120," and all accompanying papers be indefinitely postponed. The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: I merely ask for a division.

The SPEAKER pro tem: A division has been requested. Will those who favor the indefinite postponement of this bill please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Ninety-one having voted in the affirmative and nine having voted in the negative, the Report and Bill were indefinitely postponed.

The SPEAKER pro tem: The Chair now lays before the House the second tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Judiciary on Bill "An Act Revising Laws Relating to Financial Re-

sponsibility." House Paper 349, Legislative Document 508, tabled on April 27 by the gentleman from Kittery, Mr. Dennett, pending acceptance of the Report.

Mr. DENNETT: Mr. Speaker and Members of the House: Now this is a different matter entirely, this happens to be my bill. Also, this was argued before the Committee by the insurance companies for it very eloquently.

Now what does it do and what doesn't it do? First of all, it would place the financial responsibility act back in its original state. Over the years the financial responsibility act, such as we have here in the State of Maine, has been very seriously impeded from time to time by certain sections being cut out and some of the teeth taken out of it. This would restore to the financial responsibility act the obligation of a person involved in an accident to file proof of financial responsibility if the amount of property damage inflicted in the accident amounted to \$50.00, presently it is \$100.00.

Now it was argued in the negative before the Committee that what kind of an accident could you have today that didn't cost \$100.00, and that \$50.00 was too small an amount. Well that may be very true, but let us again reflect upon the seriousness of the proposition. A person who carries no insurance he has a minor accident, the damage done just barely exceeds \$50.00. Under the law in its present state he is not called upon to make any filing, so consequently again he doesn't insure. We have perhaps a pretty risky driver; it's only going to be a matter of time before he is going to inflict serious damage, perhaps he is going to kill someone, perhaps he is going to inflict bodily injury. When the time comes actually for him to file, he has done serious damage. I will point out in the States of New Hampshire and Oregon that they still maintain the \$50.00 clause. Those states have the highest amount of insured motorists of any state in the United States with the exception of the State of Connecticut which has only recently put the teeth back into their financial responsibility laws.

Now this thing again has been

studied. The State of Maine has done everything that it possibly can or has seemed reasonable to stop accidents on our highways. I submit, ladies and gentlemen of the House, that the chief obligation is upon the driver of the car. You can add state police and more state police, and as our record shows here in the State of Maine the more state police that we have added, the greater our accident rate. This, incidentally, is a fact, it isn't hearsay, and I don't blame it on the state police. I can lay the blame at the door only of the people who operate the vehicles, because after all, let's be logical, it is their fault in every case. The Courts do their very best to support the laws; we still cannot avoid having accidents and there is death and dismemberment and property damage in the millions on the roads of our state.

This thing it is actually, it is hoped it will reduce and it can reduce the number of uninsured operators on our highways. It also sets up a five year proof of loss to lessen the period that the uninsured person must file. It was originally five years; it was reduced to three. The only argument that appeared against this section was that it would increase the work load in the Department. Do we want safety? Do we want these people to be insured? Or are we concerned with how much work it causes the Department? Now that is something for solemn and serious thought.

This bill also sets up a proposition whereby the uninsured person who caused the accident would have to put up a filing of a minimum of \$500.00. This is a change in the act. This would serve as protection to the people of the State who were injured or whose property was damaged by these uninsured operators. This as I stated is something new, but it is certainly putting teeth back into the law.

Now if you have the bill before you, I would call your attention to Section 8. If you would see fit to accept this bill, at its third reading we would amend out of the bill or rather amend to put back in the bill that portion which has been struck out. This portion that has been struck out is for all purposes the so-called Walker Bill which was

vetoed by the Governor in the last session although it passed both branches of this Legislature. I concur with the Secretary of State in this instance, what this would do, it would make both persons liable, both the innocent and the guilty, as it stands here now under Section 8, and I would recommend and would introduce an amendment to that effect if it was accepted that this section would be struck out and the law would stay as it is where a person would be entitled to a hearing.

Another section that I would strike out is Section 81-A where it puts the burden upon a person whose license has been revoked or suspended of paying \$25.00 to have his license restored. There is a section of this bill, and that is the very last paragraph that states: "The fees paid pursuant to this section shall be used by the Secretary of State to administer the provisions of sections 75 to 82." Now without a question, this department needs all the money it can possibly get to provide for policing the financial responsibility act, but inasmuch as it diverts money from the highway fund, the very point that was found to be unconstitutional in Legislative Document 388, we definitely would amend this out of this bill. These two sections I think were those two which were most repugnant to those who opposed the bill. In the main I think it an excellent bill. It would go far to increase the number of insured upon our highways without any compulsory features of insurance or unsatisfied judgment funds or anything else. It is certainly worthy of lots of consideration, and I now move the substitution of the bill for the Report.

The SPEAKER pro tem: The Chair at this point would remind the speaker, Mr. Dennett of Kittery, that no member is supposed to speak on the Floor of the House until they have been recognized by the Chair. The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker, if the speaker, myself, standing in this position failed to receive recognition and spoke improperly, I humbly apologize to the Chair and say that

I did not realize that I had not been recognized.

The SPEAKER pro tem: Your apology is accepted. Mr. Dennett, and I just remind the other membership too, the reason is that the record which we are transmitting would not know who is doing the speaking.

The Chair recognizes the gentleman from South Portland, Mr. Earles.

Mr. EARLES: Mr. Speaker, thank you. Mr. Speaker and Ladies and Gentlemen: Here again the gentleman from Kittery, Mr. Dennett has given an excellent exposition of his and the insurance industry's point of view, and very truly it is Mr. Dennett's bill and he advocates so earnestly and well it is very evident that he is very much interested in this particular bill. Here again we have the situation where the Judiciary Committee uniformly voted against the bill. I certainly don't want anyone in the House to have the idea that we are anti-insurance. We are all insurance carriers. The members of the profession sometime during the course of their practice become conversant with some insurance matters as a matter of course representing their clients. In some instances they represent companies on individual occasions and so forth. Back along several years ago, if I may make a personal reference, I did considerable adjusting for one organization, so there again I am simply stating that we are not anti-industry, and we have been in considering these matters, we wish to be, and I hope you will find that we are, objective in our analysis in regard for all those bills, and at the moment particularly this one before us.

Now as to the bill in detail if I may have your attention. The original financial responsibility bill, as you probably know, was enacted in 1941, and the act did not apply until the total amount of damage to the car involved amounted to \$50.00. Ten years later with the presence of inflation and the increased costs of automobile repairs, it was felt practical that every accident was a \$50.00 accident. What cost \$50.00 in '41 now costs in 1951 \$100.00, so the Legislature trying to

be up to date and realistic changed the amount from \$50.00 to \$100.00.

Now the proponents of the bill and industry would suggest by means of this bill that we go back to the \$50.00 figure. I think all of us in our own personal lives are aware of the increased evaluation of the dollar. Now section two of the bill extends the period of filing proof of insurance coverage from three to five years. The original act required filing for life, and that was felt burdensome, almost barbaric, so in 1953 it was reduced to three years. Only three states in the entire nation require the filing of insurance for the future. These three year states except Oregon and New Hampshire. The Uniform Motor Vehicle Code provides for limited filing for a period of three years in cases of unsatisfied judgments in certain convictions. The change would increase the load upon the Secretary of State something by seventy-five per cent we were advised, and it would cost an additional — if you people are interested in governmental expense — would cost a predicated additional \$27,000 annually.

Now with regard to Section 4-B, it would require us, the State, in the person of the Secretary of State, to suspend the operator's license or the owner of the vehicle if it became subject to the financial responsibility law even though someone else was driving your car at the time of the accident. This conceivably could mean that an owner of a fleet of trucks, whether small or large, and fully insured might lose his operator's license if one of his employees inadvertently drove an uninsured truck registered in the name of the owner and was involved in an accident. This has been estimated if it went into effect would increase the Secretary of State's work load approximately thirty per cent. Only nine states have such a provision.

Section 6, Roman Numeral III would require a minimum security in the amount of \$500.00, and in the opinion of the Committee there was no substantial or concrete justification. As a matter of fact, there is some question of whether or not it could be questioned on the basis of constitutionality. It doesn't seem proper to require a person to put

up \$500.00, as security to satisfy a judgment when the actual damage was \$150.00.

Section 7. This section extends the statute of limitations within which the suit must be brought in order to take advantage of the financial responsibility law from one year to two. It was the feeling of the Committee that this would not solve any problems.

Section 8-D is what has been denominated or designated by the proponent of the bill and recognized as the Walker Bill of two years ago, which would as he probably said penalize both the guilty and the innocent, and was the subject of a governmental veto in the last session.

Section 11, he would omit, so I think that with those remarks it is unnecessary for me to continue, and I would hope that the motion of the gentleman from Kittery, Mr. Dennett, to substitute the bill for the unanimous "Ought not to pass" Report would not be approved or accepted by this body. Thank you, Mr. Speaker and Ladies and Gentlemen.

The SPEAKER pro tem: The Chair recognizes the gentleman from Lewiston, Mr. Dumais.

Mr. DUMAIS: Mr. Speaker and Members of the House: I can't see where we are going to gain anything by reducing this to \$50.00 to file the report, and I have listened here for fifty-five minutes, and I assure you that I haven't been enlightened on this very much, therefore I move that the bill and all its accompanying papers be indefinitely postponed.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Lewiston, Mr. Dumais, that Bill "An Act Revising Laws Relating to Financial Responsibility," House Paper 349, Legislative Document 508, and the Report be indefinitely postponed.

The Chair recognizes the gentleman from South Portland, Mr. Earles.

Mr. EARLES: Mr. Speaker, my visual telegraphy with the sponsor, I think we both are in agreement that we would like a division.

The SPEAKER pro tem: A division has been ordered. All those in

favor of the indefinite postponement of the Report and the Bill will rise and remain standing until the monitors have taken the count.

A division of the House was had.

Seventy having voted in the affirmative and thirty-five having voted in the negative, the Report and Bill were indefinitely postponed and sent up for concurrence.

The SPEAKER pro tem: The Chair now lays before the House the third tabled and today assigned matter, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committee on Public Utilities on Bill "An Act to Protect the Health and Safety of Railroad Employees," House Paper 767, Legislative Document 1085, tabled on May 5 by the gentleman from Bridgton, Mr. Haughn, pending his motion to accept the Minority Report, and the Chair recognizes that gentleman.

Mr. HAUGHN: Mr. Speaker and Members of the House: First I wish to thank this body for allowing me the privilege of tabling these bills pending a hearing which was held which at that time I told them as soon as I had heard the report I would certainly take these off the table. At this time I would move the indefinite postponement of this bill and both reports.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that both Reports and the Bill be indefinitely postponed. Will those who favor the motion to indefinitely postpone, please say aye; those opposed, no.

A viva voce vote being taken, both Reports and the Bill were indefinitely postponed and sent up for concurrence.

The SPEAKER pro tem: The Chair now lays before the House the fourth tabled and today assigned matter, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committee on Public Utilities on Bill "An Act relating to Use of Train Order Line-Ups for Railroad Track Motor Cars," House Paper 768, Legislative Document 1086, tabled on May 5 by the gentleman from Bridg-

ton, Mr. Haughn, pending acceptance of either Report, and the Chair recognizes that gentleman.

Thereupon, on motion of that gentleman, the Reports and Bill were indefinitely postponed on a viva voce vote and sent up for concurrence.

At this point, Speaker Edgar returned to the rostrum.

SPEAKER EDGAR: The Chair would thank the gentleman from Belfast, Mr. Rollins, very much for an excellent job as Speaker pro tem.

Thereupon, the Sergeant-at-Arms conducted the gentleman from Belfast, Mr. Rollins, to his seat on the Floor, amid the applause of the House, and Speaker Edgar resumed the Chair.

The **SPEAKER:** The Chair now lays before the House the fifth tabled and today assigned matter, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committee on Natural Resources on Bill "An Act relating to the Classification of Prestile Stream in Aroostook County," House Paper 661, Legislative Document 954, tabled on May 5 by the gentleman from Houlton, Mr. Ervin, pending the motion of the gentleman from Bethel, Mr. Saunders, to accept the Majority Report.

The Chair recognizes the gentleman from Monticello, Mr. Jewell.

Mr. JEWELL: Mr. Speaker and Members of the House: I move the acceptance of the Minority "Ought to pass" Report and I would like to speak on the subject.

The **SPEAKER:** The Chair must advise the gentleman that there is a motion before the House made by the gentleman from Bethel, Mr. Saunders, that the House accept the Majority "Ought not to pass" Report. The gentleman may proceed, but the motion of the gentleman from Bethel is the motion before the House.

Mr. JEWELL: Mr. Speaker, Ladies and Gentlemen:

The water classification laws of the State of Maine require the abatement of pollution on Prestile Stream in Aroostook County. The classifi-

cation at the present time downstream from Westfield which is north of Mars Hill is B-2. The legislation asked for would change the classification only on that part below the bridge in Mars Hill, and the request is to make this part unclassified.

Now the people of Mars Hill would like to see the waters of the state cleaned up as well as anyone and after being told by enthusiastic Fish and Game Club members that the Stream could be cleaned up at the cost of only about five or six dollars a year per family, without any knowledge of the enormous cost involved, they demonstrated they wanted the stream to have pure water when they voted for it at the Water Improvement Commission hearing in 1954. They showed the same kind of civic-mindedness in 1955 when they sent a large number of letters and telegrams to the Legislature supporting this stream improvement. The people of Mars Hill even went along when they were asked to authorize preliminary plans for sewage treatment. Then they learned of the costs they would be asked to bear to build and operate this sewage treatment plant. They hired the Edward C. Jordan Co., consulting engineers of Portland, to make an estimate of the minimum construction costs and they came up with a figure of \$178,200. This cost them \$2,377.50 for the estimate. Of this figure, under the present law, one-half would be borne by the state and federal governments. This would leave the rate payers of the Mars Hill Utility District which was incorporated at the last Legislature to pay \$89,100.

Now this isn't all. The town has a hilly area to the west which pours a lot of water down into the town and is going into the present sewers. If the sewage plant were built, another system of sewers would have to be built to take care of the storm water at a cost of somewhere between \$75,000 and \$105,000, and this would have to be raised by taxation. An alternative would be to build a larger sewage plant at a cost of around \$400,000. This is not all, if they did this, they would have sewer reconstruction to take care of at a cost of \$77,000; sewer extensions and new

construction to take on more units would be \$113,000, coming to \$190,000 additional.

These renovations would only add about 40 more family equivalent units to the sewer users.

Financing the above figures over a 15-year period, adding in the new sewers, and dividing the costs so as to achieve an average rate — the family equivalent rate will be \$93.80 per family per year.

In addition, each new ratepayer will have to pay something between \$300.00 and \$600.00, because of ledge conditions, to get his sewer hooked on to the municipal sewer main. In addition, property owners will be forced to disconnect any cellar drains, roof drains or anything that is contributing rain-water run-off to the sewers at his own cost.

In addition, there will be a 9 mill increase in the tax rate to pay for the school department's use of sewers and to pay for storm sewers that are needed to divert ground water from the present sewage receiving system. If the storm sewers were not built, the yearly rate for the sewage treatment would be \$174.25 per family per year.

Now I want to tell you some facts about the ability of the rate-payers and taxpayers to shoulder this load. The legal debt limit of the Town of Mars Hill this year is \$120,000 and they owe \$154,000. This debt is due to school construction in 1949 and 1955. I want to say a few words about the ratepayers. The engineer's estimate of the annual cost to the ratepayer was \$51.00 per year per family or equivalent unit, but by giving it a closer look it would seem it would be about \$53.71, and this would just be for putting in the sewage disposal unit. In addition to the annual charges to the rate-payers, the taxpayers many of whom would also be ratepayers would have to foot the bill for \$3,-222.60 for the schools' use of the sewers. Mars Hill is heavily dependent on the potato economy. There is no other industry. At the present time, the potato industry is in a bad way. The average price for the last four years was \$1.68 per hundred-weight. The cost of production was \$1.70 per hundred-weight. The figures were obtained from University of Maine Extension Service.

The trustees of the Mars Hill Utility District made a thorough survey of the people who would be expected to pay the rates and found about 30 per cent earn too little to be able to pay any at all. They estimate another 15 per cent of the people are recipients of old age assistance, social security, mother's aid, aid to the disabled, aid to the blind or a small pension of some sort. This makes forty-five per cent of the people who could pay little or nothing. Of the rest of the people, about 20 per cent could pay a reduced charge of \$20.00 or \$25.00 per year.

Now ladies and gentleman, these sewers are contributing only about 1 per cent of the total pollution going into this stream. Tests performed by the Division of Sanitation on water sampled from the recreation pond indicate that the water is all right for public bathing. Nobody drinks this water. They get their drinking water supply from Young Lake situated in the woods six or seven miles from the village. Just below the village and stream flow almost doubles with other brooks entering into it and it is all swift water. All signs of pollution have disappeared about a mile and a half below Mars Hill, and this stream crosses the border about five miles below Mars Hill. When this thing was first set up it was recognized by the people who knew all the ins and outs, that it would be a hardship on the small towns and if their plans were carried out they would have to have more federal and state aid.

Two or three weeks ago Representative James C. Oliver, from Maine, before the House Public Works Committee in Washington, said many states and communities have reached taxing and bonding limits. Maine, Oliver said, trails other states in accepting federal water pollution funds. He said that while Maine should protect its streams and lakes to the attraction of tourists, local communities have rejected plans that would increase local real estate taxes already at an almost confiscatory level. This is readily understandable, and the Town of Mars Hill is one of those communities.

The 98th Legislature amended the law so as to make these classification laws enforceable. The Water Improvement Commission has the power to enforce the building of these sewage treatment plants. The fine for disobeying an order of the Commission to build is \$250. per day. This comes to \$90,250 per year in fines alone.

The gentleman from Bethel, Mr. Saunders, said on the floor of the House the other day that he opposed this because he thought it would set a precedent and that there would be thirty-five or forty more towns asking for the same thing two years from now. Now I agree with him to a certain extent. There will be some. The small towns, who are already overburdened, will feel these water classification laws worse than the larger places.

The Legislature has not seen fit, as yet, to classify the three more major rivers in the state. Maybe they will not for some years to come. It seems ridiculous to me that we have chosen small streams such as the Prestile Stream, with which this bill is concerned, to be cleaned up. Aroostook County has almost as much pure water in its streams and lakes as the rest of the state put together. The pollution that exists in Prestile Stream is insignificant compared with all the pure water there. The pollution is minor and the cost for cleaning it up too great.

I have fished the Prestile Stream myself, and do almost every summer. Each day there are dozens of fishermen at the pond in Mars Hill. Last weekend there were twelve or fifteen boats on this pond. There are fish there. The water is suitable for bathing and swimming. Nobody uses it for drinking purposes. When all the streams and rivers are classified will be time enough to classify this stream. The gentleman from Bethel, Mr. Saunders, said that the Water Commission would probably give the town two or three more years in which to build. This is not enough. In the foreseeable future, I doubt that towns like Mars Hill will be afforded a sewage treatment plant. You ladies and gentlemen from the small towns like Mars Hill will be affected just the same way as Mars

Hill is. Most likely, your town will not be able to afford this either.

You will probably feel, as these people do, if the laws stay as they are now; if a sewage treatment plant is built in Mars Hill, it will not be built by the Town of Mars Hill, unless they find a gold mine in Mars Hill Mountain. Only two people in Mars Hill would like to see this plant built, one of these pays only a \$3.00 poll tax in the town. Virtually everyone else has voted in town meeting or signed a petition asking you to unclassify this stream.

At the hearing before the Natural Resources Committee only two people appeared in opposition to this bill. One was the President of the Federated State Fish and Game Clubs. The other the gentleman from Jay, Mr. Maxwell, who presented the bill to take away the power of the Legislature to classify waters and give it to the Water Improvement Commission. They both said essentially the same thing, that they were both unalterably opposed to the down grading of any rivers or streams.

Other forces working against this bill are dedicated conservationists who seem to have almost fanatical obsession to clean up all the waters in the state no matter what the cost.

Ladies and gentlemen, I guess this is all I have to say. I hope you go along with me and pass this bill, and when the vote is taken, I ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Emmons.

Mr. EMMONS: Mr. Speaker, as to this bill now in question, I understand a question has been put to the Supreme Judicial Court as to the constitutionality of it. If that is so, I now move that this bill be laid on the table unassigned.

The SPEAKER: The gentleman from Kennebunk, Mr. Emmons, now moves that both Reports on Bill "An Act relating to the Classification of Prestile Stream in Aroostook County, House Paper 661, Legislative Document 954," be tabled unassigned pending the motion of the gentleman from Bethel, Mr. Saunders, that the House accept the Majority "Ought not to pass" Report. The Chair recognizes the gen-

tleman from Bethel, Mr. Saunders, but would remind the gentleman that a tabling motion is not debatable.

Mr. SAUNDERS: Mr. Speaker, I would request a division.

The SPEAKER: A division has been requested. Will those who favor the motion to table both Reports unassigned, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-five having voted in the affirmative and sixteen having voted in the negative, the tabling motion did prevail.

The SPEAKER: The Chair now lays before the House the sixth tabled and today assigned matter, Bill "An Act relating to Effective Date for Salary Increase for County Officers and Judges and Records of Municipal Courts," House Paper 869, Legislative Document 1237, tabled on May 7 by the gentleman from Bridgton, Mr. Haughn, pending the motion of the gentleman from Greene, Mr. Hodgkins to indefinitely postpone House Amendment "A".

The Chair recognizes the gentleman from Rockland, Mr. Knight.

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: On your desks you will find a plea from the Knox County Delegation to support their efforts to have the amendment that has been moved to be indefinitely postponed allowed. This amendment would make Knox County salaries retroactive to January 1. This plea speaks for itself, but in order to enter it in the record, I will read it very fast. Knox County Salaries. Office of the County Commissioners, present salary \$900.00, proposed raise \$100.00; Clerk of Courts \$3,240.00, proposed raise \$100.00; County Treasurer \$900.00, proposed raise \$100.00; Sheriff \$3,400.00, proposed raise \$200.00; Register of Deeds \$2,820.00, proposed raise \$200.00; Register of Probate \$1,920.00, proposed raise \$100.00; Judge of the Municipal Court present salary \$2,200.00, proposed raise \$200.00.

I have here a telegram that I received today from Roland Gushee, Chairman of the Knox County Board of County Commissioners as fol-

lows: "Knox County budget set up with understanding that all pay raises would be retroactive to January 1, 1959." As you can see, ladies and gentlemen, the raises here are extremely small, and they are small because the County Delegation unanimously approved these raises, the County Commissioners approved these raises, and as part of the approval both the County Commissioners and the Delegation agreed that they would be retroactive to January 1 because they were in effect such a small raise to be given to these county officials. I urge you to vote against the motion to indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Sanborn.

Mr. SANBORN: Mr. Speaker and Ladies and Gentlemen of the House: There has been a flood of amendments on this particular bill. If we attempt to act on each individual amendment separately, it will mean a lot of time consumption. It would appear to me that the best way to handle this would be to recommit it to the Committee, let each Delegation meet in the meantime, over the weekend talk with their County Commissioners and so forth, and then each Delegation report to the Committee what they would like to do. If it is in order to recommit, I would make such a motion.

The SPEAKER: The Chair would advise the gentleman that a motion to commit does take precedence over a motion to amend, and therefore the question now before the House is the motion of the gentleman from Gorham, Mr. Sanborn, that the bill be recommitted to the Committee. Will all those who favor the motion to recommit please say aye; those opposed, no.

A viva voce vote being taken, the Bill was recommitted to the Committee on State Government and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the seventh tabled and today assigned matter, Bill "An Act Concerning Liability of Parents for Damage by Children," Senate Paper 58, Legislative Document 91, tabled on May 7 by the gentleman from Lewiston, Mr. Jal-

bert, pending the motion of the gentlewoman from Patten, Mrs. Harrington, to reconsider indefinite postponement.

The Chair recognizes the gentlewoman from Yarmouth, Mrs. Knapp.

Mrs. KNAPP: I rise to offer Amendment "A" to L. D. 91, and wish to speak briefly.

The SPEAKER: The Chair must advise the gentlewoman that until the motion to reconsider has been acted upon, the matter is not open to amendment. The question before the House is the motion of the gentlewoman from Patten, Mrs. Harrington, that the House reconsider its action whereby it indefinitely postponed this bill.

The Chair recognizes the gentlewoman from Yarmouth, Mrs. Knapp.

Mrs. KNAPP: Mr. Speaker, I hope we go along with this motion.

The SPEAKER: Is the House ready for the question? Will those who favor the motion to reconsider the action whereby the House indefinitely postponed this bill, those who favor the motion to reconsider please say aye; those opposed, no.

A viva voce vote being doubted, a division of the House was had.

Fifty-five having voted in the affirmative and fifty-four having voted in the negative, the motion to reconsider did prevail.

The SPEAKER: The Chair recognizes the gentlewoman from Yarmouth, Mrs. Knapp.

Mrs. KNAPP: Mr. Speaker, I offer Amendment "A" to L. D. 91 and wish to speak to it briefly.

The SPEAKER: The Chair must advise the gentlewoman again that the next motion in order would be a motion to suspend the rules for the purpose of reconsideration of passage for engrossment which this House did do to this bill, we did pass it to be engrossed, so the next motion must be a motion to suspend the rules for the purpose of reconsideration of engrossment.

Mrs. KNAPP: Mr. Speaker, I so move.

The SPEAKER: The gentlewoman from Yarmouth, Mrs. Knapp, now moves that the House suspend the rules for the purpose of reconsideration of engrossment. Will those who favor the motion to suspend

the rules please say aye; those opposed, no.

A viva voce vote being doubted, a division of the House was had.

Sixty-one having voted in the affirmative and fifty having voted in the negative, a two-thirds vote being necessary to suspend the rules, the motion did not prevail.

The SPEAKER: The Chair now lays before the House the eighth tabled and today assigned matter, Bill "An Act Exempting Certain Motor Vehicle Fuel from the Sales Tax," House Paper 799, Legislative Document 1131, tabled on May 7 by the gentlewoman from Rumford, Miss Cormier, pending passage to be enacted, and the Chair recognizes that gentlewoman.

Thereupon, on motion of that gentlewoman, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair recognizes the gentlewoman from Yarmouth, Mrs. Knapp.

Mrs. KNAPP: Mr. Speaker, I move we reconsider our action whereby we failed to enact a bill, "An Act to Continue the Citizens Committee on Survey of State Government," this being Senate Paper 321. If my motion prevails, I will table this item for next Tuesday. I voted "no".

The SPEAKER: The gentlewoman from Yarmouth, Mrs. Knapp, moves that the House reconsider its action whereby it failed to enact Bill "An Act to Continue the Citizens Committee on Survey of State Government", Legislative Document 897. The gentlewoman states that she voted on the prevailing side.

The Chair recognizes the gentleman from Friendship, Mr. Winchenpaw.

Mr. WINCHENPAW: I request a division.

The SPEAKER: A division has been requested. The Chair recognizes the gentleman from Pittsfield, Mr. Baxter.

Mr. BAXTER: I would like to address a parliamentary question if I may. If this bill is reconsidered, can it be amended after reconsideration, or does it require a suspension of the rules and a two-thirds

vote to suspend the rules before the amendment may be offered?

The SPEAKER: The Chair will advise the gentleman that if the motion to reconsider now before the House should prevail, the next motion in order would be a motion to suspend the rules to permit reconsideration whereby this bill had previously been passed to be engrossed. If the motion to suspend the rules prevails by a two-thirds vote, and if the House then reconsiders its action whereby it previously passed the bill to be engrossed, then an amendment would be in order.

Mr. BAXTER: Thank you.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, I would like to table the pending motion before the House until next Tuesday, May 12.

The SPEAKER: The question now before the House is the motion of the gentleman from Enfield, Mr. Dudley, that the motion of the gentlewoman from Yarmouth, Mrs. Knapp, that the House reconsider its action whereby it failed to enact this bill, be tabled and specially assigned for Tuesday, May 12. The Chair will order a division.

Will those who favor the motion to table and assign for next Tuesday the motion of the gentlewoman from Yarmouth, Mrs. Knapp, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy-five having voted in the affirmative and thirty-eight having voted in the negative, the motion to reconsider was so tabled.

Mr. Rankin of Southport was granted unanimous consent to address the House.

Mr. RANKIN: Mr. Speaker and Members of the House: I know the

water is cold but I might as well jump right in by telling you that despite the cloture order I do have a bill.

In Boothbay Harbor there is a small summer colony known as the Bayville Village Corporation. These people organized in 1911, they own cottages, many of which date back to the early years of the century. It is not a business, despite the word "corporation." None of them live in the settlement during the winter months. Under their 1911 charter they are directed to hold their annual meeting for conducting what business they have on the first Monday of each August. In recent years it has been most inconvenient for the men who go to work about this State and in Boston and New York to come back for that Monday meeting. This bill would allow them to meet on any day during the first week in August. So, that if they wish they might meet on a Saturday when the menfolk could be present. Mr. Speaker, despite the cloture order I now present a bill.

The SPEAKER: The gentleman from Southport, Mr. Rankin, requests unanimous consent to introduce a bill notwithstanding the Cloture Order. The Clerk will read the title of the bill.

The CLERK: Bill, "An Act relating to the Annual Meeting Date of the Bayville Village Corporation."

The SPEAKER: Does the Chair hear objection to the acceptance of this bill notwithstanding the cloture order?

The Chair does hear objection. The bill is not admitted.

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

On motion of Mr. Dennison of East Machias,

Adjourned until four o'clock Monday afternoon, May 11.