

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth*

*Legislature*

OF THE

STATE OF MAINE

1973

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Thursday, February 15, 1973

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

Prayer by Father Emile Guilmette of Brunswick.

The journal of yesterday was read and approved.

**Papers from the Senate**

Bills and Resolutions from the Senate requiring reference were disposed of in concurrence.

**Non-Concurrent Matter**

Bill "An Act Changing Name of the Pine Tree Warriors, Inc." (H. P. 20) (L. D. 20) which was passed to be engrossed as amended by Committee Amendment "A" (H-12) in the House on February 8.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-12) and Senate Amendment "A" (S-13) in non-concurrence.

In the House: On motion of Mr. Cote of Lewiston, the House voted to recede and concur.

**Non-Concurrent Matter**

Bill "An Act Providing for Reduced Rates for Senior Citizens Using State Recreation and Camping Areas" (H. P. 526) (L. D. 708) which was referred to the Committee on Human Resources in the House on February 8.

Came from the Senate referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

In the House: On motion of Mr. Birt of East Millinocket, the House voted to recede and concur.

**Non-Concurrent Matter**

Bill "An Act to Increase Payments to Forestry Department for Forest Fire Protection in Baxter State Park" (H. P. 570) (L. D. 749) which was referred to the Committee on Appropriations and Financial Affairs in the House on February 8.

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

In the House: On motion of Mr. Birt of East Millinocket, the House voted to recede and concur.

**Non-Concurrent Matter**

Bill "An Act to Increase Payments to Forestry Department for Forest Fire Protection in Indian Township" (H. P. 569) (L. D. 748) which was referred to the Committee on Appropriations and Financial Affairs in the House on February 8.

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

In the House: On motion of Mr. Birt of East Millinocket, the House voted to recede and concur.

**Reports of Committees Ought Not to Pass**

Report of Committee on Agriculture reporting "Ought not to pass" on Bill "An Act Prohibiting the Feeding of Public or Commercial Garbage to Swine" (S. P. 100) (L. D. 245)

Report of same Committee reporting same on Bill "An Act Prohibiting Pony Pulling Contests" (S. P. 101) (L. D. 246)

In accordance with Joint Rule 17-A, were placed in the legislative files.

The SPEAKER: The Chair would request the Sergeant-at-Arms to kindly escort the gentleman from Waterville, Mr. Carey, to the rostrum for the purpose of presiding as Speaker pro tem.

Thereupon, Mr. Carey assumed the Chair as Speaker pro tem and Speaker Hewes retired from the hall of the House.

**Petitions, Bills and Resolves Requiring Reference**

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

**Agriculture**

Bill "An Act Authorizing Games of Chance at Agricultural Fairs" (H. P. 714) (Presented by Mr. Trumbull of Fryeburg)  
(Ordered Printed)  
Sent up for concurrence.

**Appropriations and Financial Affairs**

Bill "An Act to Appropriate the Amount of \$1,460,000 for Parking

Garage Facility for the Capitol Complex at Augusta" (H. P. 726) (Presented by Mr. Shaw of Chelsea)

Resolve Appropriating Moneys for Spruce Budworm Control (H. P. 735) (Emergency) (Presented by Mr. Birt of East Millinocket)  
(Ordered Printed)  
Sent up for concurrence.

#### **Business Legislation**

Bill "An Act Relating to Private Consumer Remedies" (H. P. 725) (Presented by Mr. Wood of Brooks)  
(Ordered Printed)  
Sent up for concurrence.

#### **Education**

Bill "An Act Clarifying the Tuition Equalization Fund for Maine Students Entering Maine Private Colleges" (H. P. 696) (Emergency) (Presented by Mr. Curtis of Orono)  
(Ordered Printed)  
Sent up for concurrence.

#### **Election Laws**

Bill "An Act Relating to the Rights of a Person under Guardianship to Vote." (H. P. 723) (Presented by Mr. Connolly of Portland)  
Bill "An Act Providing for a Second Primary Election" (H. P. 737) (Presented by Mrs. Boudreau of Portland)  
(Ordered Printed)  
Sent up for concurrence.

#### **County Government**

Bill "An Act to Increase Salary of Register of Probate of Cumberland County" (H. P. 700) (Presented by Mr. Flynn of South Portland)  
Bill "An Act Providing a Deputy Register of Probate for Cumberland County" (H. P. 701) (Presented by the same gentleman)  
Bill "An Act Increasing Salaries of County Officials of Androscoggin County" (H. P. 713) (Presented by Mr. Jacques of Lewiston)  
(Ordered Printed)  
Sent up for concurrence.

#### **Tabled and Assigned**

Bill "An Act Relating to Fees of Deputy Sheriffs" (H. P. 734) (Presented by Mrs. Boudreau of Portland)

The Committee on Reference of Bills suggested the Committee on County Government.

(On motion of Mr. Martin of Eagle Lake, tabled pending reference and tomorrow assigned.)

#### **Fisheries and Wildlife**

Bill "An Act Repealing the Bounty on Bobcats" (H. P. 697) (Presented by Mr. Briggs of Caribou)  
Bill "An Act Establishing the Carver's Pond Waterfowl Sanctuary, Knox County" (H. P. 718) (Presented by Mr. Maddox of Vinalhaven)  
(Ordered Printed)  
Sent up for concurrence.

#### **Health and Institutional Services**

Bill "An Act Amending Fee Schedule for Registered Nurses" (H. P. 710) (Presented by Mrs. Wheeler of Portland)  
(Ordered Printed)  
Sent up for concurrence.

#### **Labor**

Bill "An Act Relating to Minimum Wages" (H. P. 706) (Presented by Mr. Brown of Augusta)  
Bill "An Act Relating to Mediation Procedure for Disputes in the Public Sector" (H. P. 717) (Presented by the same gentleman)  
(Ordered Printed)  
Sent up for concurrence.

#### **Legal Affairs**

Resolve to Reimburse Alden V. Cole of LaGrange for Loss of Beehives by Bear (H. P. 719) (Presented by Mr. Dudley of Enfield)  
Bill "An Act Setting Off Part of Standish to Raymond, Cumberland County" (H. P. 720) (Presented by Mr. Wood of Brooks)  
Bill "An Act to Incorporate the Town of Frye Island, Cumberland County" (H. P. 724) (Presented by the same gentleman)  
Resolve to Reimburse David Erwin of Corinna for Property Damages caused by State Ward (H. P. 728) (Presented by Mr. Smith of Exeter)  
Bill "An Act Relating to Regulation and Inspection of Plumbing" (H. P. 733) (Presented by Mr. Shaw of Chelsea)  
Bill "An Act Authorizing City of Portland to Levy Local Assess-

ments for Snow Removal on Sidewalks" (H. P. 738) (Presented by Mrs. Boudreau of Portland) (Ordered Printed)  
Sent up for concurrence.

**Liquor Control**

Bill "An Act Relating to Sale Price of Liquor" (H. P. 707) (Presented by Mr. Trumbull of Fryeburg)

Bill "An Act Relating to Entertainment for Class A Restaurants, Hotels and Clubs under Liquor Law" (H. P. 721) (Presented by Mr. Kelleher of Bangor) (Ordered Printed)  
Sent up for concurrence.

**Marine Resources**

Bill "An Act to Clarify the Law Relating to Fishery Inspection" (H. P. 702) (Presented by Mr. Shute of Stockton Springs)

Bill "An Act to Clarify the Law on Handling of Polluted Shellfish" (H. P. 703) (Emergency) (Presented by the same gentleman)

Bill "An Act Relating to the Marking of Egg-bearing Lobsters" (H. P. 708) (Presented by Mr. Bunker of Gouldsboro)

Bill "An Act Relating to Defining Residence Requirements to Procure a Lobster Fishing License" (H. P. 709) (Presented by the same gentleman)

Bill "An Act to Increase Certain Sea and Shore License Fees and to Provide Additional Money for Purchasing Seed Lobsters" (H. P. 711) (Presented by the same gentleman)

Bill "An Act to Lease Management and Cultivation Areas in Maine's Coastal Waters" (H. P. 731) (Presented by Mr. Brown of Augusta)

(Ordered Printed)  
Sent up for concurrence.

**Natural Resources**

Bill "An Act to Remove the Exception for Paper Mills Allowed to Store and Drive Logs on Maine Surface Waters" (H. P. 698) (Presented by Mr. Briggs of Caribou)

Bill "An Act Relating to Use of Waters of Kezar Lake by Westways Maintenance Corporation" (H. P. 715) (Presented by Mr. Trumbull of Fryeburg)

Resolve Appropriating Funds to Prevent Sawdust Pollution at South

Branch Lake and Saponac Pond in Penobscot County (H. P. 722) (Presented by Mr. Dudley of Enfield)

Bill "An Act Relating to Minimum Lot Size when not Served by Public Sewer or Water Supply" (H. P. 727) (Presented by Mr. Smith of Exeter)

Bill "An Act to Provide for Protection of the Air, Water and Other Natural Resources" (H. P. 729) (Presented by Mr. Brown of Augusta)

Bill "An Act to Establish a Water Quality Related Great Ponds Program in the Department of Environmental Protection" (H. P. 730) (Presented by Mr. Briggs of Caribou)

Bill "An Act Relating to Municipal Regulation of Land Subdivisions" (H. P. 736) (Presented by Mr. Birt of East Millinocket) (Ordered Printed)  
Sent up for concurrence.

**State Government**

Resolution Proposing an Amendment to the Constitution to Permit Initiative Amendments to the Constitution (H. P. 695) (Presented by Mr. Whitzell of Gardiner)

Bill "An Act Relating to Appointment of Municipal Law Enforcement Officers" (H. P. 704) (Presented by Mr. McKernan of Bangor)

Bill "An Act to Consolidate the State Harness Racing Commission and the State Running Horse Racing Commission" (H. P. 716) (Presented by Mr. Brown of Augusta)

Resolution Proposing an Amendment to the Constitution to Abolish the Executive Council and Make Changes in the Matter of Gubernatorial Appointments and Their Confirmation (H. P. 732) (Presented by Mr. Snowe of Auburn)

(Ordered Printed)  
Sent up for concurrence.

**Transportation**

Bill "An Act to Prohibit Interference with Signalling or Safety Devices used for Work on Public Ways" (H. P. 705) (Presented by Mr. Stillings of Berwick)

(Ordered Printed)  
Sent up for concurrence.

**Veterans and Retirement**

Bill "An Act Including Maine County Commissioners Association under State Retirement System" (H. P. 712) (Presented by Mr. Pontbriand of Auburn)

(Ordered Printed)  
Sent up for concurrence.

At this point, Speaker Hewes returned to the rostrum.

**SPEAKER HEWES:** The Chair thanks the gentleman, and appreciates that his duties as Mayor of Waterville apparently have provided him some experience for this job.

Thereupon, the Sergeant-at-Arms escorted Mr. Carey to his seat on the floor, amid the applause of the House, and Speaker Hewes resumed the Chair.

**Orders**

**Tabled and Assigned**

Mrs. Clark of Freeport presented the following Joint Order and moved its passage:

WHEREAS, the struggle for women's rights spans a period of approximately 90 years and is now a popular widespread movement; and

WHEREAS, Susan B. Anthony founded this movement which has led to the women's right of this century and is considered the "mother of us all;" and

WHEREAS, the 15th day of February, 1973, marks the anniversary of this illustrious feminist's birth; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the 106th Legislature of the State of Maine now assembled, take this opportunity to acknowledge the anniversary of this national leader's birth and her life's work and great humanitarian efforts which have attributed much to raise the economic, legal and political status of women all over America; and be it further

ORDERED, that a suitable copy of this order be immediately transmitted to the Freeport Women's Guild and the National Organization of Women by the Secretary of the Senate in recognition of the occasion. (H. P. 758)

The Order was read.

(On motion of Mr. Simpson of Standish, tabled pending passage and specially assigned for Tuesday, February 20.)

**House Reports of Committees Ought Not to Pass**

Mr. Dam from the Committee on County Government reporting "Ought not to pass" on Bill "An Act Providing a Deputy Treasurer of Cumberland County by Statute and Providing Compensation Therefor" (H. P. 119) (L. D. 143)

Mr. Willard from the Committee on Election Laws reporting "Ought not to pass" on Bill "An Act Relating to Marking Absentee Ballots at a General Election" (H. P. 146) (L. D. 179)

In accordance with Joint Rule 17-A, were placed in the legislative files and sent to the Senate.

**Divided Report**

Majority Report of the Committee on Election Laws reporting "Ought not to pass" on Bill "An Act Prohibiting Candidates from Notarizing an Absentee Ballot" (H. P. 105) (L. D. 125)

Report was signed by the following members:

Mr. CIANCHETTE  
of Somerset  
— of the Senate.

Messrs. ROSS of Bath  
HOFFSES of Camden  
WILLARD of Bethel  
KELLEY of Machias  
BINNETTE of Old Town  
HANCOCK of Casco  
DUDLEY of Enfield  
TALBOT of Portland

Mrs. BOUDREAU of Portland  
— of the House.

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

Report was signed by the following members:

Messrs. SHUTE of Franklin  
JOLY of Kennebec  
— of the Senate.

Mr. SNOWE of Auburn  
— of the House.

Reports were read

The **SPEAKER:** The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, I move that the House accept the Majority "Ought not to pass" Report

and would speak briefly to my motion.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that the House accept the Majority "Ought not to pass" Report.

The gentleman may proceed.

Mr. ROSS: Mr. Speaker and Members of the House: Certainly nobody is more interested in absentee voters and absentee voting than candidates themselves. Most of us are either notaries or justices, and it is a very important facet in the election process. Absentees would surely fall off if we prohibited all candidates from notarizing these ballots. It certainly is just as fair to one party as another.

For several years I sponsored legislation which would prohibit justices and notaries from registering and enrolling voters. I felt that this was such an important political step that the person should be willing to go before the registrar or the board of registration. But, unfortunately, although it passed the House and Senate, each time it was vetoed.

However, this is different, and if we should pass legislation like this, there certainly could only be a decrease in voter participation, which none of us want.

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

Mr. CURTIS: Mr. Speaker and Members of the House: Being the sponsor of this proposal and being somewhat surprised that it is even before us, because two years ago a similar bill which I sponsored came out with a unanimous "ought not to pass" report, I won't take too much of the House's time.

I do think it is important that we at least consider the suggestion that I am making here today, and that is that candidates for political office ought not be in a position of being in the presence of a person when he votes. Of course, as candidates we vote ourselves, but by statute we prohibit campaigning by candidates within a certain distance from the polls.

The purpose of this bill is to prevent candidates whose name appears on the ballot from actu-

ally notarizing the ballots. I think that it is inappropriate for candidates to be in that position; and I think that there are sufficient other people, notaries and justices, who would be available to provide the manpower to assist in the voting absentee of those people who really want to vote absentee.

Political candidates, I suggest, should be like Caesar's wife — above suspicion. I think that this would be one measure that we could take to attain that goal.

Finally, there was a suggestion made in the committee that an amendment would be appropriate to exempt municipal clerks and, if by some small miracle this bill ever goes any further, I would be happy to present that amendment.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to wholeheartedly concur with my friend, Mr. Curtis. I think we all agree that politicians, we consider ourselves sometimes as small-time politicians in a way, have reached an all-time low as to their image, and I don't believe it helps it any when it is known that we as notaries or justices are witnessing votes when we are on the ballot. I have done it reluctantly, and I would like to see it completely wiped out so I would have a reason to say no, you get someone else to notarize the ballot.

I, myself, was hoping that this would pass, and I am a bit disappointed that the apparent majority, their findings, that it should not go through. It still seems to be a holdover of the old political view that politics, regardless.

So again I would like to have seen this go through.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: I simply want to state that I think this is a very good and a very desirable bill and I shall vote for the minority "ought to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker and Members of the House: I do not think this is a very good bill. I think this bill stinks because in the first place some of these people can class themselves as politicians, maybe they are; I don't class myself as a politician. I class myself just still as a common person. I figure I am working for my people. And in the last election both sides, Republican and Democrat, asked me on election day to go and pick up absentee ballots and notarize them because I happened to be the only one at that time available.

Now many people are not fortunate enough to be retired and be on pensions or have a good income or be termed a fat cat. They do not have the time to go out. So somewhere along the line the candidate has to go out. And if we take the right of the people away to vote, this is a very serious thing; and this is what we would be doing, because there would not be enough people out there because the people are not concerned whether they are notaries or justices or what they are; they are not concerned. The only really concerned ones to get the vote out are the people that are running for office.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: I, too, would like to concur with the minority "ought to pass" report. I am in complete agreement with the gentleman from Orono and the other speakers who have supported this measure.

Not only am I a candidate myself every two years, but this past election I was the Executive Director of the Maine Committee for the Reelection of the President; and naturally, absentee ballots, to me, were very important in both areas. However, I have been a personal witness to some abuses which I think ought to cease. It is never the intention of the candidate, generally speaking, to influence an individual but it happens,

merely by the fact that you are there and the voter knows that you are there and that you are on the ballot will influence his judgment and there are some individuals who are not as discreet as they should be when they are voting absentee ballots.

Now there are many philosophies in the different states relative to absentees. In some states they are not even allowed. Rhode Island is interesting because in Rhode Island no absentee ballot is counted in any election unless the difference between the two candidates is a fewer number of votes than the total number of outstanding uncounted absentee ballots.

I think that there are several areas in election reform that we ought to consider in Maine and one of them is tightening up the absentee voting laws; and I would certainly hope that this House would, in some measure, vote to do this this year. I think a very good thing would be to restrict candidates from notarizing absentees.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: As a member of this committee and I think a majority, signing the majority report, I feel as though someone should speak for the majority.

Let me say at the outset that I am not a J. P. or a notary public and never have been. In most cases my opponents have been. I thought it was a very good means of getting the vote in and I am interested in getting the vote in and I say if you only understand it, and probably most of you do, you only sign and notarize the signature on the envelope. I agree that we need these people, whether it is my opponent or whoever it may be to get the vote in. I am concerned with getting the vote in.

Our vote percentage in this State is ridiculously low, the percentage of those people who could vote; and I would like to do something to improve the number of people that vote, percentage wise, not do something to cut it down. I can see in my area, if some J. P. or some notary didn't go to these

poor, old souls who are incapacitated to get to the polls and take their time to affix their signature on the envelope and see that those get in there, that it wouldn't be done, I couldn't get it done because I am not a J. P. and I am not a notary public and so I rely on these people that I ought to get them in whether they are candidates or non-candidates. I have no quibble with that. I think that when we elect these J. P.'s or these notaries as we call them or what have you, that they are considered by the government council as being men of honesty and good will and I would like to state that.

Now, if you have some quibble that there is too many of these notaries and so forth, maybe we do have too many. This may be the case, but in my area we don't. They are very scarce and they are very hard to find people that are socialistic minded enough, or minded in the society to help get these people in and vote that I don't want to cut any of them off, whether they be candidates or not. I think this was generally the feeling of the majority of this committee and this bill had a good hearing and we were well discussed in the executive session and I hope that the minority report is not accepted.

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

Mr. FRASER: Mr. Speaker and Members of the House: I have to agree with the gentleman from Orono, Mr. Curtis, when he says that all candidates should be above suspicion. I believe that every person in this House has been a candidate at some time or other and I believe they are all above suspicion.

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

Mr. SNOWE: Mr. Speaker and Members of the House: In response to the remarks of the gentleman from Enfield, Mr. Dudley, the law of the State of Maine now says that an absentee voter must mark his ballot in the presence of one of the following officials: a justice of the peace, a notary pub-

lic, a clerk, a deputy clerk, a dedimus justice, a clerk of courts.

It just doesn't seem right to me that one of these people should be a candidate in that election and should observe the marking of this ballot. It just seems wrong and when the vote is taken I ask that it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I am a notary. I have been for many years. When I became a notary I took an oath. An oath means a great deal to me. I am not Caesar's wife but I hope that I can stay above suspicion not only in relation to things that I notarize, but in my private life as well.

I don't know how you can be a notary and not a notary. The law says that notaries can do this. I don't see any reason why we should pick out any one thing that a notary can't do because he isn't honest. I am just at a loss to find out how a man can be honest on one side of the street and dishonest on the other. I think you are either one thing or the other and I think that we ought to leave the law as it is.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I would like to answer a few of the questions that seem to have arisen on this. I wonder how many of us have witnessed absentee ballots and not realized that we had to somehow get involved. Most of the absentee ballots or a big majority of them are elderly people, sick, sometimes they are in nursing homes, hospitals. They haven't been keeping up with the situation. How can you sit there with someone, some elderly person talking to himself, marking their ballots and even if they don't turn to you and ask you by name, they say, "Well, who is this? I don't seem to know him. What does he do? Where did he come from?"

Now there is hardly a time that there isn't some call that the wit-

ness is expected to answer. I still contend that is almost impossible to keep an impartial point of view and tell the voter, well, now I am on the ballot so I am not supposed to guide you or instruct you. You just can't stay out of it. The best thing to do is to have the law forbid you to be the witness, if you are a notary. That is the way I feel and I have been a notary for a good many years. I feel guilty every time that I have an old person like that and they ask a question. I would like to be able to answer them. If I answer them, I am being partial. That is the way I feel about it. I would rather be taken right out of it if I am a candidate.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Members of the House: Up in our locality nursing homes are quite some distance away and about the only ones that I ever do notarize are the ones that are from our town who probably are 20, 21 miles away and no one else cares to go get their vote. And I think the old people enjoy voting and I think it gives them peace of mind. It doesn't make any difference who they voted for, if they voted for me or someone else.

I think we should go along this way because most people who have just got it for the sake of having a notary public or a justice of the peace, I think the only thing they get it for is to say they got it. If they are asked to go eight or ten miles to notarize a paper, they won't do it. So I think the only one that is going to get to these older people in the nursing homes are the ones who are running for office and I don't think anyone is going to impress an older person to vote for them. I hope we go along with this majority report.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: In the first place, this bill wouldn't do what the sponsor, I think, intends for it to do or what he

thinks is being done right now. Your notary is influencing the people how to vote because all this is doing is saying the notary, if he is on the ballot, can't be there to take the signature. But there is nothing that says if I am running for an office and that a hundred people send down for an application for an absentee ballot, that I cannot deliver it. I can deliver it and when I deliver it, whether I am a notary or who I am or what I am, if I want to discuss that with them, if I want to be that way that I am out to get the votes for me, I can sit there and discuss it with them. Then when they get ready to vote, the notary can come in and watch them vote, but he can't watch and see how they vote. He has got to keep away from them. He cannot stand there and watch over their shoulder.

So this is doing nothing. All this is, it is just making the people of the State of Maine think that politicians or anything political is dirty.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: Before I get going, I just can't resist this one. My very good friend, the gentlemen from Lubec, Mr. Donaghy, said that he was not Caesar's wife. I suspect that Caesar is very happy with this situation.

Ladies and gentlemen, I am also not a J. P. nor am I a notary public. I was on the majority side in the committee report of this bill. I dislike the bill very much. I did this year and I did two years ago as the gentleman from Orono, Mr. Curtis, knows.

Now, I see no point whatsoever in making the candidate a second-class citizen. If the candidate happens to be a J.P. of if he is a notary, he has his position to uphold and I see no reason why he cannot be instrumental in helping some people get their vote cast.

There was an element mention here of trust for the candidate. If we do not allow the candidate to do this, it obviously means that the Legislature doesn't trust the

candidate; whether it is the primary election or general election, whether they are Republicans or Democrats. And as far as I am concerned, I trust all candidates, both parties.

The gentlemen from Orono, Mr. Curtis, mentioned that if the minority report was accepted, that he would put in an amendment to exempt town clerks from this bill. If one type of candidate is to be exempted, why not all candidates? There are many towns that cannot afford and do not have the facilities to have a deputy town clerk; and if a town clerk who is running with opposition can notarize an absentee ballot, the other candidate should be in the same position.

The proposed amendment is not fair at all. I certainly hope that the majority "ought not to pass" report is accepted.

The SPEAKER: The Chair recognizes the gentlemen from Portland, Mr. Talbot.

Mr. TALBOT: Mr. Speaker Members of the House: I am also in the majority "ought not to pass" and this is one of the things why I believe that. I am a justice of the peace and this is the first time that I have been out in an election, the first time I was a candidate. And when I took some absentee ballots out, some suggested that I wear my name tag on my jacket, not to suggest anything but just so it was there so if the candidate didn't know who to vote for or didn't vote for enough, they would have another candidate. I said I wouldn't wear my name tag and I didn't wear my name tag because I didn't think it was fair.

Another reason is that I have gone to several absentee ballots, had them fill it out, and they have told me to my face, "I am not voting your way. I am not voting for you. I am sorry." I said, "That is perfectly all right." In other words, I am more interested in getting out the maximum amount of votes rather than having somebody vote for me.

My aunt — I was very much on the bottom of the ballot. I think I only had one person below me and that was Mrs. Wheeler. I was on the bottom of the ballot and

I had everything going against me. So I was calling up all my relatives to see if I couldn't get some extra votes and I called up my aunt who is 89 years old. She is originally from the South and I asked her if she wanted an absentee ballot. She says, "No, I don't, I don't believe in voting. I come from the old school and I think women should be put in their place." She believed that women should not be voting, this was a man's job and I tried to explain to her that times had changed and I said, "I respect your opinion" and what not and that was it. But a couple of days later she called me up and she said, "Gee, I really didn't realize—" she is quite elderly, she is 89 years old — she says, "I really didn't realize that you were on the ballot and I do want an absentee ballot."

I was also helping the top of the ticket and I won't mention the man's name. So I took her an absentee ballot and she did not vote our way and she told us so. So I thought I would just put that in. I sincerely hope you vote "ought not to pass" on this particular issue.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Members of the House: I would like to ask, through the Chair, of course, a brief question of the gentleman from Rockland. He stated in one breath that he was a candidate and in the next breath that he had personally witnessed several abuses to the current law. Because I would much prefer to think of him as Caesar's wife than Lady MacBeth, I prefer he elaborate.

The SPEAKER: The gentleman from Durham, Mr. Tierney, poses a question through the Chair to the gentleman from Rockland, Mr. Emery, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. EMERY: Mr. Speaker, I would first of all inform the gentleman from Durham that we have city council elections in Rockland which occur on years when the rest of the ticket isn't running, and sometimes one sees things when

one is not in a position to alter a course of events. I think it is sufficient to say that there are abuses that I am sure everyone who has voted absentee ballots has seen and I think it would be a very wise idea if we took an action in this House to try to eliminate that happening in the future.

I don't mean to imply that I was in any way involved in any irregularities and I assure you that I was not; but nevertheless, one sees things occasionally.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, since this question has become a bit more heated than I anticipated, I now move that this bill and all its accompanying papers be indefinitely postponed and I request that this vote also be taken by the yeas and nays.

The SPEAKER: The gentleman from Bath, Mr. Ross, now moves indefinite postponement of this Report and Bill. A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that both Reports and Bill be indefinitely postponed. All in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Baker, Berry, G.W.; Berry, P.P.; Berube, Binnette, Bither, Boudreau, Brawn, Brown, Bustin, Cameron, Carey, Carrier, Carter, Chick, Churchill, Clark, Cooney, Cote, Cottrell, Cressey, Crommett, Curran, Dam, Davis, Donaghy, Dow, Drigotas, Dudley, Dunleavy, Dunn, Dyar, Evans, Farley, Farrington, Fee-teau, Finmore, Fraser, Gauthier, Genest, Good, Goodwin, H.: Goodwin, K.; Hamblen, Hancock, Her- rick, Hobbins, Hoffses, Hunter,

Immonen, Jackson, Jacques, Jalbert, Kelleher, Kelley, Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahan, McNally, Merrill, Mills, Morin, L.; Morin, V.; Murchison, Murray Najarian, O'Brien, Peterson, Pontbriand, Ricker, Rolde, Rollins, Ross, Shaw, Sheltra, Shute, Silverman, Simpson, L.E.; Sproul, Stillings, Susi, Talbot, Tanguay, Theriault, Tierney, Trask, Trumbull, Walker, Wheeler, White, Whitzell, Willard, Wood, M.E.

NAY — Birt, Bragdon, Chonko, Curtis, T.S., Jr.; Emery, D.F.; Farnham, Faucher, Ferris, Flynn, Gahagan, Garsoe, Haskell, Henley, Huber, McTeague, Morton, Norris, Perkins, Pratt, Snowe.

ABSENT — Barnes, Briggs, Bunker, Conley, Connolly, Deshaies, Greenlaw, Hodgdon, Kelley, R. P.; Mulkern, Palmer, Parks, Santoro, Smith, D. M.; Smith, S.; Soulas, Tyndale, Webber.

Yes, 112; No, 20; Absent, 18.

The SPEAKER: One hundred twelve having voted in the affirmative and twenty in the negative, with eighteen being absent, the motion does prevail.

Sent up for concurrence.

#### Out of Order

From the Senate: The following Order:

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, February 20, at 10 o'clock in the morning. (S. P. 296)

Came from the Senate read and passed.

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

#### Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-29) on Bill "An Act Revising the Boiler Law to Include Certain Pressure Vessels" (H. P. 164) (L. D. 206)

Report was signed by the following members:

Messrs: ROBERTS of York

JOLY of Kennebec  
ALDRICH of Oxford  
— of the Senate.  
Messrs. BRAUN of Oakland  
SHAW of Chelsea  
SHUTE

of Stockton Springs  
EMERY of Rockland  
FECTEAU of Biddeford  
CONNOLLY of Portland  
DUDLEY of Enfield

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

Report was signed by the following members:

Messrs. FAUCHER of Solon  
COTE of Lewiston  
CAREY of Waterville  
— of the House.

Reports were read.

On motion of Mr. Emery of Rockland, the Majority "Ought to Pass" Report was accepted, and the Bill was read once.

Committee Amendment "A" (H-29) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

**Divided Report**

Majority Report of Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-30) on Bill "An Act Relating to Inspection Methods and Frequencies of Steel Hot Water Heating Boilers" (H. P. 179) (L. D. 221)

Report was signed by the following members:

Messrs. ROBERTS of York  
JOLY of Kennebec  
ALDRICH of Oxford  
— of the Senate.

Messrs. BRAUN of Oakland  
SHAW of Chelsea  
SHUTE

of Stockton Springs  
EMERY of Rockland  
CONNOLLY of Portland  
DUDLEY of Enfield  
FAUCHER of Solon  
CAREY of Waterville

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

Report was signed by the following members:

Messrs. FECTEAU of Biddeford

COTE of Lewiston  
— of the House.

Reports were read.

On motion of Mr. Emery of Rockland, the Majority "Ought to pass" Report was accepted and the Bill was Read once.

Committee Amendment "A" (H-30) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

**Consent Calendar**

**First Day**

(H. P. 9) (L. D. 9) Resolution Proposing an Amendment to the Constitution Reducing Residence Requirement for Voting to Thirty Days (Committee on Election Laws reporting "Ought to Pass")

(H. P. 42) (L. D. 49) Bill "An Act Relating to Assistance to Blind Persons in Marking Absentee Ballots" (Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" H-31).

(S. P. 68) (L. D. 170) Bill "An Act to Clarify the State Records Law" (Committee on State Government reporting "Ought to Pass")

No objection having been noted, were assigned to the Consent Calendar's Second Day list.

(H. P. 160) (L. D. 202) Bill "An Act Relating to Hunting from Public Ways" (Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" H-32)

Objection was noted.

(On motion of Mr. Simpson of Standish, the Report was accepted and the Bill read once.

Committee Amendment "A" (H-32) was read by the Clerk and adopted, and the Bill assigned for second reading the next legislative day.

(S. P. 107) (L. D. 252) Bill "An Act to Increase Outdoor Advertising License and Permit Fees and Extend Controls Beyond 600 Feet" (Committee on Natural Resources reporting "Ought to Pass" in New Draft and Under New Title S. P. 276, L. D. 764)

(H. P. 209) (L. D. 282) Bill "An Act Permitting the Commissioners

of Franklin County to Transfer Bridge Account Moneys" (Committee on County Government reporting "Ought to Pass")

(H. P. 230) (L. D. 310) Bill "An Act Revising the Maine Egg Grading Law" (Committee on Agriculture reporting "Ought to Pass")

(H. P. 234) (L. D. 315) Bill "An Act Relating to Federal and State Standards and Labeling of Milk and Milk Products" (Committee on Agriculture reporting "Ought to Pass")

No objection having been noted, were assigned to the Consent Calendar's Second Day list.

#### **Consent Calendar Second Day**

(S. P. 1) (L. D. 28) Bill "An Act Providing Complimentary Hunting Licenses to Maine Residents over 70 Years of Age" (C. "A" — S-10)

Objection was noted.

Thereupon, the Report was accepted and the Bill read once.

Committee Amendment "A" (S-10) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

(S. P. 88) (L. D. 234) Bill "An Act Relating to Duties of School Committees Concerning Persons not Immunized Against Certain Diseases"

S. P. 113) (L. D. 258) Bill "An Act Relating to Sale of Certain Publications of Department of Inland Fisheries and Game"

(S. P. 118) (L. D. 263) Bill "An Act to Authorize the Construction of a Bridge Across Cowseagan Narrows, Back River, between the Towns of Westport and Wiscasset" (C. "A" -S-11) (Emergency)

No objection having been noted, the Bills were passed to be engrossed and sent to the Senate.

#### **Emergency Measure Tabled and Assigned**

An Act Relating to Regulations Governing Horsepower of Boats on Certain Inland Waters. (S. P. 11) (L. D. 68) (C. "A" - S-4) (H. "A" to C. "A" - H-26)

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

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker and Ladies and Gentlemen of the House: Before this bill is passed, which is a regulation for all of the inland waters of the State of a certain size, I would like the chairman of the Fish and Game Committee or someone else to explain the major parts of this bill and how it is going to affect our areas, if they will.

The SPEAKER: The gentleman from Calais, Mr. Silverman poses a question to any member of the House who may answer if he desires.

The Chair recognizes the gentleman from Westfield, Mr. Good.

Mr. GOOD: Mr. Speaker and Members of the House: This bill came in to regulate horsepower on lakes, along with about two dozen other bills to regulate the horsepower on this lake or that lake or some other lake. We thought, in our opinion, that if we gave the Fish and Game Department the right to hold hearings on these individual lakes and decide on the merits of the individual local conditions, whether or not they should regulate the horsepower of motors on certain lakes, that this would be the least expensive and the best way to handle this situation. That is what this bill does now, it takes all that torque out of the power.

(Thereupon, on motion of Mr. Donaghy of Lubec, tabled pending passage to be enacted and specially assigned for Tuesday, February 20.)

#### **Passed to Be Enacted Emergency Measure**

An Act Relating to Number of Directors of Swan's Island School Administrative District (H. P. 242) (L. D. 323)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Enactor**

**Tabled and Assigned**

An Act Relating to the Wearing of Fluorescent Orange Clothing While Hunting During Hunting Season. (H. P. 50) (L. D. 57) (C. "A" - H-11) (H. "A" to C. "A" - H-18)

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

(On motion of Mr. Simpson of Standish, tabled pending passage to be enacted and specially assigned for Tuesday, February 20.)

**Passed to Be Enacted**

An Act Relating to Possession of Salmon, Trout, Togue or Black Bass. (H. P. 75) (L. D. 88) (C. "A" - H-16)

An Act Relating to Authority of the Legislative Finance Officer. (H. P. 97) (L. D. 118) (C. "A" - H-13)

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

**Enactor**

**Tabled and Assigned**

An Act Relating to Hunting Pheasants (H. P. 101) (L. D. 121) (H. "A" — H-19)

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

(On motion of Mr. Brawn of Oakland, tabled pending passage to be enacted and specially assigned for Tuesday, February 20.)

**Finally Passed**

Resolve to Reimburse Edgar W. Tupper of Madison for Loss of Beehives by Bear. (H. P. 151) (L. D. 184) (C. "A" — H-14)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, the Resolve finally passed, signed by the Speaker and sent to the Senate.

**Orders of the Day**

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

Joint Order relative to Legislative Finance Officer approving expenses of his office. (S. P. 254)

Tabled — February 13, by Mr. Simpson of Standish.

Pending — Passage.

On motion of Mr. Simpson of Standish, tabled pending passage and specially assigned for Wednesday, February 21.)

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

Joint Order relative to Joint Standing Committees of the Legislature on Education, Health and Institutional Services being authorized to examine operation of various State Departments (H. P. 657)

Tabled — February 13, by Mr. Martin of Eagle Lake.

Pending — Passage.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: It has been some time since this has been tabled and actually been before us. You may recall that the order calls for these three committees to do some investigations of the various departments involved.

I, for one, believe that this is a proper procedure, that we are at some point going to get ourselves involved in. The only thing that concerned me was the time with which we were dealing with this particular type of an order, my feeling that perhaps it was a little bit premature. In speaking with the leadership both of this House and of the other body, I have been assured that nothing would be done with the order if it went to the other body until such time that we were all ready to act. And so, Mr. Speaker, I would now move passage of the order.

Thereupon, the Joint Order received passage and was sent up for concurrence.

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

Joint Order relative to Special Committee on Constitutional State Reapportionment (S. P. 233)

Tabled — February 13, by Mr. Martin of Eagle Lake.

Pending — Passage.

On motion of Mr. Martin of Eagle Lake, the Joint Order received passage in concurrence.

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

Communication from Congressman William S. Cohen (S. P. 277)

Tabled — February 14, by Mr. Martin of Eagle Lake.

Pending — Being placed on file in concurrence.

On motion of Mr. Birt of East Millinocket, the Communication was not placed in the legislative files and was sent to the Senate in non-concurrence.

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

Bill "An Act to Authorize Oxford County to Raise Money for the Development of an Airport in the Rumford-Mexico Area" (H. P. 464) (L. D. 612)

Tabled — February 14, by Mr. Fraser of Mexico.

Pending — Reference.

On motion of Mr. Fraser of Mexico, the House voted to insist. Sent to the Senate.

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

Bill "An Act to Improve the Efficiency and Fairness of the Local Welfare System" (H. P. 469) (L. D. 617)

Tabled — February 14, by Mr. McTeague of Brunswick.

Pending — Motion by Mr. Birt of East Millinocket to reconsider.

On motion of Mr. Birt of East Millinocket, retabled pending his motion to reconsider and specially assigned for Tuesday, February 20.)

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

Bill "An Act to Improve the Efficiency and Fairness of the Local Welfare System" (H. P. 477) (L. D. 624)

Tabled — February 14, by Mr. Birt of East Millinocket.

Pending — Motion of Mr. Perkins of South Portland to Insist.

On motion of Mr. Birt of East Millinocket, retabled pending the motion of Mr. Perkins of South Portland to insist and specially assigned for Tuesday, February 20.

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

Bill "An Act Relating to Coverage of Treatment by Psychologists under Health and Accident Insurance Contracts" (H. P. 513) (L. D. 678)

Tabled — February 14, by Mr. Smith of Dover-Foxcroft.

Pending — Motion of Mr. Birt of East Millinocket to recede and concur.

Thereupon, the motion prevailed.

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

Bill "An Act Revising the Laws Relating to Electricians" (H. P. 651)

Tabled — February 14, by Mr. Simpson of Standish.

Pending — Reference.

Thereupon, referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

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

Bill "An Act Revising the Laws Relating to Oil Burner Men's Licensing" (H. P. 652)

Tabled — February 14, by Mr. Simpson of Standish.

Pending — Reference.

Thereupon, referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

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

Bill "An Act Relating to Use of Vending Machines on Sundays" (H. P. 693)

Tabled — February 14, by Mr. Jalbert of Lewiston.

Pending — Reference.

On motion of Mr. Emery of Rockland, referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

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

Bill "An Act Authorizing Maine Law Enforcement and Criminal Justice Academy Trustees to Establish Certification Standards for Police Chiefs" (H. P. 667)

Tabled — February 14, by Mr. Henley of Norway.

Pending — Reference.

Thereupon, referred to the Committee on State Government ordered printed and sent up for concurrence.

Mr. Simpson from Standish was granted unanimous consent to address the House.

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: Yesterday we had a very eloquent presentation from the gentleman from Lewiston pertaining to the role of the press in the legislative halls. Before the gentleman settles too far back in his seat and thinks that I don't agree with him, I would like to tell him that I agreed with most of what he said.

There were two paragraphs in his speech that I as a member of the joint leadership feel that were inaccurate and, therefore, I would like to set the record straight.

Shortly after the election of the joint leadership, and in one of our very earliest meetings, various segments of the news media approached us and asked us if we would work out some type of a program whereby they would have to pay for the office space that they have in this building, along with the possibility of arranging some type of a deal on their furniture or telephone, if necessary. They were advised at that time that the joint leadership would take this under advisement and that we would meet them and work out a solution that was in the best interest of all parties. And I realize that last week there were

some statements made in the news that the leadership was working on this type of an item and I would submit to you that we are but we are doing so with the news media and before we do anything along these lines we will do so only after a full meeting and acceptance and approval of the news media that serve us out of these legislative halls.

Mr. Simpson of Standish presented the following Joint Order and moved its passage:

WHEREAS, nothing on earth is more sacred than the love of two people, each for the other; and

WHEREAS, on February 15, 1946, Mr. and Mrs. Walter A. Birt of East Millinocket, started such a lasting relationship; and

WHEREAS, the Birts are celebrating these happy years and special family relations on this twenty-seventh anniversary of their wedding; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the House of Representatives and the Senate of the One Hundred and Sixth Legislature of the State of Maine now assembled, join the twenty-seventh wedding anniversary celebration of our friend and colleague and his dear wife, Dorothy, by extending our warmest congratulations on this memorable occasion, along with our very best wishes for the years to come; and be it further

ORDERED, that a suitable copy of this joint order be immediately transmitted to the Honorable Walter A. Birt of East Millinocket and his devoted wife, as a small memento of our esteem.

The Order was received out of order by unanimous consent, read and passed.

On motion of Mr. Simpson of Standish,

Adjourned until Tuesday, February 20, at ten o'clock in the morning.