

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Friday, February 21, 1975

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

Prayer by the Rev. Victor P. Musk of Augusta.

The journal of yesterday was read and approved.

The following Enactor was taken up out of order by unanimous consent:

**Passed to Be Enacted
Emergency Measure**

An Act Relating to the Borrowing Capacity of School Administrative District No. 19 (H. P. 69) (L. D. 81)

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. 129 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.

By unanimous consent, ordered sent forthwith.

Papers from the Senate

From the Senate: The following Joint Order: (S. P. 216)

ORDERED, the House concurring, that Bill "An Act Relating to a Close Corporation under the Unemployment Compensation Laws," S. P. 11, L. D. 43, now on file pursuant to Joint Rule 17-A be recalled from the legislative files and referred to the Joint Standing Committee on Labor.

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I would hope that everyone now present would, indeed, vote to recall from the legislative files L. D. 43, Senate Paper 11, an act regarding unemployment compensation. Such a vote requires a two-thirds vote in this House, and I would like to at least give you some explanation as to why this bill must be recalled from the legislative files.

The bill in question was sponsored by a gentleman in the Senate, the Senator from Somerset, Senator Corson. He had commented to the Senate Chairman of the Labor Committee that he would like this bill held in committee while he was waiting information from Washington. The Senate Chairman unfortunately did not recall that and when the bill came up for vote in committee, we voted it out 17-A. So I would certainly hope that we could extend this legislative courtesy to the Senator and vote yes on the pending motion so that the bill may be recalled.

I would also like to take this moment to comment in general as to the difficulties and the problems and the potential abuses in the rule that is commonly known as 17-A. I can remember a bill sponsored in the 106th Legislature by the gentleman from Windham, Mr. Peterson, that had to do with the Cumberland County Civic Center, which many of us felt should have reached the floor and, again, never did.

So I hope we will extend this courtesy this morning and that as a matter of course we could do so in the future if we feel the rule has been abused.

The SPEAKER: The pending question before the House is on recalling L. D. 43 from the legislative files. Pursuant to Joint Rule 17-A, the Chair will order a vote. All those in favor of recalling this Bill from the

legislative files will vote yes; those opposed will vote no.

A vote of the House was taken.

130 having voted in the affirmative and none in the negative, the motion did prevail.

Thereupon, the Joint Order received passage in concurrence.

From the Senate: The following Joint Order: (S. P. 225)

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to Tuesday, February 25, at 10 o'clock in the morning.

Came from the Senate read and passed.

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

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

**Reports of Committees
Ought Not to Pass**

Report of the Committee on Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Require Department of Environmental Certification before a School Unit may Commence School Construction" (S. P. 159) (L. D. 533)

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

**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

Bill "An Act Making Supplemental Appropriations for the Aid to Families with Dependent Children Program (H. P. 605) (Presented by Mr. Connolly of Portland)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Clarify the Consumer Credit Code" (Emergency) (H. P. 599) (Presented by Mrs. Clark of Freeport) (Cosponsor: Mr. Bowie of Gardiner)

Bill "An Act Prohibiting Increase of Finance Charges on Outstanding Balances of Open-End Accounts under the Consumer Credit Code" (Emergency) (H. P. 600) (Presented by Mrs. Clark of Freeport) (Cosponsor: Mrs. Byers of Newcastle)

Bill "An Act to Repeal Exclusions Granted under the Consumer Credit Code to Certain Loans Made by Supervised Financial Institutions" (H. P. 606) (Presented by Mrs. Clark of Freeport) (Cosponsor: Mrs. Boudreau of Portland)

Bill "An Act Concerning Annual Notification Fees under the Consumer Credit Code, Concerning a Lender Collecting and Enforcing Loans without a License, and Requiring the Payment of Certain Investigation Fees to the Superintendent of the Bureau of Consumer Protection" (H. P. 607) (Presented by Mrs. Clark of Freeport) (Cosponsor: Mr. Higgins of Scarborough)

Bill "An Act to Require a Notice of Default to be given within Prescribed Intervals, as Applicable for Open-End Credit Transactions under the Consumer Credit Code" (Emergency) (H. P. 608) (Presented by Mrs. Clark of Freeport) (Cosponsor: Mr. Rideout of Mapleton)

Bill "An Act to Repeal a Certain Provision in the Consumer Credit Code Concerning Relinquishment of the License of a Supervised Lender" (H. P. 609) (Presented by Mrs. Clark of Freeport) (Cosponsor: Mr. DeVane of Ellsworth)

Bill "An Act Concerning Refinancing of Credit Sales on Consolidation under the Consumer Credit Code" (H. P. 610) (Presented by Mrs. Clark of Freeport) (Cosponsor: Mr. Tierney of Durham)

Bill "An Act Concerning the Powers of the Bureau of Consumer Protection Concerning Fraudulent and Unconscionable Conduct and Unconscionable Agreements" (H. P. 611) (Presented by Mrs. Clark of Freeport) (Cosponsor: Mr. Peakes of Dexter)

(Ordered Printed)

Sent up for concurrence.

Education

Bill, "An Act Authorizing Additional Indebtedness for School Administrative District No. 15" (Emergency) (H. P. 601) (Presented by Mr. Kennedy of Gray) (Cosponsor: Mrs. Clark of Freeport)

(Ordered Printed)

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Energy

Bill "An Act Concerning Loans Made by Savings Banks for Housing Meeting Certain Energy Conservation Standards" (H. P. 603) (Presented by Mr. Wagner of Orono)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Clarify the General Assistance Laws" (H. P. 602) (Presented by Mr. Silverman of Calais)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Providing for the Confidentiality of Certain Records" (H. P. 613) (Presented by Mr. Kelleher of Bangor)

Bill "An Act Relating to Fees of Bail Commissioners" (H. P. 614) (Presented by Mrs. Berube of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act to Exempt Veterans from the Moratorium on Issuance of Lobster and Crab Fishing Licenses" (H. P. 604) (Emergency) (Presented by Mr. Jackson of Yarmouth) (Cosponsors: Mrs. Post of Owls Head, Mr. Hewes of Cape Elizabeth)

Bill "An Act to Exempt Maine Residents 65 Years of Age or Older from Having to Obtain a Commercial Shellfish License" (H. P. 612) (Presented by Mr. Pierce of Waterville)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act Relating to Nepotism in State Hiring and Promotional Practices" (H. P. 615) (Presented by Mr. Wagner of Orono)

(Ordered Printed)

Sent up for concurrence.

Orders

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

Mr. GARSOE: Mr. Speaker, I would ask that we reconsider our action whereby item 2 on page 1 was referred to the Committee on Appropriations and Financial Affairs in concurrence.

The SPEAKER: The gentleman from Cumberland, Mr. Garsoe, moves the House

reconsider its action of earlier in the eday whereby Bill "An Act to Permit Reimbursement of Attorney General's Cost of Investigation when a Permanent Injunction is Issued," Senate Paper 206, L. D. 696, was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Thereupon, on motion of Mr. Smith of Dover-Foxcroft, tabled pending the motion of Mr. Garsoe of Cumberland to reconsider and specially assigned for Tuesday, February 25.

House Reports of Committees Ought Not to Pass

Mr. Henderson from the Committee on Judiciary on RESOLVE, Authorizing Arthur G. Powers to Sue the State of Maine (H. P. 270) (L. D. 317) reporting "Ought Not to Pass"

Was pursuant to Joint Rule 17-A, placed in legislative files and sent to the Senate.

Ought to Pass with Committee Amendment

Mr. MacLeod from the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-32) on RESOLVE, Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans (H. P. 293) (L. D. 346)

Report was read and accepted and the Resolve read once. Committee Amendment "A" (H-32) was read and adopted and tomorrow assigned for second reading of the Resolve.

Divided Report

Majority Report of the Committee on Election Laws reporting "Ought Not to Pass" on Bill "An Act Establishing Open Primaries" (H. P. 49) (L. D. 61)

Report was signed by the following members:

Messrs. O'LEARY of Oxford
BERRY of Cumberland
CORSON of Somerset
— of the Senate.
Messrs. SHUTE of Stockton Springs
DeVANE of Ellsworth
CALL of Lewiston
MACKEL of Wells
DURGIN of Kittery
BOUDREAU of Portland
ALBERT of Limestone
BIRT of East Millinocket
BUSTIN of Augusta

— of the House.
Minority Report of same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following member:

Mr. TALBOT of Portland
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, I move we accept the Majority "Ought not to pass" Report.

The SPEAKER: The gentlewoman from Portland, Mrs. Boudreau, moves that the House accept the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Portland, Mr. Talbot.

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I guess I should give you some kind of reason why I am the only one signing the minority report on this piece of legislation. As a member of the Election Laws Committee, I heard the bill. No one spoke against this piece of legisla-

tion. There was only one person who spoke for it, and that was the sponsor from Gorham, Mr. Quinn.

I could never figure it out, because from 1956 until 1966 I was a registered independent voter, and I could never figure out why I disenfranchised when it came to the primaries. I also understand that probably by modifying this bill somewhat, we would pick up another 200,000 voters — an other 100,000 voters voting in the primaries.

I think somewhere along the line we owe the responsibility for open discussion on a type of bill like this to the voters of the State of Maine. Therefore, Mr. Speaker, those are my reasons for signing the minority report.

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

Mr. QUINN: Mr. Speaker and Members of the House: Normally I wouldn't take the time of the House to deal with an argument which has already been outvoted 12 to 1 in the committee. However, as the gentleman from Portland, Mr. Talbot, just said, there is moe to this proposal than normally meets the eye on bear and beehive legislation, and in support of this, I would quote from the report that comes from the Secretary of State. When asked what kind of financial impact this bill have, he said it would cost \$20,000, because it would increase the cost of primary elections by approximately 50 percent. I would suggest that if in the opinion of this august gentleman we could, in fact, increase the voting in our state by 50 percent in any election, it is well worth the time of this body to spend four minutes. With your forbearance, I will talk for four minutes.

The question at issue today is basic to our democracy and to the principles by which we govern ourselves. We aren't talking about bear and beehives, we are talking about the basic right to vote, a right that represents as closely as any one thing can the heart and the soul of our system.

This bill would eliminate a major restriction that has been placed on hundreds of thousands, literally, of Maine voters. In discussing my proposal in the hallway, it is obvious that most people thing the pros and cons of this bill in terms of the effect it will have on political parties. But the issue should be, first, one of who can vote and only secondly of the parties themselves.

Two hundred years ago in Philadelphia, those wise men who created our government mistrusted political parties and felt them to be a corruption in representative democracy. In fact, their fear of parties was largely responsible for the design they gave our government. Distrust of political parties and at the same time an awareness of their essentially public function is nothing new. It is at least 188 yeras old. I believe that those gentlemen were mistaken in part for political parties were, in fact, inevitable. They had become so important, in fact, that they have everywhere been recognized by legislation as being within the public domain. But the views of the founding fathers, on the one hand, and the inevitable subsequent development of parties, on the other hand, make two points: First, at no time in our constitution were political parties ever considered suitable as a requirement for the right to vote. Eligibility to vote might be based on age, it might be based on citizenship, race, servitude, property, but on party, never. Nevertheless, in Maine today we forbid approximately 200,000 of our otherwise qualified voters to participate in one of the two most important elections we stage, and we seriously hamper the freedom of about

half of the remaining voters, unless they are able to display membership in a political party.

On the second point, that political parties have become an intrigal part of our political process and are universally considered to be so important as to justify public regulation and control. As long as political parties were private organizations, whatever standards these groups chose for their own decision-making in elections were of little concern to the law. But when it became obvious that parties wre dominating government at all levels, it alsobecame obvious that to consider the process of government without considering parties was to ignore the greatest sourceof power for either good or evil in that government. And as a consequence, all state governments, without exception, have ruled that party elections are in the public domain, that they must be regulated. Today, there is no state which fails to control every detail of party primary elections or which fails to pay the expenses of these party elections by taxation. To argue, therefore, that candidates selection in the primaries is only the business of the party members is to aruge, in my opinion, a sophistry. When our citizens are forced to an either/or vote in November, while having no voice in the major election that led to that yes or no vote, when these primaries are sometimes more important than the general election itself, then the privilege of participating in that election becomes critical to our privilege to govern ourselves.

Closed primaries disenfranchise voters. No matter how we rationalize and justify, that statement of fact stands unobscured. Whether you are a government employee who doesn't find it wise to proclaim party allegiance, a religious person who objects to being identified, or simply an independent soul who doesn't want to be a party member, you are prevented from voting in an absolutely critical stage of the selection process by which we choose our leaders. Whatever the reason, every independent voter, unidentified by party, is legally disenfranchised in Maine. And if we should to these independents, those numbers of people who are enrolled in a party only casually and who might want to vote in the opposite primary, then the total of people in Maine who are prohibited from exercising their voting franchise is indeed impressive. Even those states who systematically practiced disenfranchisement for more than a century on blacks and other minorities would have to be impressed with the effectiveness of our system.

I expect opposition from both ends of the political spectrum. The political scientists on the left will claim that open primaries tend to weaken the discipline of the parties and the professional party regulars on the right will rise in anger, for open primaries would believe that a strong party system is a good thing, weaken their influence. But both the theorists and the party pros believe that strong political parties are a good thing, and I agree with them, but I disagree with them about the effect of my proposal, for in my opinion, it will strengthen the parties rather than weaken them. Does anyone seriously believe, for example, that the Republican Party in Maine has a future, if 25,000 relatively insulated party members continue to dictate the choice of James Erwin every four years?

Believe me, our party system is sick and getting sicker, Democrats as well as Republicans. I offer to you as proof the fact that the parties in Maine couldn't even elect a governor last year. When the patient has

been sick for years and is obviously getting sicker, a wise physician doesn't prescribe more of the same; he searches for another medicine. Everyone has an opinion as to just what the message was that the voters sent last November, but I think we can mostly agree that at least part of the message obviously was dissatisfaction with the party candidates and with the closed system that selected them. It is done in other states such as Wisconsin and California, and open primaries have helped produce a progressive, competitive, open brand of politics and a tradition of excellence in leadership, I ask each of you to examine our most recent primaries and the eventual product of those primaries in November. Think it over, as the man says. As far as the effect of these primaries on the whole political party structure, I maintain that there would be three results:

1. The base of party support would be broadened, for open primaries would unquestionably encourage people to participate in the political process. More people eventually will mean more workers and more money.

2. The identification with party candidates by the general public would be increased, with resultant higher participation in the general elections.

3. Candidate flexibility and opportunity would be increased. More Republicans will have a chance in Democratic areas, and more Democrats will have a chance in Republican areas.

Nothing would be changed within the organization of the parties themselves, only in the primary voting. When a voter comes to the polls, there would be a simple choice between a blue ballot or a red ballot. Party membership, conventions, platforms, campaigns will all remain the same. The greatest effect will be on state or national candidates where the net result will be to liberalize and broaden the selection. At the county level, the chief effect would be to loosen the grip of the cities on county offices. And at the local level, there would be relatively little effect, except to make for more competition and choice.

The proposal is worth a try. It would remove an undemocratic restriction on our individual voting rights, it would encourage people to vote, it would increase interest in party candidates, and will eventually strengthen our parties. Our electoral system is in trouble; our parties are in trouble, and this is one way to help them both.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: The Joint Standing Committee on Election Laws, after careful deliberation, voted this legislation out 12 to 1 "ought not to pass."

I must disagree with the previous speakers. The voting registration and enrollment procedures in Maine are liberal and no one who desires to vote in a primary election is excluded. Any registered voter not enrolled in a party can go to the polling place on election day and enroll in either party and vote. He or she is not compelled to remain a member of that party. They may disenroll the day after the election if they so desire.

Candidates for major offices announce as early as January, and if a voter is enrolled as a Democrat or a Republican and he wants to support and vote for a candidate of the opposite party, under Maine law he has plenty of time to change his party affiliation. Our election procedures do not prohibit the enrolled voters from voting in a

primary election or associating with the political party of their choice. Our laws merely impose a legitimate time limitation on their enrollment, and if they choose to disregard this, it is not the fault of the system.

The two-party system in Maine has worked well, and our objective should be to strengthen the system and not to pass legislation that would encourage raiding and erosion of the system. I would not like to see a system that would enable voters to be pressured, especially during the last hectic days before an election, before a primary election, to raid the party of an opponent. Therefore, I ask that you support the "ought not to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker and members of the House: I think basically we should be supporting the motion "ought not to pass." The selection of candidates to represent a party should be left up to the members of that particular party. Professor Quinn brings out a very interesting point. Maybe we can save some money by abolishing entirely the general elections, because if a man got a majority of the votes at the primary election, then maybe he could be the one who got elected to that office. If he didn't get a majority of votes in the primary, then, obviously, we could have a run-off election and then the winner of that run-off would then be the person who would get elected to office.

It is very simple for me to stand up here and say we have only got one candidate as Democrats for a particular office and the Republicans have three. You can really get a task force working, and we would hopefully cross over — we have no worries about getting our candidates in and winning the primaries — and work our largest and best effort to see to it that the opposition party would be nominating because of our votes by crossing over their weakest candidate and, therefore, we would be insuring our election at the November election.

This bill doesn't deserve being before us.

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: I will just take a moment to address the two specifics raised, since I have received three notes on them at the same time the speakers were up. The question becomes one of cross railing. I left this from my original notes because I felt it would take too much time but essentially I quote to you — I have written to Wisconsin both the Democratic and Republican parties there, and their answer in some length deals with this. They say that Wisconsin presidential primary is basically designed to provide about as broad and deep a reading of the people's presidential preferences as possible to get, proposed to closed primaries ignore the growing realizations so tragically demonstrated during the days of Watergate that politics is simply a party affair. Elections more than ever have become the affairs of the people. To close, their options would be to discourage weight of participation in the political process, and they say that those who believe and Wisconsin has had this system since 1907. Under the system I propose, which is somewhat similar to theirs, in order for a Democrat to cross to a Republican list and vote for a weak Republican candidate, which is the kind of primary raiding to which the gentleman from Waterville refers, means that the voter would have to desert his entire ticket. If he wishes to choose the Republican ticket, then he can vote only on that

Republican ticket, and that means that he would have to abandon his own candidates to the wind of chance. All the way down the ticket. As we have seen in the past, no election is guaranteed in Maine any more when the people are allowed to choose.

A minor thing, I might point out, I think the very nature of their Maine voters contrary to this kind of instructed stealing. I have never been able to tell voters what to do. Perhaps there are some places in Maine where you can, I would suspect it.

The people in Wisconsin observe on that that those who believe in some mythical cross-over vote for the purpose of embarrassing the other party or choosing the weaker candidate, fail to understand there are sharp philosophical divisions, even even within parties. Divisions that can manifest themselves in cross-over votes for the man and not the party, has not been a problem with them.

The SPEAKER: The pending question is on the motion of the gentlewoman from Portland, Mr. Boudreau, that the House accept the Majority "Ought not to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Connolly of Portland requested a roll call vote.

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 gentlewoman from Portland, Mrs. Boudreau, that the House accept the Majority "Ought not to pass" Report on Bill "An Act Establishing Open Primaries," House Paper 49, L. D. 61. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carey, Carroll, Carter, Chonko, Churchill, Clark, Connors, Cote, Cox, Curran, P.; Curran, R.; Dam, Davies, DeVane, Doak, Drigotas, Durgin, Farnham, Faucher, Fenlason, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, K.; Gould Gray, Greenlaw, Hall, Henderson, Hennessey, Higgins, Hobbins, Hughes, Hunter, Hutchings, Ingegneri, Jackson, Jacques, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, LaPointe, Laverty, LeBlanc, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBrearity, McKernan, McMahan, Mills, Miskavage, Mitchell, Morin, Mulken, Nadeau, Najarian, Palmer, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Raymond, Rideout, Rolde, Saunders, Shute, Silverman, Smith, Snowe, Spencer, Sprowl, Strout, Stubbs, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Twitchell, Tyndale, Usher, Wagner, Walker, Winship, The Speaker.

NAY — Berube, Carpenter, Connolly, Curtis, Dow, Finemore, Hewes, Laffin, Leonard, Lewin, Lewis, Morton, Quinn, Rollins, Talbot, Truman.

ABSENT — Binnette, Cooney, Dudley, Dyer, Farley, Hinds, Immonen, Jalbert, Littlefield, Lizotte, Norris, Snow, Susi, Webber, Wilfong.

Yes, 119; No, 16; Absent, 16.

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

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Require Licensing for Septic Tank Installers" (H. P. 26) (L. D. 34)

Report was signed by the following members:

Messrs. TROTZKY of Penobscot
O'LEARY of Oxford
WYMAN of Washington
—of the Senate.

Messrs. AULT of Wayne
HALL of Sangerville
Mrs. HUTCHINGS of Lincolnville
Messrs. BLODGETT of Waldoboro
WILFONG of Stow
McBREARITY of Perham
CURRAN of Bangor
PETERSON of Windham
CHURCHILL of Orland
—of the House

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

Report was signed by the following member:

Mr. DOAK of Rangeley
—of the House.

Reports were read.

On motion of Mr. Peterson of Windham, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

Consent Calendar

First Day

In accordance with Joint Rule 49-A, the following items appear on the Consent Calendar for the First Day:

(Item 1) (S. P. 101) (L. D. 356) Bill "An Act Relating to Hearings for Applications for Liquor Licenses" — Committees on Legal Affairs reporting "Ought to Pass"

No objections being noted, the above item was ordered to appear on the Consent Calendar of February 24, under listing of the Second Day.

Consent Calendar

Second Day

In accordance with Joint Rule 49-A, the following items appear on the Consent Calendar for the Second Day:

(S. P. 88) (L. D. 259) (Bill "An Act to Revise the Assessor's Warrant from a Statutory Form to a Form Prescribed Annually by the State Director of Property Taxation" (Emergency)

(S. P. 62) (L. D. 181) Bill "An Act to Eliminate the 5-Year Residency Requirement for Persons Seeking a License to Operate an Employment Agency" (C. "A" S-7)

(H. P. 140) (L. D. 172) Bill "An Act Relating to Executive Exemption Under the Minimum Wage Law"

(H. P. 6) (L. D. 11) Bill "An Act Restricting Use of Weapons at Public Schools" (C. "A" H-30)

No objections having been noted at the end of the Second Legislative Day, Senate Papers were passed to be engrossed in concurrence and House Papers were passed to be engrossed and sent to the Senate for concurrence.

Passed to Be Engrossed

Bill "An Act Concerning Continuation of a Power of Attorney upon Death or Disability" (S. P. 57) (L. D. 137)

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

Bill "An Act Relating to Fines and Penalties under Fire Prevention Laws" (H. P. 326) (L. D. 398)

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

Mr. Dam of Skowhegan offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-35) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.
Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: The reason for offering this amendment is because once again I am concerned with what is happening in the legislature to the small municipalities across the state, and this session I can see the same thing occurring that has occurred in the previous sessions.

This bill pertains to Title 25. Title 25 pertains to the fire and safety of this state. In Title 25, starting right out with Section 2351, it sets up the mechanism for municipal building inspectors, and in that title it says that each town of over 2,000 inhabitants shall annually appoint an inspector of buildings and in any towns of less than 2,000 may do so if the town so votes. It also says that the municipal officers shall set the compensation of the building inspector.

Many small towns are being faced with rising costs, and over the previous sessions they have taken money away from municipalities in various forms and turned it to the State of Maine. Some of this fine money that is levied for fines is used in the enforcement of the building statutes.

I have no objection to making a change in the present wording of the statute. The present wording, as appears in your L.D., has been crossed out. On this last part it is that one half would go to the town and one half to the prosecutor. Now, I have no objection to taking the one half that goes to the prosecutor and turning it over to the State of Maine, because I will readily admit that the Bureau of Public Safety and the Public Safety Enforcement Division does assist the small municipalities a great deal when they are asked for their assistance. But I do feel that the towns should be able to retain at least a portion of that which has been levied in fines.

The thing I see here, not only is the loss of the money to the municipalities, but how much enforcement are you going to really have when you take this money away from the municipalities and say to them, you come up with this from the taxpayers? As a rule, taxpayers aren't too much up in arms about enforcement when it is done on a fair, equitable and decent level, but the one section in this Title 25 that really concerns me a lot is the starting of outdoor fires. They do set the time limits, except when there is now on the ground, you wouldn't burn after five o'clock and this puts it right back on the fire inspection division of the municipality to really do this work because Augusta sure doesn't have enough men to send them all over the state.

As the law is working now, it is working fairly well over the state. There has been vast improvements in the last three years in this law. Prior to that time there wasn't too much concern for fire prevention in the small municipalities, but I have seen across the state where more small municipalities have become concerned and if they haven't

been able to enact an ordinance on their own, they have worked under the general provisions in the enabling of Title 25.

The other thing I would like to mention also is that in your L.D. that you have in your hands, if we were to allow this to pass today without this amendment and I refer you to Section 2, Title 25, Maine Revised Statutes, Subsection 2440 as amended by public law of 1971, Chapter 622, Section 4: If you will read my amendment, I am not amending Section 4, I am amending Section 84, because if we were to amend Section 4, as the L.D. says, we would be striking out that provision which changed the name from the Director of the Mining Bureau to the Director of the Mining Commission, so there is an error in that bill also. Even if my amendment is not adopted, there would have to be a change in the bill to amend the proper section anyway.

The thing I want to impress upon you people is that if we take this money away from the towns, we are only creating a burden on the taxpayer, the property taxpayer, and I would hope today that you would pass this amendment because I think it is fair for the municipality to keep one half of the fine and the other half to go to the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from Solon, Mr. Faucher.

Mr. FAUCHER: Mr. Speaker, Ladies and Gentlemen of the House: This bill was heard by Legal Affairs Committee. As the Chairman and I have no objection to this amendment unless the sponsor of the bill, Mr. Immonen from West Paris or the rest of the members of Legal Affairs do, I don't have any objection of this amendment.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended and sent up for concurrence.

Bill "An Act to Provide for Reimbursement of Election Expenses in Unorganized Towns" (H. P. 596) (L. D. 694)

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

Bill "An Act to Amend the Chest X-ray Certificate Law" (H. P. 595) (L. D. 693)

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

Mrs. Goodwin of Bath offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-33) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: It is indeed a privilege this morning as Chairperson of one of the most important procedural committees of this legislature, that is the Bills in Second Reading, to offer this amendment. The other members of this prestigious committee, and they probably don't know, are Representatives Burns, Kany, Carpenter, Hutchings, Bagley and Torrey. The Committee on bills in the Second Reading met yesterday. I hope the members won't be upset because they don't know they met, because I didn't know I was Chairman until I met with myself yesterday. After due deliberation I came out with a unanimous decision and agreed to offer this amendment.

The purpose of the amendment is to clarify this bill and to make it known that infectious tuberculosis is not a person, it is a disease, so this is the purpose of the amendment.

Before sitting down I would like to thank the Speaker for giving me this very prestigious assignment, after all my years of support to him, and I now would like to offer this amendment, move its adoption, even though I don't even have a copy of the amendment.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended and sent up for concurrence.

Second Reader

Tabled and Assigned

Bill "An Act Relating to Wholesale Deliveries of Malt Beverages and Table Wine on Election Day" (H. P. 258) (L. D. 305)

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

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

Mr. RAYMOND: Mr. Speaker, I would request that someone table this for two legislative days. I have an amendment in the process, but I am not ready to present it today.

Thereupon, on motion of Mr. Rolde of York, tabled pending passage, to be engrossed and specially assigned for Wednesday, February 26.

Amended Bills

Bill "An Act Concerning Appeals from Redetermination of Unemployment Compensation Claims" (H. P. 432) (L. D. 543) (C. "A" H-28)

Bill "An Act Relating to Vehicle Operators Wearing A Radio Headset" (H. P. 204) (L. D. 249) (C. "A" H-31)

Were reported by the Committee on Bills in the Second Reading, read the Second Time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Passed to Be Enacted

An Act Relating to Compatibility of State Income Tax Law with Federal Law (S. P. 59) (L. D. 139)

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

Enactor

Tabled and Assigned

An Act Relating to Record of Sales of Used Merchandise of Auctioneers (S. P. 73) (L. D. 213)

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

(On motion of Mr. Palmer of Nobleboro, tabled pending passage to be enacted and specially assigned for Wednesday, Feb. 26.)

An Act Relating to Filing of Record of Locations and Changes of Highways (S. P. 83) (L. D. 237)

An Act to Authorize the Issue of an Additional Pair of Specially Designated License Plates to Maine Members of the United States Senate and House (S. P. 92) (L. D. 263)

An Act Establishing Special License Plates for the Handicapped (H. P. 40) (L. D. 51)

An Act Relating to Reinstatement of Suspended Corporations under the Business Corporation Act (H. P. 133) (L. D. 180)

An Act to Exempt Incorporated Fire

Fighters Associations from the Sales Tax (H. P. 156) (L. D. 191)

An Act to Clarify the Laws Relating to the Bureau of Property Taxation (H. P. 193) (L. D. 234)

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 Exempting Trucks Purchased by Nonresidents from Sales Tax (H. P. 205) (L. D. 250)

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

(On motion of Mr. Finemore of Bridgewater, tabled pending passage to be enacted and specially assigned for Wednesday, February 26.)

An Act to Set Off Burying Island in Taunton Bay to the Town of Franklin (H. P. 209) (L. D. 253)

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

Enactor

Tabled and Assigned

An Act Relating to Bonding of Gasoline Distributors and Use Fuel Dealers (H. P. 511) (L. D. 573)

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

(On motion of Mr. Pierce of Waterville, tabled pending passage to be enacted and specially assigned for Wednesday, February 26.)

Orders of the Day

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

Bill "An Act to Provide for 6-person Juries in Civil Cases" (S. P. 16) (L. D. 90) (C. "A" S-e as amended by "A" S-6)

Tabled — February 19, by Mr. Hewes of Cape Elizabeth.

Pending — Passage to be Engrossed.

On motion of Mr. Hewes of Cape Elizabeth, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" as amended by Senate Amendment "A" was adopted.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Senate Amendment "A" to Committee Amendment "A" was adopted.

On further motion of the same gentleman, Senate Amendment "A" was indefinitely postponed in non-concurrence.

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

House Amendment "A" to Committee Amendment "A" (H-34) was read by the Clerk.

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

Mr. CONNOLLY: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Cape Elizabeth, Mr. Hewes. Could he explain just exactly what this amendment does?

The SPEAKER: The gentleman from Portland, Mr. Connolly, poses a question through the Chair to the gentleman from Cape Elizabeth, Mr. Hewes, who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. HEWES: Mr. Speaker and Members of the House: Under the amendment that the Senate put on this bill, Senate Amendment "A", which is S-6, the wording in the next to last line of the front side of S-6 indicated that the total number of jurors serving on a jury "may" agree on a verdict or finding and return that as the verdict of the jury. We feel that "may" was not strong enough language and, basically, the purpose of H-34, which has just been offered, was to make that stronger, make it that it takes at least three quarters in order for that to be the verdict of the jury. We had to reword it in the process. But that is basically what the amendment does.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted. Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

Bill "An Act Relating to the Priority of Mechanics' Liens." (H. P. 593) (Committee on Reference of Bills suggested Committee on Judiciary.

Tabled — February 20, by Mr. Tierney of Durham.

Pending — Reference.

On motion of Mr. Tierney of Durham, was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

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

Bill "An Act to Increase Boarding Allowance for Students of Coastal Islands." (H. P. 232) (L. D. 288)

Tabled — February 20, by Mr. Hewes of Cape Elizabeth.

Pending — Passage to be Engrossed.

On motion of Mr. Lynch of Livermore Falls, the Bill was passed to be engrossed and went to the Senate.

(Off Record Remarks)

On motion of Mr. Rolde of York, Adjourned until Tuesday, February 25, at ten o'clock in the morning.