

# 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

Thursday, February 27, 1975

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

Prayer by the Rev. James Brosius of Windsor.

The journal of yesterday was read and approved.

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

**Passed to Be Enacted**

An Act Extending the Time During which School Budgets may be Adopted (H. P. 660) (L. D. 766)

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

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker and Members of the House: I apologize for the interruption.

Before we enact this bill this morning, which is an emergency piece of legislation, I would like to make a short statement and pose a couple of questions to either the Chairman of the Education Committee or any member of that committee.

It is certainly no secret that a sizeable number of the House members, for a variety of reasons, are very much interested in the enactment of the recommendations of the Educational Subsidy Commission as they relate to 1994. Those recommendations, of course, are embodied in L. D. 526, which the Education Committee heard a week ago Tuesday.

Time and consideration, and hopefully enactment of 526 before April 1, is important for assessment purposes.

Additionally, the gentleman from Wells, Mrs. Mackel, has introduced L. D. 431, which repeals the present subsidy formula and replaces it with another formula.

The two questions I would like to pose to the gentleman from Livermore Falls, Mr. Lynch, are, one, I believe Mr. Mackel has requested from the Education Committee the opportunity to have 431 reported out so that some debate can start on the question of the educational subsidy formula, knowing full well that it is very unlikely that that bill would be enacted. Second of all, I think the same members that are interested in the question of 1994, and I assume all the membership of the House would like to have some idea when L. D. 526 is going to be reported out and what the time frame is on that. I emphasize this because we are continuing to get questions from our communities and, as you all know, 526 has got implications for not only the paying communities but for a large number of school districts and school units in this state.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I don't believe I can give the gentleman any concrete answers.

With 766 we are delaying the statutory deadlines, hoping to buy some time to do more than just a bandaid approach to 1994. L. D. 526, the Subsidy Commission Report, I don't believe can be enacted without producing more problems.

We have a number of task forces that are working in different areas, hoping that we can come up with a reasonable solution to

the problems of 1994 by the 15th of April. That would give time for warrants to be prepared before May 1. I don't believe I can give you anything else on 1994.

Now, as to Mr. Mackel's bill, I think it would be fruitless to pass that bill out now, because I am quite sure it would come out 17-A. If one member of the Committee is willing to sign a minority report and bring it on the floor for debate, I don't think the debate would be useful, because how can we debate the substance of a bill that is not yet formed? I think we would be just muddying the waters and making it more difficult for the committee to proceed.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members of the House: I appreciate the question posed by the gentleman from Stonington, Mr. Greenlaw. Many towns, many school districts, many SAD's have different reasons for wanting more time for the Joint Standing Committee on Education to consider the amendments to L. D. 1994.

We in Cape Elizabeth are already into our 1975 fiscal year, which commenced January 1. Under the provisions of our town charter, our budget must be acted upon within 60 days of the beginning of our fiscal year. Sixty days is this Saturday. Our last regular town council meeting was last Monday. They deferred acting upon the budget hoping that this bill or a similar bill would pass the legislature.

I want to commend and thank the Joint Standing Committee on Education for their consideration for towns such as our town and our citizens. I think that this is a very sensible bill, because it gives the Joint Standing Committee on Education more time in which to deliberate without the pressure, the urgency of budgets, town budgets and many throughout the state, without time forcing them into hasty action which might not be in the best interest of the people of Maine. This does give the Joint Standing Committee on Education two months, until May 1, in which to deliberate positively, and I therefore urge all of you to vote for this very important emergency legislation.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I would like to ask a question through the Chair of anyone who wishes to answer. If you extend this bill and if you extend these budgets beyond April 1, especially in towns, maybe city charters are different, how are they going to raise the money, because you cannot raise money by taxation after April 1. I was wondering if they planned on having some kind of method of putting it in? I would like to have someone answer that question if they could.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, poses a question through the Chair to anyone who may care to answer.

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

Mr. CAREY: Mr. Speaker and Members of the House: The April 1 time is for the assessment of valuation on properties and has absolutely nothing to do with how much money is going to be raised. That is set in the tax rate.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and

Gentlemen of the House: I believe in 766 we have taken care of all the school units in this state, whether they are operating under private charters or not. We have suspended all statutory deadlines, and I believe we have taken care of it. We have consulted with the Maine Municipal Association; the Attorney General has had input into this law. We have consulted with bond counsels to see if they have any reservations about this piece of legislation.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to follow up some of the comments that Representative Greenlaw made relative to the ability to have an open discussion on both of these bills, 526 and 431, on the floor of the legislature.

I think there are many people who are interested in the viewpoint that 431 expresses, and I do feel that there is an honest and real need and there should be an opportunity for both these bills to come out and let the legislature as a whole discuss them.

Sometimes if you find you aren't being too badly hurt, you probably take a different view of it, but sometimes you are being penalized, and 1994 does penalize some of us very severely. We would like to then have a chance to express our views, both pro and con, and also have an alternate action. I think this is the point that he was bringing out this morning. I think if we had some idea that 431 was going to at least be brought out on the floor so we could have a discussion of it, we might feel a little better about voting on some of these other bills, particularly the one we have this morning. But I think we are being denied any leverage at all, and I think it is an answer that basically some of us would like to have.

The SPEAKER: The Chair would advise the members of the House that L. D. 536 and L. D. 431 are not before this body. L. D. 766 is before the body, and would members kindly restrict their remarks to that L. D.

The Chair recognizes the gentleman from Lewiston, Mr. Jalberty.

Mr. JALBERT: Mr. Speaker and Members of the House: I know the work that the gentleman from Livermore Falls, Mr. Lynch, has done on this measure personally, and I think that all members commend him for it.

My question is I tried to catch him to ask him this question before we met this morning and I was unable to. Our budget in Lewiston is closed now. It had its public hearing with two people attending besides three or four departmental heads. But in any event, I have been asked repeatedly by people within the local government and without the local government for instance, in one school on a boiler that should be repaired and another school a boiler that should be replaced, then on maintenance work that should be done, hopefully, in expectation of being funded 100 percent by the Department of Education through the revision or through L. D. 1994.

By the passage of this thing here, can the City of Lewiston or any town or city reopen their budgets to take advantage of some of these items that I mentioned, or if they are not straightened out in the measure, then if they are done, with expectation of being funded by the state on a hundred percent basis — they probably wouldn't have been put into the budget — what position does that leave Lewiston or any other

community in the same position in?

I would like to ask the gentleman from Livermore Falls if he could answer that question? I am not in any way trying to put him or anybody else on the spot. I have just been asked these questions. I couldn't answer them and I would like to have them answered.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to the gentleman from Livermore Falls, Mr. Lynch, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The bill does say that expenditures may be made by municipalities or school districts after the commencement of and prior to the adoption of a final budget, for budgets adopted by the municipal officers, boards of directors of school administrative districts, or boards of trustees of community school districts. A final budget approved by a municipality or school district prior to the effective date of this act may be reconsidered and any warrants issued to assessors pursuant to such adopted budgets may be revoked. The purpose is that preliminary budgets made with the uncertainties of what is going to become of 1994 should be open for reconsideration after the revision of 1994 is made.

Communities ought to have an opportunity to consider the entire school budget based upon revisions made in 1994.

Now as to capital construction, boilers and minor capital construction, I would say that it is extremely likely that the \$10-figure would remain in 1994 when it is revised.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I somewhat apologize, I guess, for bringing up other matters that are not related to this bill. As to the statements of the gentleman from Livermore Falls, Mr. Lynch, I do have a question now that pertains strictly to this bill. On page 2 of the bill it says, "municipal officers and school directors or trustees may not certify to the assessors any amount to be raised by taxation until such time as a final budget has been approved." Does that mean that we are effectively delaying the date when taxes will be assessed?

The SPEAKER: The gentleman from Stonington, Mr. Greenlaw, poses a question to the gentleman from Livermore Falls, Mr. Lynch, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. LYNCH: Mr. Speaker, that is the purpose of L. D. 766, and it also governs the time in which the Bureau of Taxation will assess the unorganized territories.

The SPEAKER: This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. All those in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.

134 having voted in the affirmative and 2 having voted in the negative, this being more than two-thirds, 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 Non-Concurrent Matter

Bill "An Act Relating to Fines and Penalties under Fire Prevention Laws" (H. P. 326) (L. D. 398) which was passed to be engrossed as amended by House Amendment "A" (H-35) in the House on February 21.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-35) as amended by Senate Amendment "A" (S-10) thereto in non-concurrence.

In the House: The House voted to recede and concur.

#### Non-Concurrent Matter Tabled and Assigned

Bill "An Act Relating to the Priority of Mechanics' Liens" (H. P. 593) (L. D. 740) which was referred to the Committee on Business Legislation in the House on February 21.

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

In the House: On motion of Mr. Rolde of York, tabled pending further consideration and tomorrow assigned.

From the Senate: The following Joint Order: (S. P. 244)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Ashland Hornets Eastern Maine Class C runnerup basketball team for the academic year 1975

We the Members of the Senate and House of Representatives do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

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 State Government reporting "Ought Not to Pass" on Resolution, Proposing an Amendment to the Constitution to Require a Roll Call Vote Upon all Bills on Final Passage (S. P. 105) (L. D. 360)

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:

##### Business Legislation

Bill "An Act to Prohibit a Creditor from Telephoning a Debtor at the Debtor's Place of Employment" (H. P. 664) (Presented by Mr. Faucher of Solon)

Bill "An Act to Provide a Right to Examine and Return Life Insurance Policies" (H. P. 665) (Presented by Mrs. Boudreau of Portland)

Bill "An Act Relating to Sale of Stuffed

Toys" (H. P. 669) (Presented by Mrs. Chonko of Topsham)

Bill "An Act to Amend the Insurance Law to Require the Inclusion of Home Health Services as a Covered Benefit in all Group and Individual Health Policies Written in the State" (H. P. 671) (Presented by Mrs. Berube of Lewiston) (Cosponsors: Mrs. Kany of Waterville, Mr. Lewin of Augusta)

Bill "An Act to Authorize the Real Estate Commission to Administer Oaths and Affirmations at Hearings" (H. P. 679) (Presented by Mrs. Boudreau of Portland) (Ordered Printed) Sent up for concurrence.

#### Fisheries and Wildlife

Bill "An Act to Provide for a Hunting Stamp in Order to Hunt Bear" (H. P. 661) (Presented by Mr. Usher of Westbrook) (Ordered Printed) Sent up for concurrence.

#### Judiciary

Bill "An Act to Prohibit the Use of Telephone Recording Answering Devices" (H. P. 673) (Presented by Mr. Immonen of West Paris) (Ordered Printed) Sent up for concurrence.

#### Labor

Bill "An Act Relating to Eligibility Conditions for Benefits under the Employment Security Statutes" (H. P. 666) (Presented by Mr. Hinds of South Portland) (Ordered Printed) Sent up for concurrence.

#### Legal Affairs

Bill "An Act Concerning Pay Toilets" (H. P. 663) (Presented by Mr. Faucher of Solon)

Bill "An Act to Permit Lessees of Beehives Damaged by Bear to Make Claims for Reimbursement under Certain Statutory Provisions" (H. P. 678) (Presented by Mr. MacLeod of Bar Harbor) (Ordered Printed) Sent up for concurrence.

#### Local and County Government

Bill "An Act to Permit the Commissioners of Aroostook County to be Paid Traveling Expenses in Addition to their Salaries" (H. P. 667) (Presented by Mr. Martin of St. Agatha) (Cosponsor: Mr. Carpenter of Houlton)

Bill "An Act to Increase the Salaries of Certain Sagadahoc County Officers" (H. P. 668) (Presented by Mrs. Chonko of Topsham)

Bill "An Act to Facilitate the Entrance of Municipalities into the Federal Flood Insurance Program" (H. P. 675) (Presented by Mr. Faucher of Solon) (Cosponsor: Mr. Powell of Wallagrass Pl.) (Ordered Printed) Sent up for concurrence.

#### Natural Resources

Bill "An Act to Allow Municipal Approval of Routine Great Ponds Permits" (H. P. 662) (Presented by Mr. Morton of Farmington) (Ordered Printed) Sent up for concurrence.

#### Public Utilities

Bill "An Act Amending the Charter of the Augusta Sanitary District"

(Emergency) (H. P. 677) (Presented by Mr. Lewin of Augusta)

Bill "An Act to Amend the Charter of the Brunswick and Topsham Water District" (Emergency) (H. P. 674) (Presented by Mrs. Bachrach of Brunswick)  
(Ordered Printed)  
Sent up for concurrence.

**Taxation**

Bill "An Act to Facilitate the Collection of Real Estate Taxes on House Trailers" (H. P. 672) (Presented by Mr. Drigotas of Auburn)  
(Ordered Printed)  
Sent up for concurrence.

**Transportation**

Bill "An Act to Authorize Bond Issue in the Amount of \$10,000,000 to Improve Highways" (H. P. 670) (Presented by Mr. Mills of Eastport)

Bill "An Act Providing for the Use of Green and White Lights on Civil Emergency Preparedness Vehicles for the Right of Way of these Vehicles and for the Qualification of Certain Civil Emergency Preparedness Personnel" (H. P. 676) (Presented by Mr. Lewin of Augusta)  
(Ordered Printed)  
Sent up for concurrence.

**Orders**

Mr. Carroll of Limerick presented the following Joint Order and moved its passage: (H. P. 682)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Massabesic High School Mustangs State Wrestling Champions for the Academic Year 1975

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

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

Mrs. Tarr of Bridgton presented the following Joint Order and moved its passage: (H. P. 680)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Linda Whitney, Coach of Lake Region Lakers of Lake Region High School Class B Girls Basketball State Champions for Academic Year 1975

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

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

Mrs. Tarr of Bridgton presented the following Joint Order and moved its passage: (H. P. 681)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Lake Region Lakers of Lake Region High School Class B Girls Basketball State Champions for Academic Year 1975

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

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

On motion of Mr. Rolde of York it was ORDERED, That Norma A. Morrisette of Augusta be the Reporter of the House of Representatives.

Mr. Binnette of Old Town, it was ORDERED, That David Ault of Wayne be excused for February 27th and 28th for Legislative Business.

Mr. Jalbert of Lewiston presented the following Order and moved its passage:

ORDERED, That House Rule 10 be amended to read:

When two or more members rise at the same time, the Speaker shall name the person to speak, but in all cases the member who shall rise first and address the Chair shall speak first.

The Order was read.  
Pursuant to House Rule 54, tabled pending passage and tomorrow assigned.

**House Reports of Committees  
Ought to Pass  
Printed Bills**

Mr. Gauthier from the Committee on Judiciary reporting "Ought to Pass" on Bill "An Act to Provide Continuing Jurisdiction over Juvenile Offenses" (H. P. 321) (L. D. 393)

Mr. Sprowl from the Committee on Health and Institutional Services reporting "Ought to Pass" on Bill "An Act to Abolish the Statewide Central Tumor Registry of the Department of Health and Welfare" (H. P. 283) (L. D. 335)

Reports were read and accepted, the Bills read once and tomorrow assigned for second reading.

**Ought to Pass with  
Committee Amendment**

Mrs. Miskavage from the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-38) on Bill "An Act to Extend the Life of the Commission Preparing a Revision of the Probate Laws" (Emergency) (H. P. 235) (L. D. 291)

Report was read and accepted and the Bill read once. Committee Amendment "A" (H-38) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

**Divided Report**

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Permit Archery Hunting Without a License in Certain Cases" (H. P. 255) (L. D. 323)

Report was signed by the following members:

Mr. GRAFFAM of Cumberland  
— of the Senate.  
Messrs. PETERSON of Caribou  
KAUFFMAN of Kittery  
MILLS of Eastport  
MacEACHERN of Lincoln  
MARTIN of St. Agatha  
TOZIER of Unity  
USHER of Westbrook  
— of the House.

Minority Report of same Committee reporting "Ought to Pass" on same Bill.  
Report was signed by the following members:

Messrs. McNALLY of Hancock  
PRAY of Penobscot  
— of the Senate.  
Messrs. CHURCHILL of Orland  
WALKER of Island Falls  
DOW of Gardiner  
— of the House.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: This is an odd position to be in this morning as the House Chairman of this committee. Somewhere along the line in the Executive Session, a snafu was created. The other bill involved in that snafu I haven't located as yet. But to clarify the situation, a quick survey of the committee this morning found a lot of us had voted according to the bill in error.

I now move for the minority report of "ought to pass."

Thereupon, on motion of Mr. Mills of Eastport, the Minority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

**Consent Calendar  
First Day**

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

Bill "An Act to Change the Name of the Bureau of Labor and Industry to the Bureau of Labor" — Committee on State Government reporting "Ought to Pass" (S. P. 140) (L. D. 443)

Bill "An Act to Clarify the Exemption of Hairdressers Holding Booth Licenses from Eligibility for Unemployment Compensation" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-39) (H. P. 202) (L. D. 247)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 28, under listing of Second Day.

**Consent Calendar  
Second Day**

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

Bill "An Act to Increase Funds Allowed by Court Order to a Minor without a Guardian" (S. P. 76) (L. D. 216) (S "A" 9)

Objection having been noted, was removed from the Consent Calendar's second day list.

Thereupon, the Report was ready and accepted in concurrence and the Bill read once. Senate Amendment "A" (S-9) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

Bill "An Act to Change the Name of Department of Inland Fisheries and Game

to Department of Fisheries and Wildlife" (H. P. 413) (L. D. 588)

Objection having been noted, was removed from the Consent Calendar's second day list.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading tomorrow.

#### Passed to Be Engrossed

Bill "An Act Relating to Expenses of the Legislature" (S. P. 148) (L. D. 511)

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

#### Passed to Be Enacted Emergency Measure

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

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. 135 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.

#### Passed to Be Enacted

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

An Act to Reduce the 5-Year Residency Requirement for Persons Seeking a License to Operate an Employment Agency (S. P. 62) (L. D. 181)

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:

Senate Divided Report — Majority "Ought Not to Pass" — Minority "Ought to Pass" — Committee on State Government on Resolution, Proposing an Amendment to the Constitution Prohibiting Anyone under Sentence for a Felony from Seeking or Holding a Constitutional Office (S. P. 43) (L. D. 95) — In Senate, Minority Report accepted, and Resolution Passed to be Engrossed.

Tabled — February 25, by Mr. Palmer of Nobleboro.

Pending — Motion of Mr. Cooney of Sabattus to accept Majority Report in non-concurrence.

The SPEAKER: The Chair recognizes the gentleman from Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: This constitutional amendment, if passed, would prohibit individuals who are now under sentence for the conviction of a felony from holding a constitutional office in Maine, that is, the office of Governor, State Senator, or from becoming a member of our own distinguished Body. This constitutional amendment would not in any way prevent an individual from holding office after he has served his sentence and paid his debts to society.

As this is a proposed constitutional amendment, a vote here today to defeat the acceptance of the "ought not to pass" report will only give the voters of Maine the right and opportunity to determine at the next State-wide election as to whether

or not they wish to allow convicted felons serving sentences at Thomaston and other places.

Since the public hearing before the State Government Committee, some very relevant information has come to light resulting in the form of two separate opinions from our Attorney General, Joseph Brennan. He first addressed himself to the State Statute now on the books, which now prohibits felons from seeking and holding public office by stating in part: I am of the opinion that if Title 21, MRSA, Section 247, specifically the provisions that are relating to the candidacy for State Offices established by the Maine Constitution was subject to attack and the courts, on the grounds that it is unconstitutional, under the Maine Constitution, such attack would be successful and that the Statute in that connection would be declared in violation of the Maine Constitution, I am therefore of the further opinion that Title 21, MRSA, Section 247, would be ineffectual to preclude a felon in the execution of sentence from seeking an office established under the Maine Constitution, ergo, in order to effectively preclude felons in execution of sentence from seeking constitutional office, the Maine Constitution must be amended. A resolution such as is embodied in L. D. 95 would be necessary in order to effectuate such intended result. Secondly, the Attorney General replied as to whether or not passage of this constitutional amendment would be in violation of the U.S. Constitution, he replied in part: Since the proposed amendment to the Maine Constitution relates only to the offices created by the Maine Constitution we are not concerned here with any attempted State imposition of qualifications upon Federal offices. Thus, the proposed amendment clearly does not conflict with the U.S. Constitution. We ate the following language from the U.S. Supreme Court as supportive of the Legislature's undertaking embodied in L. D. 95. A State has an interest, if not a duty, to protect the integrity of the political processes from frivolous or fraudulent candidacies.

In summary, we do not consider that L. D. 95 conflicts with the U.S. Constitution.

Based on the above, I urge you, ladies and gentlemen of the House, to vote no on the pending motion and thereby, give the citizens of Maine the opportunity to determine as to whether or not at the next State Election, the citizens of Maine wish to have felons seeking and holding office in our fair State.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Stubbs, from Hallowell, has expressed some feelings which we probably all hold about whether or not we want felons holding high offices in this State but, speaking for myself, and I think the vast majority of the committee, I will put it to you this way, I will put it to you as simply as possible, what is the real question that we are talking about? Are we talking about the rights of felons in jail to run for an office or are we talking about the rights of our citizens, the voters, of our State, to elect whoever they please to serve in those offices?

The sponsor of the bill and some recent editorials in State newspapers say that the opposition of this bill is just one more example of how far some people will go to give law breakers special treatment. I say that is just so much foolishness. The

committee simply supports the electorate's right to vote for whoever they wish, regardless of race, religion, sex, wealth, previous or present condition of servitude. The bill is really an insult to the wisdom of our Maine voters. It is one piece of unnecessary clutter on a referendum ballot which we all know is too long and too confusing already. Some would have you believe that by voting against this bill, you are voting imprisoned felons into high office. I say that is just nonsense. Vote against this bill and vote for the citizens right not to be told who he can and can't vote for. I hope you will support the majority "ought not to pass" report.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to have the people of my particular community have a very clear choice as to who they are allowed to vote for and it is for that reason that I would hope that this motion for the majority report to be accepted is turned down.

They may end up electing one of these convicted felons and then you have a wonderful position; they shouldn't even be allowed on the ballot. I would ask for a roll call when the vote comes.

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly, for the majority report of the committee, this proposal says that a convicted felon serving a sentence, shall not be allowed to serve a constitutional office.

I would simply observe briefly that for practical purposes the history of Maine has shown that to serve in a constitutional office normally you need the nomination of a party. I would think that our parties would have sufficiently good judgment to insure that a felon would not receive their nomination, therefore, I would suggest that we might consider amending this bill to apply to only independent candidates.

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 Sabattus, Mr. Cooney, that the House accept the Majority "Ought not to pass" Report in non-concurrence. All in favor of the motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Bustin, Call, Carpenter, Chonko, Connolly, Cooney, Curran, P., Davies, DeVane, Dow, Drigotas, Goodwin, H.; Hall, Henderson, Hennessey, Hobbins, Hughes, Ingegneri, Jensen, Kany, Kennedy, Laffin, MacEachern, Mackel, Martin, A.; Martin, R.; Maxwell, McBreairty, Mitchell, Nadeau, Norris, Pelosi, Peterson, T.; Post, Powell, Quinn, Rideout, Rolde, Saunders, Smith, Snow, Spencer, Talbot, Tierney, Torrey, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Albert, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Blodgett, Boudreau, Bowie, Burns, Byers, Carey, Carroll, Carter, Churchill, Clark, Connors, Cote, Cox, Curtis, Doak,

Dudley, Durgin, Dyer, Farley, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, K.; Gould, Gray, Greenlaw, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Jacques, Joyce, Kauffman, Kelleher, Kelley, Lavery, LeBlanc, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacLeod, Mahany, McKernan, McMahon, Mills, Miskavage, Morin, Morton, Mulhern, Najarian, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Raymond, Rollins, Shute, Silverman, Snowe, Sprowl, Stubbs, Susi, Tarr, Teague, Theriault, Tozier, Truman, Twitchell, Tyndale, Usher, Webber.

ABSENT — Ault, Curran, R.; Dam, Farnham, Jalbert, LaPointe, Leonard, Lewin, Peakes, Strout.

Yes, 51; No, 90; Absent, 10.

The SPEAKER: Fifty-one having voted in the affirmative and ninety in the negative, with ten being absent, the motion does not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted in concurrence, the Resolution read once and assigned for second reading tomorrow.

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

Resolve, Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans (H. P. 293) (L. D. 346)

Tabled February 25, by Mr. Rolde of York.

Pending Passage to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the indulgence of this House for allowing this to be tabled the other day. The questions I had have been answered and for those of you who are interested, the reimbursement procedures to the communities listed in this bill was calculated by the Bureau of Property Taxation. It is calculated by the Bureau from information provided by the communities and I think what is interesting is how it was done. I have some forms, and I would be glad to share the information with them. I now move that this bill be passed to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry that a few signals were mixed this morning and there are a few questions that I have on this bill still and I would ask that someone table this for one more day.

On motion of Mr. Rolde of York, tabled pending passage to be engrossed and tomorrow assigned.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for being a little slow on my feet this morning, but I would like to ask if we could reconsider our action whereby we passed to be enacted item 2 on page 7, L. D. 137?

The SPEAKER: The gentleman from Farmington, Mr. Morton, moves the House reconsider its action of earlier in the day whereby An Act Concerning Continuation of a Power of Attorney upon

Death or Disability, Senate Paper 57, L. D. 137, was passed to be enacted.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: This bill was well debated last week and it is on its way to be engrossed, I believe, emergency measure. I hope that you don't reconsider this at the present time.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: This bill was debated a few days ago, and this is the bill relating to power of attorney. Under the present law, the power of attorney terminates when the person becomes incompetent and this particular bill would allow the power of attorney to continue during the incompetency of the person who signed the power of attorney. It was argued the other day that the power of attorney is granted by a person who is concerned that he or she might not be able to perform certain functions in the future. Presumably the power of attorney has given some thought and consideration given to a person, that the person himself or herself wants to have act for her or him.

I think it is only a permissive law; it doesn't prohibit guardianship or conservatorship. I hope that you will vote against the pending motion to reconsider.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am well aware of the provisions of this bill and I take strong exception to the bill. I feel as though the power of attorney law we have had with us for many, many years and it is not the problem of power of attorney ceasing upon the death of an individual as much as it is this business of the power of attorney continuing when someone is not able to take care of themselves.

The power of attorney is issued by someone completely in command of their faculties and knows exactly what they are doing when they do it, and to continue it beyond the time when they can know what they are doing would tend to lead to all sorts of problems. I don't think I have to spell them out. It was debated the other day. I think I want to be on record on this bill and I would ask for the yeas and nays.

The SPEAKER: The gentleman from Farmington, Mr. Morton, has requested a vote be taken by the yeas and nays.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: I support the gentleman from Farmington, Mr. Morton's, motion that we reconsider our enactment.

I think the more we think about this bill and look at this bill, the more we realize it puts especially the elderly people of this state in somewhat of a less tenable position in terms of the other people they delegate authority to handle their affairs for, and that is, the power of attorney is a little bit less visible, a little bit less regulated, than some other alternatives that are available. And the people once giving it would have difficulty sometimes in taking it back, since the people who hold that power of attorney merely say, "Well, I feel that you are incompetent. I feel that you are disabled." Then the burden is on that individual in a nursing home or

somewhere else because they don't have someone to speak for them to try to turn that around.

I think it is a very important thing, that while it is somewhat technical, and a lot of times we want to defer to our committees, I would remind the body that it was a divided committee report and we ought to give it some serious thought before we lose our chance to reconsider enactment. So I support the gentleman's motion.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: As Mr. Hewes has mentioned to you previously, this is only permissive legislation. It does not take away guardianship, conservatorship; it only adds to this guardianship and conservatorship that you have at the present time.

The durable power of attorney bill is humanitarian in purpose. It will save money for older people of modest means who need help with their financial affairs. They will not have to have the expense and red tape and delay of a court guardianship. This law has been used for many years in the states of Virginia, New Jersey, and several others. It is a recommended portion of the uniform probate court code. It is endorsed by former Dean Godfrey at the University of Maine Law School, and the Judiciary Committee voted 10 to 3 in favor of this bill and I hope you don't vote for reconsideration.

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 Farmington, Mr. Morton, that the House reconsider its action whereby An Act Concerning Continuation of a Power of Attorney upon Death or Disability, Senate Paper 57, L. D. 137, was passed to be enacted. All in favor of reconsideration will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Bagley, Berry, G. W.; Berube, Birt, Blodgett, Boudreau, Bowie, Call, Carter, Churchill, Dow, Dudley, Durgin, Farnham, Finemore, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Henderson, Higgins, Hunter, Jackson, Jacques, Kany, Kelley, Lynch, MacLeod, Maxwell, McKernan, Miskavage, Mitchell, Morton, Norris, Palmer, Perkins, S.; Perkins, T.; Pierce, Post, Shute, Snowe, Stubbs, Susi, Talbot, Tarr, Teague, Tyndale, Usher, Walker.

NAY — Albert, Bennett, Berry, P. P.; Binnette, Burns, Bustin, Byers, Carey, Carpenter, Carroll, Chonko, Clark, Conners, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Davies, DeVane, Drigotas, Dyer, Faucher, Fenlason, Flanagan, Fraser, Gauthier, Gray, Greenlaw, Hall, Hennessey, Hewes, Hinds, Hobbins, Hughes, Hutchings, Immonen, Ingegneri, Jensen, Joyce, Kauffman, Kelleher, Kennedy, Laffin, Lavery, LeBlanc, Lewis, Littlefield, Lizotte, Lovell, Lunt, MacEachern, Mackel, Mahany, Martin, A.; Martin, R.; McBreaarty, McMahon, Morin, Mulhern, Nadeau, Najarian, Pelosi, Peterson, P.;

Peterson, T.; Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Silverman, Smith, Snow, Spencer, Sprowl, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Wagner, Webber, Wilfong, Winship, The Speaker.

ABSENT — Ault, Dam, Doak, Farley, Jalbert, LaPointe, Leonard, Lewin, Mills, Peakes, Strout.

Yes, 50; No, 90; Absent, 11.

The SPEAKER: Fifty having voted in the affirmative and ninety in the negative, with eleven being absent, the motion does not prevail.

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

Bill "An Act to Permit Reimbursement of Attorney General's Cost of Investigation when a Permanent Injunction is Issued." (S. P. 206) (L. D. 696)

Tabled — February 25, by Mr. Palmer of Nobleboro.

Pending — Motion of Mr. Garsoe of Cumberland to reconsider reference to Committee on Appropriations and Financial Affairs.

Thereupon, the House reconsidered its action whereby the Bill was referred to the Committee on Appropriations and Financial Affairs in concurrence.

On motion of Mr. Smith of Dover-Foxcroft, referred to the Committee on Judiciary in non-concurrence and sent up for concurrence.

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

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

Tabled — February 26, by Mr. Cox of Brewer.

Pending — Passage to be enacted.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I have some reservations about this bill. I don't believe it is necessary. I don't believe the department can show us any of these people that have beaten the state out of any money. There is other recourse, and I don't see any need of putting this in. This is already a troublesome business, the gasoline business, and a lot of them are having a hard time to stay in business and keep their present employees without laying off a few. I don't see why we should antagonize them further.

Now come a time when the department could show me where the State of Maine was being beat out of some revenue, this might change my mind. But just to make somebody pay a bond to make sure they don't, in other words, lock the door way ahead of time, so to speak — I don't believe there is a problem; I don't believe there is going to be, so I don't believe there is any need for the bill.

At this time, I would like to hear from some people on the committee to explain why we need it. Then I might change my mind, but I think this is being passed this morning without due consideration by members of the House of what it does, if you read the bill. I don't want to put any extra burden on anybody that is not necessary. So I hope someone will explain the bill to us.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: There are

some things about this bill that I don't like. This bill is a bond, as you all know. It goes further; it goes to the filling station itself, which I don't like. In other words, the filling stations that sell diesel fuel collect the tax themselves instead of paying the distributor the tax like they do on gasoline. They have to collect any tax that is used in a motor vehicle over the roads.

Also in this, the very last section, section 3 of 3035, they have changed it. It says, "Every person selling at retail and delivering fuel directly into the fuel tanks of motor vehicles shall before selling or delivering such fuel first obtain a license as a use fuel dealer from the state Tax Assessor and furnish bond as required by this section."

The majority of our filling stations in the State of Maine, the big majority, don't sell diesel fuel. Diesel fuel is sold more at truck stops and places like that. I believe everybody here who are familiar with filling stations will agree with me that very few sell it. But as I interpret this bill, and I have called over to the Taxation Department, and they go along with me, but every filling station has got to buy a license, a use fuel dealer has to buy a license. He also has to furnish bond as required by this section. He isn't holding for any tax whatsoever, because when he pays for his gasoline, he pays that state tax over to the wholesaler, the tankwagon, so called, or dealer.

I have a lot of hesitation in going along with this bill for that reason. If someone would like to amend the bill to leave out filling stations that don't sell diesel fuel, I would probably go along with it.

I would request a roll call on enactment of this bill.

— Thereupon, on motion of Mr. Lizotte of Biddeford, tabled pending passage to be enacted and specially assigned for Tuesday, March 4. (A roll call requested)

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

Bill "An Act to Provide for the Election of Each County Commissioner of York County by only the Electors of the District Represented" (H. P. 399) (L. D. 488)

Tabled — February 26, by Mr. Gauthier of Sanford.

Pending — Passage to be engrossed.

Mr. Gauthier of Sanford offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-40) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

(Off Record Remarks)

On motion of Mr. Finemore of Bridgewater,

Adjourned until 12:00 o'clock noon tomorrow