

# 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, April 5, 1973

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

Prayer by Father Arthur St. Pierre of Camden.

The journal of yesterday was read and approved.

**Order Out of Order**

Mr. Fraser of Mexico presented the following Order and moved its passage:

ORDERED, that Shirley Capponi of Mexico be appointed Honorary Page for today.

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

Supplement No. 1 was taken up out of order by unanimous consent.

Resolve for Laying of the County Taxes for the Years Nineteen Hundred and Seventy-three and Nineteen Hundred and Seventy-four (H. P. 1419) (L. D. 1733)

Was referred to the Committee on County Government, ordered printed and sent up for concurrence.

By unanimous consent, ordered sent forthwith.

**Papers from the Senate**

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

**Reports of Committees Ought Not to Pass**

Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act Relating to Removal of Bridges Crossing Connecting Waterways of the Chain of Ponds, Franklin County" (S. P. 246) (L. D. 697)

Report of the Committee on Appropriations and Financial Affairs reporting same on Resolve Providing Funds to University of Maine for Upgrading University Professional Salaries (S. P. 303) (L. D. 966)

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

**Leave to Withdraw**

Report of the Committee on Legal Affairs on Bill "An Act

Relating to the Installation of Electrical Conduits Under the Electricians Law" (S. P. 138) (L. D. 350) reporting Leave to Withdraw.

Came from the Senate read and accepted.

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

**Non-Concurrent Matter Tabled and Assigned**

Bill "An Act Establishing an Open Season on Moose" (H. P. 32) (L. D. 39) which was passed to be engrossed as amended by Committee Amendment "A" (H-141) in the House on April 2.

Came from the Senate with Bill and accompanying papers indefinitely postponed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. McNally.

Mr. McNALLY: Mr. Speaker, I move we recede and concur with the Senate.

Whereupon, on motion of Mr. Good of Westfield, tabled pending the motion of Mr. McNally of Ellsworth to recede and concur and specially assigned for Tuesday, April 10.

**Non-Concurrent Matter**

Bill "An Act to Specify the Date for Closing of Open Burning Dumps in Maine" (S. P. 288) (L. D. 835) which was passed to be Enacted in the House on April 3.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-41) and Senate Amendment "B" (S-59) in non-concurrence.

In the House: On motion of Mr. Finemore of Bridgewater, the House voted to recede and concur.

**Petitions, Bills and Resolves Requiring Reference**

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

**Appropriations and Financial Affairs**

Resolve Providing for Purchase of Copies of History of Monson (H. P. 1414) (Presented by Mrs. White of Guilford)

(Ordered Printed)  
Sent up for concurrence.

#### **Labor**

Bill "An Act to Amend the Workmen's Compensation Act to Make Compensation for Permanent Partial Incapacity Coextensive with the Duration of Disability" (H. P. 1409) (Presented by Mr. Dunleavy of Presque Isle)

(Ordered Printed)  
Sent up for concurrence.

#### **Liquor Control**

Bill "An Act Relating to Sale of Malt Liquor on Sundays by Part-time Restaurants" (H. P. 1413) (Presented by Mr. Farley of Biddeford)

(Ordered Printed)  
Sent up for concurrence.

#### **Public Utilities**

Bill "An Act to Provide Additional Requirements for Investigation of Railroad Company Accidents by the Public Utilities Commission" (H. P. 1411) (Presented by Mr. Birt of East Millinocket)

(Ordered Printed)  
Sent up for concurrence.

#### **Transportation**

Bill "An Act Relating to Provisional Motor Vehicle Licenses" (H. P. 1410) (Presented by Mr. Dunleavy of Presque Isle)

(Ordered Printed)  
Sent up for concurrence.

#### **Veterans and Retirement**

Bill "An Act Relating to Service Retirement under State Retirement Law" (H. P. 1412) (Presented by Mr. Santoro of Portland)

(Ordered Printed)  
Sent up for concurrence.

#### **Orders**

Mr. Brown of Augusta presented the following Joint Order and moved its passage:

WHEREAS, the Augusta State Hospital has been in serious jeopardy of losing partial accreditation by the Joint Commission on Accreditation of Hospitals for several years; and

WHEREAS, through the support of the Governor, the 104th and 105th Legislatures needed resour-

ces for improvement were provided; and

WHEREAS, the employees and administration of the hospital have diligently applied and integrated these resources into an active and progressive program; and

WHEREAS, Augusta State Hospital has been awarded for such efforts, notice of full accreditation by the Accreditation Council for Psychiatric Facilities of the Joint Commission on Accreditation of Hospitals; and

WHEREAS, the maximum accreditation earned here represents attainment of a quality hospital where high standards are maintained and a constant effort is made to improve the quality of patient care; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the Senate and House of Representatives of the One Hundred and Sixth Legislature now assembled, take this opportunity to recognize and commend the outstanding effort which has been made by the administrative officers and employees of Augusta State Hospital in achieving full accreditation and wish them continued success in their inspiring leadership in humanizing this mental hospital; and be it further

ORDERED, that duly attested copies of this Order be transmitted forthwith to the said officers and employees of Augusta State Hospital expressing the thanks of the Legislature for a job well done. (H. P. 1420)

The Order was read and passed and sent up for concurrence.

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

Mr. Curtis from the Committee on State Government reporting "Ought not to pass" on Resolution Proposing an Amendment to the Constitution Limiting the Tenure of Office of the Governor to One Four-Year Term (H. P. 800) (L. D. 1070)

Report was read and accepted and sent up for concurrence.

#### **Leave to Withdraw**

Mr. Snowe from the Committee on State Government reporting Leave to Withdraw on Bill "An

Act Relating to Tax-sheltered Annuities" (H. P. 229) (L. D. 309)

Mr. Cooney from the Committee on State Government reporting same on Bill "An Act Relating to Operating Hours of State and Municipal Offices" (H. P. 960) (L. D. 1270)

Reports were read and accepted and sent up for concurrence.

#### Leave to Withdraw

##### Covered by Other Legislation

Mr. Curtis from the Committee on State Government reporting Leave to Withdraw as covered by other Legislation on Resolution Proposing an Amendment to the Constitution to Permit Initiative Amendments to the Constitution (H. P. 695) (L. D. 901)

Mr. Farnham from the Committee on State Government reporting same on Bill "An Act Increasing Compensation of the Governor" (H. P. 801) (L. D. 1071)

Mr. Curtis from the Committee on State Government reporting same on Bill "An Act to Provide for Nomination of the Commissioner of Educational and Cultural Services by the State Board of Education" (H. P. 901) (L. D. 1189)

Reports were read and accepted and sent up for concurrence.

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

Mr. ROSS: Mr. Speaker, relative to item four, could I ask through the Chair from the gentleman from Orono, Mr. Curtis, what the other legislation is on the amendment to the constitution initiative? I haven't seen any.

The SPEAKER: The gentleman from Bath, Mr. Ross, poses a question through the Chair to the gentleman from Orono, Mr. Curtis, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: You can anticipate that will be on the calendar next week.

#### Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act

Relating to Penalty for Death Caused by Violation of Law by Operator of Motor Vehicle" (H. P. 201) (L. D. 274)

Report was signed by the following members:

Messrs. TANOUS of Penobscot  
SPEERS of Kennebec  
BRENNAN of Cumberland  
— of the Senate.

Messrs. PERKINS

of South Portland

McKERNAN of Bangor

DUNLEAVY

of Presque Isle

Mrs. WHEELER of Portland

— of the House.

Minority Report of the same Committee reporting "Ought to pass" as amended by Committee Amendment "A" (H-165) on same Bill.

Report was signed by the following members:

Messrs. CARRIER of Westbrook

GAUTHIER of Sanford

HENLEY of Norway

Mrs. BAKER of Orrington

Mrs. WHITE of Guilford

Mrs. KILROY of Portland

— of the House.

Reports were read.

On motion of Mrs. Baker of Orrington, the Minority "Ought to pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-165) was read by the Clerk and adopted.

The Bill was assigned for second reading the next legislative day.

#### Divided Report

##### Tabled and Assigned

Majority Report of the Committee on Judiciary reporting "Ought to pass" as Amended by Committee Amendment "A" H-166 on Bill "An Act Relating to Release and Discharge of Persons Acquitted by Reason of Mental Disease or Mental Defect" (H. P. 336) (L. D. 454)

Report was signed by the following members:

Messrs. TANOUS of Penobscot

SPEERS of Kennebec

BRENNAN of Cumberland

— of the Senate.

Messrs. HENLEY of Norway

PERKINS

of South Portland

GAUTHIER of Sanford  
McKERNAN of Bangor  
DUNLEAVY

— of Presque Isle

Mrs. BAKER of Orrington  
Mrs. WHITE of Guilford  
Mrs. WHEELER of Portland  
Mrs. KILROY of Portland

— of the House.

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

Report was signed by the  
following member:

Mr. CARRIER of Westbrook  
— of the House.

Reports were read.

The SPEAKER: The Chair  
recognizes the gentlewoman from  
Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, I  
move the acceptance of the  
Majority "Ought to pass" Report.

Whereupon, on motion of Mr.  
Perkins of South Portland, tabled  
pending the motion of Mrs. Baker  
of Orrington to accept the Majority  
"Ought to pass" Report and  
specially assigned for Tuesday,  
April 10.

#### **Divided Report Tabled and Assigned**

Majority Report of the Commit-  
tee on Judiciary reporting "Ought  
not to pass" on Bill "An Act  
Relating to Penalty for Recklessly  
Causing Death by Operation of a  
Motor Vehicle" (H. P. 202) (L. D.  
275)

Report was signed by the  
following members:

Messrs. TANOUS of Penobscot  
SPEERS of Kennebec  
BRENNAN of Cumberland  
— of the Senate.

Messrs. PERKINS  
— of South Portland  
McKERNAN of Bangor  
DUNLEAVY

— of Presque Isle

Mrs. WHEELER of Portland  
— of the House.

Minority Report of the same  
Committee reporting "Ought to  
pass" as amended by Committee  
Amendment "A" on same Bill. (H.  
167)

Report was signed by the  
following members:

Messrs. GAUTHIER of Sanford  
CARRIER of Westbrook  
HENLEY of Norway

Mrs. BAKER of Orrington  
Mrs. WHITE of Guilford  
Mrs. KILROY of Portland

— of the House.

Reports were read.

The SPEAKER: The Chair  
recognizes the gentlewoman from  
Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, I  
move the acceptance of the  
Minority "Ought to pass" Report.

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

Mr. PERKINS: Mr. Speaker, I  
would like to have this tabled two  
legislative days.

Mr. Birt of East Millinocket  
requested a vote on the tabling  
motion.

The SPEAKER: The pending  
question is on the motion of the  
gentleman from South Portland,  
Mr. Perkins, that this matter be  
tabled for two legislative days,  
pending the motion of Mrs. Baker  
of Orrington to accept the Minority  
"Ought to pass" Report. All in  
favor of tabling will vote yes; those  
opposed will vote no.

A vote of the House was taken.

67 having voted in the affirma-  
tive and 56 having voted in the  
negative, the motion did prevail.

#### **Order Out of Order**

The following paper from the  
Senate was taken up out of order  
by unanimous consent:

ORDERED, the House  
concurring, that when the House  
and Senate adjourn, they adjourn  
to Monday, April 9, at ten o'clock  
in the morning. (S. P. 570)

Came from the Senate read and  
passed.

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

#### **Divided Report**

Majority Report of the Commit-  
tee on Legal Affairs reporting  
"Ought to pass" on Bill "An Act  
Limiting Sunday Harness Racing"  
(Emergency) (H. P. 900) (L. D.  
1188)

Report was signed by the  
following members:

Messrs. JOLY of Kennebec  
ALDRICH of Oxford  
ROBERTS of York

— of the Senate.

Messrs. COTE of Lewiston  
CAREY of Waterville  
FAUCHER of Solon  
CONNOLLY of Portland  
FECTEAU of Biddeford

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

Report was signed by the follow-  
ing members:

Messrs. EMERY of Rockland  
BRAUN of Oakland  
SHUTE  
of Stockton Springs  
DUDLEY of Enfield  
— of the House.

Reports were read.

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

Mr. SUSI: Mr. Speaker, I move  
the acceptance of the Majority  
"Ought to pass" Report.

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

Mr. HENLEY: Mr. Speaker, I  
move this be tabled for two legisla-  
tive days.

Mr. Simpson of Standish  
requested a vote on the tabling  
motion.

The SPEAKER: A vote has been  
requested on the tabling motion.  
All those in favor of the matter  
being tabled for two legislative  
days, pending the motion of Mr.  
Susi of Pittsfield to accept the  
Majority "Ought to pass" Report  
will vote yes; those opposed will  
vote no.

A vote of the House was taken.

19 having voted in the affirma-  
tive and 98 having voted in the  
negative, the motion did not  
prevail.

Thereupon, the Majority "Ought  
to pass" Report was accepted, the  
Bill read once and assigned for  
second reading the next legislative  
day.

### Divided Report

Majority Report of the Commit-  
tee on Judiciary reporting "Ought  
to pass" on Bill "An Act Relating  
to Suspension of Original Motor  
Vehicle Operator's License" (H. P.  
204) (L. D. 277)

Report was signed by the  
following members:

Messrs. SPEERS of Kennebec  
BRENNAN of Cumberland  
— of the Senate.

Messrs. McKERNAN of Bangor  
CARRIER of Westbrook  
GAUTHIER of Sanford  
DUNLEAVY

of Presque Isle

Mrs. KILROY of Portland

Mrs. WHEELER of Portland  
— of the House.

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

Messrs. TANOUS of Penobscot  
— of the Senate.

Messrs. PERKINS  
of South Portland

HENLEY of Norway

Mrs. BAKER of Orrington

Mrs. WHITE of Guilford  
— of the House.

Reports were read.

The SPEAKER: The Chair  
recognizes the gentlewoman from  
Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, I  
move that the House accept the  
Minority "Ought not to pass"  
Report.

The SPEAKER: The  
gentlewoman from Orrington, Mrs.  
Baker, moves the House accept the  
Minority "Ought not to pass"  
Report.

The Chair recognizes the  
gentleman from Westbrook, Mr.  
Carrier.

Mr. CARRIER: Mr. Speaker and  
Members of the House: As you  
will notice by the report, you are  
asked to accept the minority  
"ought not to pass" report.

This bill here is a very simple  
bill, and due to the fact that I  
think most of you are aware of  
certain licenses that you get, your  
first license, and you are also  
aware of the fact that it can be  
suspended for different reasons.  
But what this bill in effect asks  
is that someone, if this does  
happen that someone for some  
very good reason, such as having  
to use a car to go back and forth  
to work or having to use his car,  
if his work is performed like  
driving a truck for somebody, then  
it would be at the discretion of  
the Secretary of State to have this  
fellow or driver actually be able,  
if he wants to, to perform his duty  
and still use his license, a very

limited license for a very limited amount of time.

In our section not far from where I live there is a community which does not have bus services. They are probably from eight to ten or fifteen miles from Portland. And I think that this bill, under certain circumstances, would be a very decent and compassionate bill. I think there is a lot of thought to be put to what the purpose of this bill was put in for. I do not believe that it could create the havoc that probably will be mentioned that it would. I voted in favor of the bill. I think that it is a good bill and probably an essential one for some people to earn a living.

Therefore I suggest to you that you vote against the acceptance of the minority "ought not to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Keyte.

Mr. KEYTE: Mr. Speaker and Ladies and Gentlemen of the House: I am against this bill for the reason that it opens up L. D. 805, an act relating to suspension of motor vehicle licenses which is a two year license. This bill is a safety measure which has been in the laws for four years. This was my bill and has been giving very good results.

The driver's license examination motor vehicle laws hands out a book with every license that a man takes and you will notice on page 8, this bill, 805, is there and everyone knows what they are up against if they break the law. Because the Motor Vehicle Department — there is no reason that anyone knows what it is going to do and I think that if a bill has been a law for four years and gives good safety results, I can see no reason for taking this off the books.

I wish to make a motion to indefinitely postpone L. D. 277 and when the vote is taken, I want it taken by roll call.

The SPEAKER: The gentleman, from Dexter, Mr. Keyte, moves indefinite postponement of L. D. 277 and all accompanying papers and requests a roll call.

The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker and Ladies and Gentlemen of the House: I would like to tell my friend, Mr. Keyte, that this does not take away the effect of his bill because it has to be approved by the Motor Vehicle Department before it can go through. It doesn't take anything away, if the Motor Vehicle Department commissioner feels that it shouldn't go through. It doesn't take anything away from his bill.

The only reason why I signed in favor of the bill is the fact that if a youngster who has a family — a person has a family and needs this license to go to work, this is the only way for him to earn his living and to support his family and that is the reason for it.

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

Mr. CROMMETT: Mr. Speaker and Ladies and Gentlemen of the House: I would like to reply to my good friend, Mr. Gauthier. He said if this youngster needs the car to go to work, he should be allowed to drive after his license has been suspended. I say to you, ladies and gentlemen, the youngster should have thought of that before he had occasion to lose his license.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I have reservation relative to the bill. I know the bill is softened somewhat from the way it was originally intended, but to me it would be almost impossible to enforce for one thing.

This type of a license, one would think that all we have to do is say, well you can drive back and forth to work and you have the whole situation in hand. We do not have sufficient policing facilities or anything else to control that type of a situation. It seems to me that everytime we pass a restrictive law hoping that it will be a deterrent — and, of course, these laws we hope will be deterrents — we hope that because of the law being there that the person will drive carefully and make every effort not to be involved. But



in every law we put through, we say, well supposing he does become involved and he is fined or his license is suspended. What is the poor guy going to do? So we have got to do something so that it nullifies the very penalty which we have set up.

I agree with my friend, Mr. Crommett, that is one of the penalties that people should think about. Instead of being told, well this is the law. But if you really need your car and you disobey the law, why, we will fix it so you can use it. To me that is a bit ridiculous. It seems to me that those things are far too common. We shouldn't be thinking about ways of getting around the law. We should think of ways of first passing a sensible law and then only if it can be enforced. I contend that this law would be tremendously hard to enforce. Sure, I trust the discretion of the Secretary of State. I do not think that is the problem. The problem here is enforcement and also the problem, as I see it here, is the fact that we are softening the deterrents.

So I will certainly go along with Mr. Keyte's recommendation for the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker and Ladies and Gentlemen of the House: In reply to Mr. Henley, it seems to me that the license that would be given in a case like this for this youngster to support his family instead of being on welfare and if it was approved by the Motor Vehicle Department, this would be a special license. It wouldn't be a regular license. So, if a state trooper or a policeman stops him, he can see that this is done merely for him to earn a living for his family.

The SPEAKER: The Chair recognizes the gentlelady from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker and Ladies and Gentlemen of the House: I don't think that this is a bad bill. In fact, it is a good bill. It is not even a department

bill, it is my bill. And at this point, I can only reiterate what my reasons are for sponsoring L. D. 277. I feel that laws are made and amended in order to protect the rights of individuals. They are not made to create an injustice, and our system is such that if this occurs we can rectify a wrong by legislation.

This L. D. does not remove the mandatory clause which was passed in 1969 but merely allows holders of a first license to use this license if he needs this in order to retain employment; for example, driving a delivery truck.

You have heard or may hear that this bill will allow the nibbling away at the mandatory law until it is destroyed in its entirety. I disagree. First, the bill passed in 1969, in my opinion, discriminates against basically the young people who usually are the holders of a provisional license. Some holders of licenses of say 20 or 30 years may be found guilty of a far more serious charge than that of a moving traffic violation. Yet, they will wind up with keeping their licenses for working purposes.

To the argument that the mandatory suspension for 30 days will be a deterrent to future offenses, I say that the young people who are allowed usage of their license for working purposes, after school, for example, or during vacations, realize the responsibility of holding a job. What might be a small infraction with minor penalty for some becomes a major penalty for the holder of a provisional license, which in the case of a working student might discourage him completely.

I trust that your sense of fair play will prevail and that you will vote against the pending motion of "ought not to pass" and support the majority "ought to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: As I told you some time ago I have never been convicted for any misdemeanor, but I do

believe in forgiveness. I think if a person has been convicted and his license suspended for the first time, that we should not cast stones at him. He should have another chance. And I will go along with the young lady who just spoke and said it was her bill.

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

Mr. PERKINS: Mr. Speaker and Ladies and Gentlemen of the House: This past week I had a call from a good friend of mine whose 17-year-old son was picked up for speeding in Westbrook. This young man works for his father working on motor vehicles. And I said to the gentleman friend of mine, I said, "Well, you know he will lose his license." And he said, "Frankly, I am glad he will." I know this family very well and I respect them highly. Unfortunately, if we didn't have this law, that son would be on the street again.

The father asked me what he might do and I suggested that he talk to the police officer, and he did. Because in the eyes of the father, as with most fathers and I am one, his son rarely does much wrong. The police officer said that there had been a report on this young man drag racing in Westbrook for some time. This happened to be the first time they were able to actually catch him. I assure you this young fellow does not in the least question the law in respect to his loss of license for 30 days. I also assure you that it has taught him a lesson, a lesson that he well learned and I don't believe that he will do it again. For this reason I really feel that we need to keep this law as it is.

When we speak of an exception because of their employment, everybody needs a car today for their employment; and I assure you that you can come with valid reasons why you shouldn't drive to the store on the way to work and get around it. This used to be the law, incidentally. Conditional licenses were granted by the Secretary of State's office. Unfortunately, they found that it just didn't work. It is pretty difficult to know just when you go to

work, when you come home from work or when you are in your employment using the vehicle.

So again, I really believe that we need this on the books, this proposed law; if we don't, we should retain the present law and I urge your support.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: I heartily agree with my colleague here. I don't think that 30 days is too long to be without a driver's license, especially some of these young ones. I think perhaps the young lady from Lewiston was very correct in saying it might work a hardship on some people. I don't doubt that. But I really believe that if these people who try to get a conditional license — and I would like to know how they do it. I know the Secretary of State is an honorable man and he is very just. I don't know what procedure they have to go through to get it and I don't know how much time it would take, but he still would be out for a few more days, so I would agree it is not working too much of a hardship on the youth; and in my estimation, it would be a very very good lesson for them to remember for the rest of their lives because they will not want to get caught again.

Mr. Gauthier of Sanford was granted permission to speak a third time.

Mr. GAUTHIER: Mr. Speaker and Members of the House: In order to answer my good friend, Mr. Perkins, who is on the committee with us, I would like to say I am sure that the gentleman he was speaking about wouldn't get special permission to get a license from the Motor Vehicle Division.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I too go along with the indefinite postponement of this bill, and I have very serious reservations and I will try to relate them to you the best I can.

First of all, let me tell you the Secretary of State's Department is a very busy department, and this is very time consuming. From my area alone there would be quite a few of them down there. Let me tell you that my time is somewhat limited because I live 112 miles from here. These people that you serve, if you serve them well, are going to expect you to come down here with them to help them get their license back. So you are going to be constantly on the road between here and your home town getting somebody's license back who has only lost it for 30 days to begin with.

Now, I think this is a good law. It is put there and I think it is doing a good job, and without this deterrent we might as well say we are not taking it away for any of these things. If you have got that much permissiveness, that is one of the angles I can think of. And I can say that these people who want one of these permits to go to work with would include nearly everybody in my area because we are working people there and they feel they all work several miles from work. So this would take in about everybody in my area who would lose his license that I can think of, because we don't have many retired generals and such there. They are about all working people. So this means that my whole community would lose their license and they would be no doubt after me to come to Augusta on account of this law and get their license restored.

You just can't imagine the turmoil that is going to cause in the Secretary of State's office because I have been down there on other hearings and they don't have that many hearing examiners and right now they are having a hard time to test and hear the cases for new licenses. As a matter of fact, they are in some cases days behind. So I hope we don't put this undue burden on them, because invariably we will have to put new personnel down there. This I would also be opposed to.

So I think the simplest matter for everybody concerned would be

to indefinitely postpone this bill today.

The SPEAKER: 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 Dexter, Mr. Keyte, that Bill "An Act Relating to Suspension of Original Motor Vehicle Operator's License," House Paper 204, L. D. 277, and all accompanying papers be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Binnette, Birt, Bither, Bragdon, Bunker, Cameron, Carter, Chick, Churchill, Conley, Cooney, Cressey, Crommett, Curran, Curtis, T. S., Jr.; Dam, Davis, Dow, Dudley, Emery, D. F.; Farnham, Fecteau, Finemore, Flynn, Fraser, Gahagan, Garsoe, Genest, Greenlaw, Hamblen, Haskell, Henley, Herrick, Hobbins, Hoffses, Hunter, Immonen, Jackson, Kelleher, Kelley, Keyte, Knight, LaCharite, Lawry, LeBlanc, Lewis, E.; Littlefield, Maddox, Martin, McHenry, McMahon, McNally, Merrill, Mills, Morin, V.; Morton, Murchison, Parks, Perkins, Pontbriand, Pratt, Rolde, Santoro, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Sproul, Stillings, Susi, Tanguay, Theriault, Tierney, Trask, Trumbull, Tyndale, Webber, White, Willard, Wood, M. E.

NAY — Berry, P. P.; Berube, Boudreau, Brawn, Briggs, Brown, Bustin, Carrier, Chonko, Clark, Connolly, Cote, Cottrell, Drigotas, Dunleavy, Dunn, Farley, Farrington, Faucher, Ferris, Gauthier, Good, Goodwin, H.; Goodwin, K.; Huber, Jacques, Jalbert, LaPointe, Lewis, J.; Lynch,

MacLeod, Mahany, Maxwell, McCormick, McKernan, McTeague, Morin, L.; Mulkern, Murray, Norris, O'Brien, Peterson, Ricker, Rollins, Ross, Talbot, Walker, Wheeler.

ABSENT — Carey, Deshaies, Donaghy, Dyar, Evans, Hodgdon, Kelley, R. P.; Kilroy, Najarian, Palmer, Sheltra, Strout, Whitzell.

Yes, 88; No, 48; Absent, 14.

The SPEAKER: Eighty-eight having voted in the affirmative and forty-eight having voted in the negative, with fourteen being absent, the motion to indefinitely postpone does prevail.

Sent up for concurrence.

Supplement No. 2 was taken up out of order by unanimous consent.

#### Divided Report

Majority Report of the Committee on County Government reporting "Ought to pass" on Resolve for Laying of the County Taxes for the Years Nineteen Hundred and Seventy-three and Nineteen Hundred and Seventy-four. (H. P. 1419) (L. D. 1733)

Report was signed by the following members:

Messrs. ROBERTS of York  
PEABODY of Aroostook  
CLIFFORD  
of Androscoggin  
— of the Senate

Messrs. FARRINGTON of China  
DYAR of Strong  
SHELTRA of Biddeford  
TANGUAY of Lewiston  
DAM of Skowhegan  
CHURCHILL of Orland  
— of the House.

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

Report was signed by the following members:

Messrs. McMAHON of Kennebunk  
PONTBRIAND of Auburn  
WHITZELL of Gardiner  
— of the House.

Reports were read.

On motion of Mr. Farrington of China, the Majority "Ought to pass" Report was accepted.

The Resolve was read once and assigned for second reading the next legislative day.

#### Divided Report

Majority Report of the Committee on State Government reporting "Ought not to pass" on Resolution Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money (H. P. 605) (L. D. 803)

Report was signed by the following members:

Messrs. SPEERS of Kennebec  
WYMAN of Washington  
— of the Senate.

Messrs. FARNHAM of Hampden  
COONEY of Sabattus  
SNOWE of Auburn  
CURTIS of Orono  
STILLINGS of Berwick  
SILVERMAN of Calais  
— of the House.

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

Report was signed by the following members:

Mr. CLIFFORD  
of Androscoggin  
— of the Senate.

Messrs. CROMMETT  
of Millinocket  
BUSTIN of Augusta  
Mrs. GOODWIN of Bath  
Mrs. NAJARIAN of Portland  
— of the House.

Reports were read.

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

Mr. CURTIS: Mr. Speaker, I move acceptance of the Majority "Ought not to pass" Report and would speak briefly to my motion.

The SPEAKER: The gentleman from Orono, Mr. Curtis, moves the acceptance of the Majority "Ought not to pass" Report.

The gentleman may proceed.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: This is a proposal to change the Constitution to permit the Governor to have an item veto. It is one of several bills which might be called reform measures.

The hearing before the State Government Committee was a very good hearing I thought. There were two proponents — the sponsor and the professor of government from Colby. Both made excellent presentations explaining that most

of the states in the country have such an arrangement for an item veto. There were two opponents, both members of this House of Representatives and members of the other political party, incidentally. The committee considered the proposal and for a variety of reasons, I think, the majority of the committee decided that this proposal ought not to pass.

I would point out briefly that the legislature is responsible for the raising and the appropriating of monies. The governor is responsible primarily for making proposals and for administration. In a year when the legislature is desperately trying to reassert some of our own prerogatives, I would suggest this is the wrong time to give away one of our few powers.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker and gentle members of the House: This is my bill. I sponsored it, and by the divided report, it is not just a partisan issue. At the hearing, members of my own party opposed this constitutional amendment.

I happen to believe in the principle and it is a matter of principle, I think, that members of both parties could either support or oppose. I happen to support it. It would allow the governor to veto items in appropriations bills.

I will be very brief. I would hope that you do not accept the majority "ought not to pass" but would vote on the minority "ought to pass" report. I will be very brief so the gentleman from Bangor, Mr. Kelleher will be able to get up and wet his teeth on this bill, and that concludes my presentation.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am fully aware of the report of the committee. As a member of the Appropriations Committee of long standing, this measure has come up before with the governors of both parties and at all times I have opposed it. If this bill passes, the only thing left for us to do

is adjourn sine die. We may just as well go home.

This makes the governor positively and absolutely a czar, and I wouldn't want this bill if I were governor.

This measure would be presented before a governor, and he could take this thing apart, piece it together again and then throw it back at you. You wouldn't amount to any more than we amount to three days before we adjourn when you have got about 400 bills on the Senate Appropriation Calendar. That is bad enough for my money. And I am not going to tell you one thing right now, I said so at meetings of our platform committee; I said so during the campaign; I have said so since and I say it now, and I am perfectly happy and willing to go on record as being opposed to this czarist bill.

I move the indefinite postponement of this bill and all is accompanying papers and when the vote is taken, I move it be taken by the yeas and nays. I challenge anybody to beat me at the draw on the tote board.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves the indefinite postponement L. D. 803 and all accompanying papers and requests a roll call.

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

Mr. KELLEHER: Mr. Speaker, Ladies and gentlemen of the House: I will be very brief. I was one of the two people who went before the State Government Committee to oppose this piece of legislation, and I am going to direct my remarks to the freshmen members of this House because when you get here in June or July — and the way things are going, it might be August before we get out of here — and the appropriations bill is out. Believe me, I am sure there are some of you who are not going to be able to buy it. This would be just one more gun that they could hold to your head and ask you to vote for items that you wouldn't want to.

I think this is a very dangerous piece of legislation. I stated so be-

fore the committee and as Mr. Jalbert pointed out, Representative Curtis, you would be disarming yourselves. It makes no difference to me who the governor happens to be, whether it is the present gentleman or any of the future gentlemen in this House or in the Senate who are running. We would just be giving them an unnecessary lever to use on us to pass out bills, and as Representative Jalbert has stated, when he picks out the item veto and picks out the little plums that he doesn't want, there is nothing that you and I could ever do about it. To be realistic and consistent and try to represent your own constituents, I suggest you follow the motion and indefinitely postpone this bill.

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

Mr. CROMMETT: Mr. Speaker, Ladies and Gentlemen of the House: I signed this bill "ought to pass" and I am proud of it. Following my good friend, Mr. Kelleher, from Bangor, my dear dear friend from Lewiston, Mr. Jalbert, I disagree with them. If you don't have any confidence in your governor who is obligated to propose and to lead — I think you should have. Furthermore, I think some people have an inflated sense of values.

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

Mr. JALBERT: Mr. Speaker and Members of the House: In answer to my very dear friend whom I respect a great deal, the gentleman from Millinocket, Mr. Crommett, and I really mean that, I would like to suggest to Mr. Crommett that as far as confidence in the present governor is concerned, the very first petition, when he ran for reelection, on his desk was placed on his desk by me, circulated by me and signed by me. There are members of the body who were present in Lewiston when he was in a rough primary fight in front of 600 Lewiston constituents when I told them that if they did not vote for the present governor, not to vote for me in the primary. Now, if that isn't confidence, I don't know what is.

I didn't necessarily sign over the State of Maine to them.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I support this morning the "ought not to pass" report of this committee. I feel that the majority members of the committee who came out with this report made a very intelligent decision. It is probably the only one they will make during the session but I want to congratulate them on this bill.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I am one of those who signed the majority "ought not to pass" report. Representative Cooney and I actually had a little debate among ourselves for a while.

There is some merit in Representative Peterson's bill and I think if I was in the State of Massachusetts, I would go for it. But the Maine Legislature has never been irresponsible. Sure, I presume occasionally some frivolous item gets into the budget and slides along that the Governor would like to kill, but he still has a tool whenever he wants to use it. Invariably, that frivolous item is buried in a bigger bill and the mere threat of vetoing the big bill will eliminate the frivolous item before it ever reaches him. If it does reach him, he can veto the big bill and we will all turn summersaults to take the frivolous item out.

I hope you go along with the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I have heard a lot of talk pro and con on this question but I take the position I have always taken, that this is too much authority to give to any one person in the State of Maine. We have had these things happen before in previous sessions and I do not recall any of them having been passed.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed consent 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 Lewiston, Mr. Jalbert, that Resolution Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money, House Paper 605, L. D. 803 and all accompanying papers be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Berube, Binnette, Birt, Bither, Bragdon, Brawn, Briggs, Brown, Bunker, Cameron, Carrier, Carter, Chick, Chonko, Churchill, Conley, Connolly, Cooney, Cote, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Dam, Davis, Drigotas, Dudley, Dunleavy, Dunn, Emery, D. F.; Farley, Farnham, Farrington, Faucher, Fecteau, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Genest, Hamblen, Haskell, Henley, Herrick, Hoffses, Huber, Hunter, Immonen, Jackson, Jalbert, Kelleher, Kelley, Kilroy, Knight, LaCharite, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Maxwell, McCormick, McHenry, McKernan, McMahon, McNally, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Norris, O'Brien, Parks, Perkins, Pontbriand, Pratt, Ricker, Rollins, Ross, Santoro, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Snowe, Soulas, Sproul, Stillins, Susi, Tanguay, Theriault, Trask, Trumbull, Tyndale, Walker, Webber, Wheeler, White, Willard, Wood, M. E.

NAY — Berry, P. P.; Boudreau, Bustin, Clark, Crommett, Dow, Gauthier, Goodwin, H.; Goodwin,

K.; Greenlaw, Hobbins, Keyte, LaPointe, Martin, McTeague, Murray, Peterson, Rolde, Smith, S.; Talbot, Tierney, Whitzell.

ABSENT — Albert, Carey, Deshaies, Donaghy, Dyar, Evans, Good, Hancock, Hodgdon, Jacques, Kelley, R. P.; Najarian, Palmer, Sheltra, Strout.

Yes, 113; No, 22; Absent, 15.

The SPEAKER: One hundred thirteen having voted in the affirmative and twenty-two having voted in the negative, with fifteen being absent, the motion does prevail.

Sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, I would like to reconsider our action whereby we accepted the minority report on page five, item five, and I hope everybody votes against me.

The SPEAKER: The gentleman from Old Town, Mr. Binnette, moves that the House reconsider its action of earlier in the day whereby it indefinitely postponed Bill "An Act Relating to Suspension of Original Motor Vehicle Operator's License," House Paper 204, L. D. 277. The Chair will order a vote. All in favor of reconsideration will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

#### Consent Calendar First Day

(S. P. 110) (L. D. 255) Bill "An Act to Authorize Eleven New Regions and Central Aroostook County Region for Vocational Education" (Emergency) — Committee on Education reporting "Ought to pass" as amended by Committee Amendment "A" S-56.

On the request of Mr. Shute of Stockton Springs, was removed from the Consent Calendar.

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

Committee Amendment "A" (S-56) was read by the Clerk and adopted.

The Bill was assigned for second reading the next legislative day.

(H. P. 418) (L. D. 567) Bill "An Act Relating to Disposal of Septic Tank or Cesspool Waste" — Committee on Natural Resources reporting "Ought to pass" in New Draft (H. P. 1416) (L. D. 1710)

(H. P. 910) (L. D. 1198) Bill "An Act Relating to the University of Maine Treasurer's Report" — Committee on State Government 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. 91) (L. D. 237) Bill "An Act Relating to Appointment of Complaint Justices in the District Court" (C "A" S-52)

(S. P. 133) (L. D. 345) Bill "An Act Relating to Fines Levied by the Harness Racing Commission" (C "A" S-51)

(S. P. 215) (L. D. 631) Bill "An Act to Amend the Savings Bank Law"

(S. P. 281) (L. D. 828) Bill "An Act Creating Regional Library Systems" (C "A" S-53)

(H. P. 653) (L. D. 867) Bill "An Act Revising Certain Motor Vehicle Laws" (C "A" H-160)

(H. P. 767) (L. D. 1000) Bill "An Act Relating to Membership on the Lewiston-Auburn Water Pollution Control Board"

(S. P. 351) (L. D. 1048) Bill "An Act Relating to Movement of Over-size Loads on Highways"

(S. P. 372) (L. D. 1098) Bill "An Act Revising the Law Relating to Dealers in Securities"

(H. P. 1064) (L. D. 1388) Resolve to Reimburse Vivian Morrison of Dixfield for Property Damage by Highway Construction

(H. P. 1095) (L. D. 1432) Bill "An Act Relating to Name of Maine Commercial Fisheries" (Emergency)

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

### **Second Reader Tabled and Assigned**

Bill "An Act Providing for the Maine Property Insurance Cancellation Control Act" (S. P. 231) (L. D. 666) (S-50)

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

Mr. O'Brien of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-169) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. O'Brien.

Mr. O'BRIEN: Mr. Speaker and Ladies and Gentlemen of the House: Perhaps you remember the committee report on this bill was a 12 to 1 "ought to pass" with myself signing a minority report "ought not to pass."

First I must explain my reasons for signing the "ought not to pass." I have no intentions of trying to overturn a 12 to 1 committee report. I am very much in favor of the bill with my amendment on this. This is one of those bills before the Committee on Business Legislation that we heard, and the entire insurance industry supported this measure. The insurance companies, their legislative agents, the insurance representatives supported this bill in its entirety.

Now it is my contention that the insurance industry does not want this bill, that they have offered you a lot of window dressing and a lot of smoke. What they really want is on page 3 of L. D. 666, which is immunity to liability. Now what does this mean? This means that if the insurance company cancels your insurance and this bill is an act to help prevent them from cancelling your insurance without notifying you in writing of the official reason as to why they are cancelling you. I agree with that one hundred percent. I want them to do that and I want this bill to pass, but I have no intention of letting, as it was so quoted in the newspaper, the golden calf, reach into the floor of this House and with a lot of window dressing have them leave here with immunity.

Now we heard an insurance bill last week, a very very simple bill that they fought tooth and nail. And all that bill called for was a hearing and they destroyed that bill. But they are supporting this



bill, a much more comprehensive piece of legislation. Much more restrictive actually than the previous bill that was killed. But this has the beautiful term, immunity to liability. This means if they cancelled for any reason that may very well create a damage to you. I can think of some personal examples where they have cancelled insurance and damage was done. But with this immunity to liability, they cannot be sued for damages. In previous debates we heard that this industry was a free enterprise and so it should be covered as a free enterprise.

Now I just cannot imagine any free enterprise having the right of immunity, and I think they should be held responsible for any comments or reports that they put in writing. And I hope that you will accept my amendment and I challenge the insurance industry now, if they want this bill so badly, to let it pass.

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

Mr. TIERNEY: Mr. Speaker and Members of the House: I rise as a signer of the majority "ought to pass" report. But I rise too this afternoon to lend my support to the amendment offered by the gentleman from Portland, Mr. O'Brien.

Now I think in doing so it would be well for me to describe a little bit of what happened before the Committee on Business Legislation. When the bill was presented, the outgrowth was a study committee. Most of us felt it was an excellent bill. The gentleman from Yarmouth, Mr. Jackson, submitted a committee amendment which further strengthened this bill. So I was extremely surprised when I noticed the dissent by the gentleman from Portland, Mr. O'Brien, but I continued to go along with the majority. But because of that dissent, I continued to study the bill and I discovered, somewhat to my surprise, that I made an error interpreting section 3054 of L. D. 666. Now I would like you to look at that with me, because I would like to present a hypothetical situation which could happen under this

bill and which could leave the average citizen in a poor position.

All right, let's say that someone's property insurance was cancelled. Now this bill requires the insurer to inform that person of the reasons for cancellation — that is great — in writing. This is the purpose of the bill. All right, let's assume that for some reason the insurer cancels his property insurance for, and I am not witch hunting, this is a hypothetical situation, for an erroneous reason, or perhaps a fraudulent reason, or perhaps even a libelous reason. I recall on the previous bill we heard in committee one insurance company representative said that he has upon occasion cancelled property insurance because of the moral quality of the people living in that residence. So let's assume then for the purpose of discussion that this was done for a poor reason.

Well naturally this bill provides under 3054 a hearing before the insurance commissioner. But this is where I made my error and think perhaps some other members of the committee also made an error. 3054 of this bill does not give the insurance commissioner the authority to overturn the cancellation. I will repeat — it does not give the insurance commissioner the authority to overturn the cancellation. You have a hearing all right, but you cannot overturn the cancellation. So let's say they have the hearing and the cancellation is upheld because the insurance commissioner can't do anything about it.

If we leave the immunity clause in this bill, the average citizen who has now been deprived of property insurance is left with no recourse before the law, so I admit my error. I plead the support of this amendment, and I would like in summation only to remind you of the importance of property insurance. To the homeowner it would mean the power to hold onto his house. For the businessman it means the power to stay in business. I hope we support this amendment.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, I move this item lie on the table two legislative days.

Whereupon, Mr. O'Brien of Portland requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, moves this matter be tabled for two legislative days pending the motion of Mr. O'Brien of Portland to adopt House Amendment "A". All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

72 having voted in the affirmative and 49 having voted in the negative, the motion did prevail.

#### **Passed to Be Engrossed**

Bill "An Act to Increase the Authorized Bonding Limit of the Maine State Housing Authority" (S. P. 434) (L. D. 1339) (Emergency)

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

#### **Second Reader Tabled and Assigned**

Bill "An Act Relating to the Rights of a Person under Guardianship to Vote" (H. P. 723) (L. D. 929)

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

(On motion of Mr. Martin of Eagle Lake, tabled pending passage to be engrossed and specially assigned for Monday, April 9.)

#### **Passed to Be Enacted**

##### **Emergency Measure**

An Act to Place the Position of Director, Bureau of Aeronautics and Director, Bureau of Waterways in the Classified Service (S. P. 162) (L. D. 417)

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. 107 voted in favor of same and 14 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Emergency Measure**

An Act Relating to the Marking of Egg-bearing Lobsters (H. P. 708) (L. D. 913) (C. "A" H-140)

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. 122 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Finally Passed**

##### **Emergency Measure**

Resolve Providing for a Feasibility Study of Marine Resources Development in Washington County (H. P. 529) (L. D. 711)

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 3 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

#### **Passed to Be Enacted**

An Act Relating to Hunting Bear with Dogs (H. P. 191) (L. D. 230) (C. "A" H-138)

An Act Clarifying the Law as to Keeping Wild Animals in Captivity (H. P. 257) (L. D. 337) (C. "A" H-127) (S. "A" S-55)

An Act Relating to Seizing Firearms Equipped with a Silencer (H. P. 357) (L. D. 472)

An Act Amending the Uniform Flag Law (H. P. 500) (L. D. 653) (C. "A" H-122)

An Act Relating to Community Based Services for the Mentally Retarded (H. P. 509) (L. D. 674)

An Act Relating to Penalty for Operation of Motor Vehicle under

the Influence of Intoxicating Liquor (S. P. 251) (L. D. 702)

An Act Clarifying Sprinkler System Requirements in Boarding Homes (S. P. 283) (L. D. 830)

An Act Authorizing the Department of Environmental Protection to Make Planning Grants to Municipalities for Solid Waste Disposal (H. P. 631) (L. D. 845)

An Act Relating to Use of Waters of Kezar Lake by Westways Maintenance Corporation (H. P. 715) (L. D. 921)

An Act Relating to Federally Funded Food Programs (S. P. 349) (L. D. 1016)

An Act Pertaining to Unlicensed Dogs (S. P. 345) (L. D. 1044) (S. "A" S-45)

An Act Relating to Size of Voting Places (H. P. 895) (L. D. 1182)

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.

#### Orders of the Day

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

Bill "An Act Converting Great Pond Plantation into the Town of Great Pond" (H. P. 266) (L. D. 373)

Tabled — April 3, by Mr. Bunker of West Gouldsboro.

Pending — Passage to be enacted.

On motion of Mr. Bunker of Gouldsboro, under suspension of the rules, the House reconsidered its action whereby this Bill was passed to be engrossed.

The same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-164) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended and sent to the Senate.

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

House Order relative to House Rule 49-A.

Tabled — April 3, by Mr. Martin of Eagle Lake.

Pending — Passage.

Mr. Stillings of Berwick requested permission to withdraw his order, which was granted.

Mr. Stillings of Berwick presented the following Order and moved its passage:

ORDERED, that House Rule 49-A be amended to read as follows:

49-A. Any bill or resolve which bears a unanimous Ought to Pass or Ought to Pass as amended report by the committee to which it has been referred, upon notification to the House, shall, without further action, be placed by the Clerk upon the special consent calendar and remain there for two legislative days; it shall, at the termination of the said two days, be considered as passed to be engrossed. Upon objection of any member to the placement or retention of any bill or resolve on the consent calendar, such bill or resolve shall cease to be a consent calendar bill. If a bill or resolve is taken from the special consent calendar, the first order of business with respect to it shall be whether to accept the committee report. **No bill or resolve shall be placed on the consent calendar that involves a gain or loss of revenue.**

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

On motion of Mr. Martin of Eagle Lake, tabled under the rules, pending passage and specially assigned for Monday, April 9.

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

Bill "An Act to Revise the Election Laws" (S. P. 493) (L. D. 1535)

Tabled — April 3, by Mr. Birt of East Millinocket.

Pending — Adoption of House Amendment "A" (H-156)

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

Mr. BIRT: Mr. Speaker and Members of the House: As I understand House Amendment "A", it will allow any mark to be put. Nothing on the reverse side of the ballots will disqualify it. If this were put into the law, it will

allow anybody to make any signature or identifying mark on the back side of the ballot. There have been many Supreme Court cases indicating that distinguishing marks of any kind would void a ballot. This would allow fraudulent balloting in many ways or opportunity to buy votes and this type of thing. It would identify how you did vote. I think it would be a very bad amendment to put into the law and I move its indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAWN: Mr. Speaker and Members of the House: This was my bill and my amendment and there is another bill coming after this. I did go to the Attorney General on this. I went to the Secretary of State on this bill and I went the limit. And the reason this is put in, the way the law now reads, if there is any identifying marks — I don't care if they are smudges or just the little back of a pencil mark on the back of that ballot — they could be thrown out.

I was down here at the last recount. It happened this was between two Democrats, not a Democrat and a Republican. There were ten votes between them. When it was over, there was just three votes between them because on the back of that, a young lady — and I saw her do it while I was inspecting ballots — she had an eraser on one end of the pencil on the other was the lead. She worked from ten o'clock one day to six o'clock the next morning. She was so tired, she couldn't turn the pencil over every time and just use the rubber. So she took the pencil lead and where it went underneath to pick it up, it made a little mark about an inch to an inch and a half long with her pencil. They were all the same. Those ballots were all thrown out. They were distinguishing marks.

I saw another ballot there that a person whittled off the lead of the pencil. He put his thumb in it and because he put his thumb in it and made the mark, they said that is an identifying mark.

I don't want anyone to have to look at the back of that ballot. And if you mark that ballot yourself — and I don't care if you draw Santa Claus on the back of it — you are not going to see that ballot again because you are not going to be one of the counters. So it has nothing to do with it. I don't want anyone to have to look at the back of that ballot at all.

Now this could have been between Republican and Democrat. This could have been a counter. It could have been a Republican that did not like the Democrat. You make a smudge on the back of it and they could kick them out. He could have been a Democrat and he didn't like the Republican and they could have done the same thing. So this is the reason I have entered this and I hope you don't go along with the indefinite postponement. I don't want anyone looking at the back of that ballot, I don't care what is on it.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I think the gentleman from Oakland does have a point. However, I don't think that the point is that broad. The way that this amendment is drawn up, it does allow someone to sign his name on the back of that ballot. It does allow distinguishing marks. It allows numbers. It allows everything. That I think would be a mistake.

I do think if the gentleman from Oakland would present another amendment which relates to the problem of the error in terms of a pencil mark or something like that in the process of counting, then I would see no objections to the amendment but I do agree with the gentleman from East Millinocket that this amendment is much, much too broad and I would suggest that we kill this one and then perhaps he would be willing to offer another amendment to take care of the problem.

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

Mr. SNOWE: Mr. Speaker and Members of the House: I don't believe this amendment is necessary. If you look on page 9 of the bill, Section 40B, it says distinguishing marks: "Only the signature or initials of the voter written on the ballot shall be deemed as a distinguishing mark." So this law will allow these pencil marks, on the ballot. They won't throw the ballot out.

The SPEAKER: The pending question is on the motion of the gentleman from East Millinocket, Mr. Birt, that House Amendment "A" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

110 having voted in the affirmative and 8 having voted in the negative, the motion did prevail.

Mr. Ross of Bath offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-162) was read by the Clerk.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Under section 9, paragraph 632, that is in the Omnibus Bill allowing persons to register on election day. However, there was a clerical oversight. This section in the bill applies to special elections only. We intended that this apply to all elections. Consequently, paragraph 631 refers to regular elections and this amendment just does that, it includes registering on election day at general and regular elections.

On motion of Mrs. Boudreau of Portland, tabled pending the adoption of House Amendment "B" and specially assigned for Monday, April 9.

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

Bill "An Act to Designate One Dollar of Income Tax Refunds to Political Parties" (H. P. 321) (L. D. 439)

Tabled — April 3, by Mr. Snowe of Auburn.

Pending — Acceptance of either Report.

On motion of Mr. Snowe of Auburn.

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

Mr. SNOWE: Mr. Speaker, I now move we accept the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Auburn, Mr. Snowe, moves that the House accept the Majority "Ought to pass" Report.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: This bill, L. D. 439 refers only to persons receiving refunds. There are 386,000 taxpayers and 200,000 receive refunds. The others would be exempt, or almost half would receive no refunds. However, I do support this today because I hope to amend it in second reading to add the words, "Persons receiving no refund may add one dollar to his tax liability." This would cost the state nothing, and should substantially increase the money received and you must remember that the whole idea, including my possible amendment, is strictly voluntary. So I hope you go along with the motion today.

Thereupon, the Majority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading the next legislative day.

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

Bill "An Act Extending Open Season on Bear" (H. P. 187) (L. D. 228)

Tabled — April 4, by Mr. Birt of East Millinocket.

Pending — Further consideration.

On motion of Mr. Parks of Presque Isle, the House voted to recede and concur and the Bill was recommitted to the Committee on Fisheries and Wildlife in concurrence.

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

Bill "An Act to Reform County Government" (H. P. 1385)

Tabled — April 4, by Mr. Farrington of China.

Pending — Motion of Mr. Henley of Norway to refer to Committee on State Government.

Mr. Henley of Norway withdrew his motion to refer to the Committee on State Government.

Thereupon, on motion of the same gentleman, referred to the Committee on County Government, ordered printed and sent up for concurrence.

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

Bill "An Act Providing for a Workmen's Compensation Insurance Fund" (H. P. 1397)

Tabled — April 4, by Mr. Smith of Dover-Foxcroft.

Pending — Motion of Mr. Birt of East Millinocket to refer to Committee on Business Legislation.

Mr. Birt of East Millinocket withdrew his motion to refer to the Committee on Business Legislation.

Thereupon, on motion of the same gentleman, was referred to the Committee on Labor, ordered printed and sent up for concurrence.

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

Bill "An Act Relating to Retirement of Police Officers and Fire Fighters of the City of Augusta" (H. P. 1399).

Tabled — April 4, by Mr. Henley of Norway.

Pending — Reference.

On motion of Mr. Simpson of Standish, referred to the Committee on Veterans and Retirement, ordered printed and sent up for concurrence.

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

Bill "An Act to Establish an Insurance Consumers' Advisory Board" (H. P. 1357)

Tabled — April 4, by Mr. Trask of Milo.

Pending — Reference.

On motion of Mr. Trask of Milo, referred to the Committee on State Government, ordered printed and sent up for concurrence.

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

Bill "An Act Providing for Protection of Employee Pension Contributions" (H. P. 1401)

Tabled — April 4, by Mr. Emery of Rockland.

Pending — Reference.

On motion of Mr. Brown of Augusta, referred to the Committee on Labor, 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 Taxation of Farmland" (H. P. 773) (L. D. 1007)

Tabled — April 4, by Mr. Martin of Eagle Lake.

Pending — Passage to be enacted.

On motion of Mr. Martin of Eagle Lake, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Joint Order relative to Legislative Research Committee to Study Personnel Laws (H. P. 1388)

Tabled — April 4, by Mr. Simpson of Standish.

Pending — Passage.

Mr. Simpson of Standish offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-163) was read by the Clerk and adopted.

The Joint Order received passage as amended and was sent up for concurrence.

On motion of Mr. Birt of East Millinocket,

Adjourned until Monday, April 9, at ten o'clock in the morning.