

# 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, March 7, 1975

The House met according to adjournment and was called to order by the Speaker. Prayer by the Rev. John H. Jordan of Orland.

The journal of yesterday was read and approved.

**Papers from the Senate**

Bills from the Senate requiring reference were disposed of in concurrence, with the following exception:

Bill "An Act to Clarify the Definition of 'Approved Alcohol Treatment Facility' and to Allow Payments to be Made Directly to the Facility" (S. P. 273) (L. D. 879)

Came from the Senate referred to the Committee on Judiciary.

(On motion of Mr. Goodwin of South Berwick, tabled pending reference in concurrence and assigned for Tuesday, March 11.)

**Non-Concurrent Matter Tabled and Assigned**

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) which the House failed to finally pass by a vote of 75-66 (Constitutional Amendment — two-thirds vote necessary) on March 5.

Came from the Senate having been finally passed.

In the House:

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

Mr. COONEY: Mr. Speaker, I move we adhere.

The SPEAKER: The gentleman from Sabattus, Mr. Cooney, moves that the House adhere.

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

Mr. FINEMORE: Mr. Speaker, I move we recede and concur and would request a division.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves that the House recede and concur.

The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, a point of parliamentary inquiry. Does a motion to recede and concur take a two-thirds vote of those present?

The SPEAKER: The Chair would answer in the affirmative. Since this is a constitutional amendment, a two-thirds vote will be required in order to recede and concur.

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

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: This bill was defeated earlier this week, I believe, by a majority vote in this House, and if we do not vote to recede and concur, which I hope we will not vote to recede and concur, we won't see the measure again. So I sincerely hope you will vote against the motion to recede and concur.

The SPEAKER: The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that the House recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Binnette of Old Town 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 Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, just a parliamentary inquiry. This being a constitutional amendment, I realize it takes two-thirds on final passage, but does it take it on a recede and concur motion?

The SPEAKER: Since the motion to recede and concur would in fact be final passage, the Chair would rule that final passage means a two-thirds vote required, and he would rule that recede and concur the two-thirds. That is the pending question if we do recede and concur.

The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that the House recede and concur. If you are in favor of that motion, you will vote yes; if you are opposed, you will vote no.

**ROLLCALL**

YEA — Ault, Bagley, Berry, G. W.; Berube, Binnette, Birt, Boudreau, Bowie, Burns, Carey, Carter, Churchill, Conners, Cote, Curran, R.; Dam, Dudley, Durgin, Dyer, Faucher, Fenlason, Finemore, Fraser, Garsoe, Gould, Gray, Hewes, Higgins, Hunter, Hutchings, Jacques, Kauffman, Kelleher, Kelley, Laffin, Laverty, Leonard, Lewin, Lewis, Lovell, MacLeod, McKernan, McMahon, Mills, Miskavage, Morin, Morton, Norris, Palmer, Perkins, T.; Pierce, Raymond, Rollins, Shute, Silverman, Snow, Snowe, Sprowl, Strout, Stubbs, Tarr, Teague, Theriault, Torrey, Truman, Walker.

NAY — Bachrach, Berry, P. P.; Bustin, Call, Carpenter, Carroll, Chonko, Clark, Connolly, Cooney, Curran, P.; Davies, DeVane, Dow, Farley, Farnham, Finemore, Goodwin, H.; Goodwin, K.; Hall, Henderson, Hennessey, Hobbins, Hughes, Immonen, Ingegneri, Jensen, Joyce, Kany, Kennedy, LeBlanc, Littlefield, Lunt, Lynch, MacEachern, Martin, A.; Martin, R.; McBreaarty, Mitchell, Mulhern, Nadeau, Najarian, Norris, Peakes, Pelosi, Peterson, P.; Peterson, T.; Powell, Quinn, Rideout, Rolde, Saunders, Spencer, Susi, Talbot, Tierney, Tozier, Twitchell, Tyndale, Usher, Wagner, Wilfong, Winship, The Speaker.

ABSENT — Albert, Bennett, Blodgett, Byers, Curtis, Doak, Drigotas, Greenlaw, Hinds, Jackson, Jalbert, LaPointe, Lizotte, Mackel, Mahany, Perkins, S.; Post, Smith, Webber.

Yes, 67; No, 65; Absent, 19.

The SPEAKER: Sixty-seven having voted in the affirmative and sixty-five in the negative, with nineteen being absent, the motion does not prevail.

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

Mr. FINEMORE: Mr. Speaker, I now move we adhere.

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

Mr. BINNETTE: Mr. Speaker, I would like to have that tabled for one legislative day.

Whereupon, Mr. Cooney of Sabattus requested a vote.

The SPEAKER: The pending question is

on the motion of the gentleman from Old Town, Mr. Binnette, that this matter be tabled for one legislative day. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Rolde of York 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 gentleman from Old Town, Mr. Binnette, that this Resolution be tabled pending the motion of Mr. Finemore of Bridgewater to adhere, and assigned for Tuesday, March 11. All in favor of that motion will vote yes; those opposed will vote no.

**ROLLCALL**

YEA — Ault, Bagley, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Boudreau, Bowie, Burns, Carey, Carter, Churchill, Conners, Cote, Curran, R.; Dam, Dudley, Durgin, Dyer, Faucher, Fenlason, Flanagan, Fraser, Garsoe, Gauthier, Gould, Gray, Hennessey, Hewes, Higgins, Hutchings, Immonen, Jacques, Joyce, Kauffman, Kelleher, Kelley, Laffin, Laverty, Lewin, Lewis, Littlefield, Lovell, MacLeod, Maxwell, McKernan, McMahon, Mills, Miskavage, Morin, Morton, Norris, Palmer, Perkins, T.; Pierce, Raymond, Rollins, Shute, Silverman, Snow, Snowe, Sprowl, Strout, Stubbs, Tarr, Teague, Theriault, Truman, Twitchell, Usher, Walker.

NAY — Bachrach, Bustin, Call, Carpenter, Carroll, Chonko, Clark, Connolly, Cooney, Cox, Curran, P.; Davies, DeVane, Dow, Farley, Farnham, Finemore, Goodwin, H.; Goodwin, K.; Hall, Henderson, Hobbins, Hughes, Hunter, Ingegneri, Jensen, Kany, Kennedy, LeBlanc, Leonard, Lunt, Lynch, MacEachern, Martin, A.; Martin, R.; McBreaarty, Mitchell, Mulhern, Nadeau, Najarian, Peakes, Pelosi, Peterson, P.; Peterson, T.; Powell, Quinn, Rideout, Rolde, Saunders, Spencer, Susi, Talbot, Tierney, Torrey, Tozier, Tyndale, Wagner, Wilfong, Winship, The Speaker.

ABSENT — Albert, Bennett, Blodgett, Byers, Curtis, Doak, Drigotas, Greenlaw, Hinds, Jackson, Jalbert, LaPointe, Lizotte, Mackel, Mahany, Perkins, S.; Post, Smith, Webber.

Yes, 72; No, 60; Absent, 19.

The SPEAKER: Seventy-two having voted in the affirmative and sixty in the negative, with nineteen being absent, the motion does prevail.

**Non-Concurrent Matter Tabled and Assigned**

Bill "An Act to Establish the Maine Safe Drinking Water Act" (H. P. 654) (L. D. 812) which was referred to the Committee on Health and Institutional Services on February 26 in the House.

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

In the House: On motion of Mr. Kelleher of Bangor, tabled pending further consideration and assigned for Tuesday, March 11.

### Reports of Committees Ought Not to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act Increasing Mileage Allowance for State Employees on State Business" (Emergency) (S. P. 156) (L. D. 530)

Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Allow Maine Residents to Hunt on Sundays" (S. P. 10) (L. D. 42)

Were placed in the Legislative Files without further action, pursuant to Joint Rule 17-A.

### Leave to Withdraw

Report of the Committee on Legal Affairs reporting "Leave to Withdraw" on Resolve, to Reimburse Jack and Peter Rich of Rich Brothers Farm, Cape Elizabeth for Crop Damage by Deer (S. P. 125) (L. D. 411)

Came from the Senate read and accepted.

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

### Ought to Pass in New Draft

Committee on Public Utilities on Bill "An Act to Provide for Reciprocity in Permits and Fees Issued on Motor Vehicles for Hire under the Public Utilities Law" (Emergency) (S. P. 193) (L. D. 644) reporting "Ought to Pass" in New Draft under same title (S. P. 271) (L. D. 856)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the New Draft read once and assigned for second reading the next legislative day.

### Divided Report

#### Tabled and Assigned

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Permit All-day Hunting of Deer on Sunday by Maine Residents" (S. P. 74) (L. D. 214)

Report was signed by the following members:

Messrs. McNALLY of Hancock  
GRAFFAM of Cumberland  
—of the Senate.

Messrs. TOZIER of Unity  
DOW of West Gardiner  
WALKER of Island Falls  
KAUFFMAN of Kittery  
PETERSON of Caribou  
MILLS of Eastport  
CHURCHILL of Orland

—of the House.

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

Report was signed by the following members:

Mr. PRAY of Penobscot  
—of the Senate.

Messrs. MARTIN of St. Agatha  
USHER of Westbrook  
MacEACHERN of Lincoln

—of the House.

Came from the Senate with the Majority "Ought Not to Pass" Report accepted.

In the House: Reports were read.

On motion of Mr. Mills of Eastport, tabled pending acceptance of either Report and assigned for Tuesday, March 11.

### 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:

### Agriculture

Bill "An Act to Conform the Pesticide Statutes to Federal Law" (H. P. 821) (Presented by Mr. Berry of Buxton)  
(Ordered Printed)  
Sent up for concurrence.

### Appropriations and Financial Affairs

Bill "An Act Appropriating Funds for Rebuilding the Dam at Lake Wesserunsett in Somerset County" (H. P. 817) (Presented by Mrs. Berry of Madison)

Bill "An Act to Increase Per Diem Allowances for Members of the State Board of Arbitration and Conciliation" (H. P. 818) (Presented by Mr. Tierney of Durham)

Bill "An Act to Continue Providing Aid to Charitable Institutions" (Emergency) (H. P. 822) (Presented by Mr. Kelleher of Bangor)

(Ordered Printed)  
Sent up for concurrence.

### Business Legislation

Bill "An Act Relating to the Exclusion or Modification of Warranties on Used Consumer Goods" (H. P. 810) (Presented by Mr. Tierney of Durham)

(Ordered Printed)  
Sent up for concurrence.

### Labor

Bill "An Act Amending the Employment Security Law" (H. P. 811) (Presented by Mr. Tierney of Durham)

Bill "An Act Clarifying Administration Procedures of the State Board of Arbitration and Conciliation" (H. P. 816) (Presented by Mr. Snow of Falmouth) (By request)

(Ordered Printed)  
Sent up for concurrence.

### Legal Affairs

Bill "An Act to Authorize Removal of Dam on Bond Brook in Augusta in Order to Remove a Danger to Playing Children and to Permit Anadromous Fish to Ascend that Brook" (H. P. 814) (Presented by Mrs. Miskavage of Augusta)

(Ordered Printed)  
Sent up for concurrence.

### Local and County Government

Bill "An Act Relating to the Location of Town Meetings" (H. P. 819) (Presented by Mr. Dam of Skowhegan)

Bill "An Act to Increase the Salary of the Clerk and Deputy Clerk of Courts of Penobscot County" (H. P. 823) (Presented by Mr. Kelleher of Bangor)

(Ordered Printed)  
Sent up for concurrence.

### Public Utilities

Bill "An Act Relating to Water Districts" (H. P. 815) (Presented by Mr. Lynch of Livermore Falls)

(Ordered Printed)  
Sent up for concurrence.

### Transportation

Bill "An Act Relating to the Lease or Acquisition of Certain Railroad Lines by the Department of Transportation" (H. P. 809) (Presented by Mr. Hennessey of West Bath)

Bill "An Act Relating to Use of Bells and Sirens on Certain Emergency Vehicles under the Motor Vehicle Laws" (H. P. 812) (Presented by Mr. Goodwin of South Berwick)

Bill "An Act Relating to Registration of Certain Vehicles under the Motor Vehicle Laws" (H. P. 813) (Presented by Mr. Goodwin of South Berwick)  
(Ordered Printed)  
Sent up for concurrence.

### Veterans and Retirement

Bill "An Act to Permit State Employees with 25 Years of Service to Retire at any Age" (H. P. 820) (Presented by Mr. Dam of Skowhegan)

(Ordered Printed)  
Sent up for concurrence.

### Orders

Mr. Morton of Farmington presented the following Joint Order and moved its passage: (H. P. 824)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Mt. Blue High School of Farmington Girls Ski Team Kennebec Valley Conference 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 set 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.

### 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 Amend the Charter of the Biddeford and Saco Water Company" — Committee on Public Utilities reporting "Ought to Pass" (S. P. 170) (L. D. 552)

No objection having been noted, the above item was ordered to appear on the Consent Calendar of Tuesday, March 11 under listing of Second Day.

#### Tabled and Assigned

Bill "An Act to Require that Newly Constructed or Reconstructed Public Buildings be Made Accessible to the Physically Handicapped" — Committee on Human Resources reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-18) (S. P. 51) (L. D. 132)

Objection having been noted, was removed from the Consent Calendar.

(On motion of Mr. Talbot of Portland, tabled pending acceptance of the Committee Report and assigned for Tuesday, March 11.)

Bill "An Act Prohibiting the Use of Motor Boats Powered by Internal Combustion Engines on Nokomis Pond" — Committee on Public Utilities reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-19) (S. P. 55) (L. D. 136)

Bill "An Act to Require Industrial Accident Insurers to Maintain Agents Within the State of Maine" — Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-55) (H. P. 456) (L. D. 590)

No objections being noted, the above items were ordered to appear on the

Consent Calendar of Tuesday, March 11 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 Enabling Classification of Residents of State Institutions as Resident Pupils." (S. P. 143) (L. D. 507)

Bill "An Act Relating to Animal Welfare" (S. "A" S-17) (S. P. 48) (L. D. 129)

Bill "An Act Relating to the Use of Colored Lights on Certain Fire and Emergency Vehicles" (H. P. 411) (L. D. 499)

Bill "An Act Providing for the Designation of Anatomical Gifts on Motor Vehicle and Motorcycle Operators' Licenses" (C. "A" H-51) (H. P. 102) (L. D. 109)

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

**Tabled and Assigned**

Bill "An Act to Protect Physicians Engaged in Peer Review" (C. "A" H-50) (H. P. 174) (L. D. 204)

Objection having been noted, was removed from the Consent Calendar.

(On motion of Mr. Mulken of Portland, tabled pending acceptance of the Committee Report and assigned for Tuesday, March 11.)

**Second Reader  
Tabled and Assigned**

Bill "An Act to Repeal the Bounty on Bobcats" (H. P. 287) (L. D. 339)

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

(On motion of Mr. Mills of Eastport, tabled pending passage to be engrossed and assigned for Tuesday, March 11.)

**Second Reader  
Tabled and Assigned**

Bill "An Act Relating to the Use of Leg Hold Traps under the Inland Fish and Game Law" (H. P. 400) (L. D. 489)

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

(On motion of Mr. Strout of East Corinth, tabled pending passage to be engrossed and assigned for Tuesday, March 11.)

**Passed to Be Engrossed**

Resolution, Proposing an Amendment to the Constitution to Provide Single Member Districts for the House of Representatives (H. P. 19) (L. D. 27)

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

Mr. Cooney of Sabattus offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-54) was read by the Clerk.

Mrs. Morin of Old Orchard Beach moved this Resolution be tabled for one legislative day.

Mr. Rolde of York requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentlewoman from Old Orchard Beach, Mrs. Morin, that this Resolution be tabled pending the adoption

of House Amendment "A" and assigned for Tuesday, March 11. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 35 having voted in the affirmative and 88 having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from East Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker and Members of the House: I would pose a question through the Chair to anyone who might answer on, I guess you would say page 4, under Constitutional Article IV, the second paragraph of Section 1-A, where it starts, "The Commission shall be composed of three members of the political party holding the largest number of seats in the House of Representatives, who shall be appointed by the Speaker; three members from the political party holding the majority of the remainder of the seats of the House of Representatives."

Would somebody clarify this for me? The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker and Members of the House: I noticed that Committee Amendment "A" and now House Amendment "A" is being offered and ask the Clerk if Committee Amendment "A" has been adopted?

The SPEAKER: The Chair would announce that Committee Amendment "A" was indefinitely postponed yesterday.

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

Mr. CAREY: Mr. Speaker and Members of the House: Then what we have really is a six-page amendment to a page and a half bill. I would ask that this bill be recommitted to the Committee on State Government, which I believe heard it originally.

The SPEAKER: The gentleman from Waterville, Mr. Carey, moves that this Resolution and all accompanying papers be recommitted to the Committee on State Government. The motion does have priority.

The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I would oppose the motion to recommit this to the committee. It was an oversight in the first place, that these provisions to establish a commission were not in the original bill. The committee, has worked closely with the drafting of this amendment along with Suzanne Havens, our Legislative Assistant. The chairman of the committee is agreeable to this amendment, and I would see no reason to send it back to the committee.

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

Mr. CAREY: Mr. Speaker and Members of the House: I would like to direct a question through the Chair to the Assistant Majority Leader if I might.

The question is, if the contents of House Amendment "A" were such an oversight when it was presented, why was it not presented to the committee and that the committee might not have presented it as a Committee Amendment?

It has a tremendous amount of content in here, and I would like to have possibly the Assistant Majority Leader explain just what the six-page amendment is.

The SPEAKER: The gentleman from Waterville, Mr. Carey, poses a question through the Chair to any member who would care to answer.

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

Mr. COONEY: Mr. Speaker and Members of the House: The situation is, and I hope you are all aware that Mr. Carey is one who opposes this and I suspect is going to use every parliamentary tool and every delaying action he can to slow us down and confuse us and to trip it up, but I will try to give him an answer to his question.

The original bill called for single-member districts. The committee unanimously reported that out, but the commission plan, which was a part of this amendment, which is most of this amendment, a commission plan really identical to the one that was used with considerable agreement and considerable success in an apportionment recently, is what is the great volume of this amendment. So, it is a single item but it does take several pages. I would say that as chairman of the committee, I did feel some pressure knowing how busy our committee can get and how many bills we can get, that we should deal with the single-member district issue and we should get that bill out here for consideration as early as possible.

The committee did answer their challenge, we did do it. So, the bill came out and I don't think you will find any substantive change in the bill itself. The addition, the reason for this amendment, is the need for that commission proceeding. I hope that we wouldn't delay, I hope we wouldn't recommit it, I hope we would accept the amendment and move the bill on its way this morning.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I asked if I could have a question answered. I didn't expect some campaigning for the bill as to what I was going to vote for or not. Hopefully, I still have control of my own switch, and I still have some control of my own mind. I hope I can exercise both as good judgment. But I would like to have someone, rather than beating around the bush, explain what is in this three-page amendment.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: This three-page amendment does essentially three things. The first thing it does calls for the House of Representatives to be apportioned into single-member districts, those districts which are now multi-member districts. It calls for the reapportionment of the House and the Senate every ten years and it establishes a reapportionment commission as a constitutional mechanism to reapportion the House.

If this amendment passes the legislature, it will be sent to a referendum of the voters, either a special election or the next general election. No matter which, November it goes to the voters, the commission will not be organized until the 108th Legislature. Three days after that legislature convenes, the Speaker of the House shall appoint three members of his party, the majority party; the leader of the majority of the remainder of the members of the House will appoint three members. The President of the Senate will appoint

two members from the Senate of the majority party and the leader of the majority of the remainder of the members of the Senate will appoint two. That makes a total of ten. The chairmen of the two major political parties of the state will also be members of the commission. We are up to twelve. Six of the one party will pick one public member; the six members of the other party will pick another public member. Then the two public members select one member who shall be neutral, and that makes a total of fifteen members of the commission.

Then within 90 days after the convening of the commission, they are required to submit a plan to the legislature. The legislature has 60 days to enact that plan or to enact a plan of its own by a two-thirds vote of both Houses. In case they do not receive a two-thirds vote in both Houses, it will go to the Supreme Judicial Court, in which case they will make the final determination. There is a 30-day appeal period for anybody, for the members of the public, members of the legislature, who are unhappy with the plan, and the Supreme Judicial Court must consider those appeals in its final recommendation. Then, assuming that this passes, it will take effect for the 109th Legislature and we will have single-member districts of what are now multi-member districts.

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

Mr. CAREY: Mr. Speaker and Members of the House: This goes so far beyond what was printed in the original bill that it is obvious that what has been proposed by leadership, at least in this corner, is certainly not something that has had a public hearing. And if there is anything that ought to go back to committee for a full and fair public hearing by all of the citizens of the State of Maine, it is this proposal which I am finding a little harder to understand. I don't know if it is because of the out-of-state accent of my assistant majority leader--

The SPEAKER: The Chair would advise the gentleman that he be somewhat kinder in his remarks.

Mr. CAREY: Thank you, Mr. Speaker. If I was out of order, certainly I apologize to my assistant majority floor leader.

The SPEAKER: The Chair recognizes the gentlewoman from Old Orchard Beach, Mrs. Morin.

Mrs. MORIN: Mr. Speaker and Members of the House: First of all, I want to apologize for not seeing the leadership first or Mr. Quinn. I didn't think it would be here today.

(At this point, due to a defective tape, the remainder of Mrs. Morin's remarks and the remarks of Representatives Quinn, Finemore and Jalbert were not able to be transcribed.)

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that this Resolution and accompanying papers be recommended to the Committee on State Government. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

18 having voted in the affirmative and 101 having voted in the negative, the motion did not prevail.

Thereupon, House Amendment "A" was adopted.

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

#### Passed to Be Enacted

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)

An Act to Allow Juveniles at the Training Centers and Inmates at the County Jails to Participate in Halfway House Programs (S. P. 91) (L. D. 262)

An Act to Clarify and Extend the Equitable Jurisdiction of the District Court in Certain Civil Actions Involving Title to Real Estate (S. P. 245) (L. D. 762)

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:

An Act Combining the Towns of Yarmouth and North Yarmouth as One Municipality for Shellfish Conservation Purposes (H. P. 70) (L. D. 82)

Tabled — March 5, by Mr. Greenlaw of Stonington.

Pending — Passage to be enacted.

On motion of Mr. Palmer of Nobleboro, retabled pending passage to be enacted and assigned for Tuesday, March 11.

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

Resolve, Providing Funds for the Maintenance of Ocean Beaches. (H. P. 787) (Committee on Reference of Bills suggested Committee on Appropriations and Financial Affairs.)

Tabled — March 6, by Mrs. Morin of Old Orchard.

Pending — Reference.

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

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

Bill "An Act Relating to Experimental Signs at Railroad Crossings" (S. P. 109) (L. D. 363)

Tabled — March 6, by Mr. Rolde of York.

Pending — Passage to be engrossed.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

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

House Order, Relative to Questions to the Justices Relating to H. P. 805

Tabled — March 6, by Mr. Birt of East Millinocket.

Pending — Passage.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I was responsible for tabling this, because any action that goes to the Supreme Court has to lay on the table for one day.

I understand that presently the bill is not before us and if so, I believe that the order will have to be withdrawn.

Thereupon, Mr. Dam of Skowhegan withdrew the Order.

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

House Order, Relative to Amending House Rule 10, March 6, 1975.

Tabled — March 6, Pursuant to House Rule 54.

Pending — Passage.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, I was hamstrung by House Rule 54, which requires one-day notice before a rule change can be debated. Therefore, I could not properly discuss the proposed change to House Rule 10 that is before you today. Since on occasion I have been known to write articles on history, I think it appropriate to set before you a history, a personal and a legislative history, at least in this session, of House Rule 10.

The first time I ever heard of House Rule 10 occurred at a Democratic caucus at the very beginning of this session when the gentleman from Lewiston, Mr. Jalbert, arose at a moment when we were all really thinking about something else and made a motion that we amend House Rule 10, and nobody seemed to object or understand, so we all went along with it. Except that in the confusion of those early days, I neglected, in introducing the amendment here, to extend the courtesy of an advance warning to the gentleman in the other corner. And he, upon reflection, felt that amending House Rule 10 was not such a good idea, because to do so theoretically gave a Speaker too much power, although a succession of Speakers, on a regular, and I might add bipartisan basis, have been frequently acting in violation of Rule 10. Nevertheless, in the glow of friendly give and take cooperation between the parties that existed then and now in an extraordinary degree in this session, and because nobody really gave much of a hoot about House Rule 10, the matter was dropped, which did not take into account the incredible tenacity of the gentleman from Lewiston, Mr. Jalbert, once he has an idea in his mind. And again, at a Democratic caucus, he arose with a specific example of his own personal encounter with House Rule 10 and the violation of that rule, and, again, with the spirit of enthusiasm that seizes any group when it has been given a specific example of injustice, we voted to amend House Rule 10. Whereupon, a series of maneuvers and counter maneuvers began in which the amending of House Rule 10 bade fair to become the partisan issue of this session.

An extraordinary thing happened to me the other night. At a very late and quiet hour, I took out my House Register and I read House Rule 10. The words were there in black and white: "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." Perhaps it was the late hour; perhaps it was a certain sense of clarity that comes to you in the stillness of the evening, perhaps it was the stimulus of a few nightcaps in which I had indulged, but all of a sudden that rule didn't make any sense to me.

I went over those words again and again in my mind — "When two or more members rise at the same time, the Speaker shall name the person to speak." That was simple enough to grasp. Yet, then it says, "but in all cases, the member who shall rise first and address the Chair shall speak first." Now things began to get a little fuzzy. "If two or more members arise at the same time. . . one procedure is to be followed. However, if they arise at the same time, but one arises first, "another procedure is to be followed. How can one arise first, if they both arise at the same time? Something in the quietude of

that slumbering night seemed logically amiss. And it began to dawn on me really for the first time that the gentleman from Lewiston had a point — a very valid point — that Rule 10, in its present form, was a "real beauty," as they say.

Now, the gentleman from Nobleboro argues that Rule 10 in its present form provides a form of appeal for an aggrieved member, but what happens? Let us say that two members arise at the same time, but one somehow manages to arise first, but the speaker, not thinking of Rule 10 at that particular moment, recognizes the other member, who didn't arise first? What does the early riser do? How does he take advantage of the appeal procedure provided now, according to the gentleman from Nobleboro under House Rule 10? He appeals to the Chair against the ruling of the Chair, failing that, he next tries to overturn the ruling of the Chair by a two-thirds vote; failing that, as I understand it, he has recourse through the courts, which is the same procedure he would have if the second part of House Rule 10 did not exist and a member wanted to challenge what he felt was an arbitrary and capricious ruling of the Chair.

But, the purist might say, if you deprive this member of the grounds that he had the right to be recognized first, what then could be the basis of his protesting appeal?

This was the dilemma that appeared that night in the loneliness of my room and as the man says, I thought about it.

The result before you is a compromise, in the revised order that has been introduced by the gentleman from Lewiston. I hope, that in the best Henry Clay fashion, that it contains elements that will appeal to all sides in this fevered controversy. The gentleman from Nobleboro boldly states that it does what he wants, and that is good, no doubt. And in that this language and punctuation separates the two illogically joined ideas in the present House Rule 10, that two or more members can arise at the same time, but that one can rise first. It provides guidance for the Speaker to do what he has always done, and that is good, too, no doubt, and hopefully now we will accept this Order and slowly, House Rule 10, in its newly minted condition will slip from legislative view and we can go on with the business of this House.

I move the passage of this Order.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I am looking at House Rule 10, too, and it is very short. So it doesn't seem as though it should be so complex.

The way I read it, when two or more members rise at the same time, the Speaker shall name the person to speak; okay. But in all cases, the member who shall rise first and address the Chair shall speak first. Isn't that what it says? If two people rise at the same time, neither one says anything, but if two people rise at the same time and one says, Mr. Speaker, then that person is recognized first. That is the way I read Rule 10.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: If 30 people get up first and they all get up at the same time, Rule 10 or no Rule 10, the Speaker is going to recognize who he wants to. Let's get on with our business.

The SPEAKER: The Chair recognizes

the gentleman from Bangor, Mr. McKernan.

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I believe that although we all arose at the same time, I addressed the Chair first. Pursuant to House Rule 10, I should be recognized, and I thank you.

I think the gentleman from York, Mr. Rolde had an interesting prepared statement that we all found amusing, but I think if you really look at the intent of House Rule 10, it is obvious, I think, especially citing Mason's Manual, which the gentleman from Lewiston, cited yesterday — reading from Mason's Manual, Page 87, talking about the rules which should guide the presiding officer in determining who to recognize and it says that when two or more members arise at the same time, the one first addressing the presiding officer is entitled to be first recognized.

I would also read the present Rule 10 as saying that even if two arise at the same time, the person who first addresses the Chair should be recognized. I think it is time that that rule was adopted. The general feeling throughout the country is parliamentary procedure, based on sources like Mason's Manual, was if that two people get up at the same time, the person first addressing the Chair should be recognized. For that reason, I think that the Order in front of us does nothing more than Mr. Jalbert's initial intent, which was to allow the Speaker greater discretion and, in fact, to allow him to allow anyone who wanted to speak to speak, regardless of who was the first person to stand up.

I would like to call one thing to your attention in the new order, and if you look at the way it is worded, it says, "when two or more members arise at the same time, the Speaker shall name the person to speak." It says, "In other instances, the Speaker shall recognize the member who shall rise first and address the Chair." The only other instance could be if only one person got up and there would be no one else to recognize anyway, so what you have really is to return to the initial Order that was introduced by Mr. Jalbert and therefore I would move for the indefinite postponement of this order.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I would just go back to what happened at this session two weeks ago today. I go back to the last session, and I don't care what the gentleman from Bangor, Mr. McKernan, would say or would not say — the only thing he could say, if he doesn't remember that, is because he wasn't here because he had to remember it because of the ruckus that I raised. I got up and said, "Mr. Speaker," the gentleman from Brewer, Mr. Norris, got up, he was the Chairman of the committee, he said, "Mr. Speaker." He was recognized first. He suggested — I sat down meekly, that somebody would table the measure. I had already asked to speak and then the gentleman on the right hand corner, the majority leader, got up to table the bill and I stood meekly on my feet and I didn't care for it too much.

I might remind the gentleman from Bangor, Mr. McKernan, that times have changed in two years and we kind of like this order and that is why we put it in. That is the name of the game.

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

Mr. COTE: Mr. Speaker, Ladies and

Gentlemen of the House: I don't care what rule you pass, I am still at a disadvantage because I don't rise as fast as others. I think my human rights are being purloined here.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. McKernan.

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the gentleman from Lewiston to the extent that this probably will pass. But I also would tell him that at least in the last session, had he wanted to, he had a method for appealing the fact that he was not recognized.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: Will someone please tell me what the difference is between this Order and Rule 10?

The SPEAKER: The gentlewoman from Auburn, Mrs. Lewis, poses a question through the Chair to anyone who may wish to answer.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: In trying to answer this nice looking girl from Auburn, I would say this, that amendment to Rule 10 and the one that is already in the book doesn't mean any more than the Speaker shall have the right to recognize who he so desires, like it has always been. The Speaker has had the authority and he has exercised it and he did as he saw fit and pleased.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I might state that the Speaker in the first part of the old Rule 10 had the right to do just that, but the other half of the order took that privilege away from him. I mean that is the situation and I don't want the Speaker to be any more embarrassed than he should be. I go along with him that he probably does and should recognize, for instance, the House chairmen; he could conceivably recognize the sponsor of a measure instead of me. I am sure that it is embarrassing sometimes to get up ahead of everybody and then wind up with somebody speaking and somebody tabling a bill before you have a chance to say anything.

I want to clarify the order and I thought it was an amicable thing. I think Mr. McKernan of Bangor has put his finger right on it in relating to the House what I talked to the gentleman from Nobleboro about, that the situation was subject to appeal and it is in Mason's.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I will take just a moment. I know we have beaten this subject to death. I do want to go back just a moment to the statement by the gentleman from Old Town, Mr. Binnette, and I think he said exactly what it is, and I think the gentleman from Lewiston said the same thing, it is what we have been saying in this corner right along. The Speaker, under this rule change, will have the right to do exactly what he wants to. I know in the past that Speakers have been doing that, but they have also been doing it within reason. There has also been the right of appeal in that rule, which I say

effectively that appeal is now going to disappear.

I am not criticizing this present Speaker, and I recognize our position in this House numerically. The fact of the matter still is that if you take away the right to appeal, you are denying the right of a minority, whether it be the Republican Party or the Democrat Party or a philosophy within either one of those parties. I still say the right of the minority will be denied and in this day when we are saying that we want openness in Government and want our legislators to be heard and seen, we are not being very smart to go ahead and put a rule in this House which could effectively, at some future time, gag someone from saying what he thinks, regardless of race, color, creed or conditions of services.

The SPEAKER: The Chair would advise the members of the House that the right to appeal exists in any instances, regardless of this rule or any other rule.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would just express my puzzlement at the remarks of the gentleman from Nobleboro today contrasting with his statements yesterday when he seemed to indicate that this order was acceptable to him.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I have been here quite awhile and I have never been refused an opportunity to speak. I have never been denied that. I think it customary and I hope we continue to recognize the chairmen of committees when bills are coming in for their first reading. I hope there is never a time when you can't do that. I believe it doesn't make any difference whether this passes or not, we are going to have the same ruling running the same House. If the Speaker is responsible, I know we will have the same.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I have been in this House for ten years. Previous to today, I have been here nine years and the Speakers were from another party and I am sure, and I remember, that quite a few of us got up at one time but we were not the first ones to be recognized. We got up first but we were not recognized, the people from the other party that they presented, they recognized them first.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. McKernan, that House Order relative to amending House Rule 10 be indefinitely postponed. The Chair will order a vote. All those in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

50 having voted in the affirmative and 79 having voted in the negative, the motion did not prevail.

Thereupon, the Order received passage.

On motion of Mr. Farley of Biddeford, the House reconsidered its action whereby Bill "An Act to Allow Municipalities to permit the Sale of Malt Liquor in All Restaurants, Class A Taverns and Taverns on Sunday," House Paper 338, L. D. 421, was passed to be engrossed as amended by Committee Amendment "A" (H-45).

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

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

House Amendment "A" to Committee Amendment "A" (H-56) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: What this amendment does, it allows part-time liquor license holders in the State of Maine to sell malt liquor on Sundays in restaurants. It is right in line with the original bill that you have before you. It is no real drastic change. It is merely adding some more people under the bill.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: To me, this is quite a substantive change that is being offered by the gentleman from Biddeford, and I move the indefinite postponement of this amendment.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: The original piece of legislation before you asks for permitting sales on Sunday to Class A taverns and restaurants of malt liquor. This merely requests that part-time liquor licensees or seasonal people have the same rights, and there is no real substantive change at all. I think it is right along the same line and I wish you would adopt the amendment.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: If I am not mistaken, I am under the impression that they had to do a certain amount of business in order to qualify for the sale of malt liquor in these hotels. I am wondering if these so-called part-time taverns and things of this sort can qualify under that rule. I think from my way of looking at it, I think they are getting enough beer six days a week without getting it on Sunday.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I support Mr. Farley's amendment for the simple reason that the people of the community say whether they want it or not, and that is the purpose of it. It is not whether I want it or whether you want it, but it is whether the people of the community want it; they vote for this. If a town is wet, it is because the people vote wet; if it is dry, it is because the people vote dry. This doesn't say that anyone is going to be forced to sell unless the people vote for it. And all that I can see after looking this over and reading it, it is not that I want the stuff, because I don't drink it anyway, but the people say they want it and they should have it if they vote for it.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to have explained to me what a part-time restaurant malt liquor license is and if it is

only part-time, what do they do the rest of the time?

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, poses a question through the Chair to anyone who may wish to answer.

The Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: To answer the question of the gentleman from Livermore Falls, Mr. Lynch, seasonal taverns and restaurants, beach resorts are part-time licensees and holders. This would merely include them in the present bill before you.

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

A vote of the House was taken.

29 having voted in the affirmative and 90 having voted in the negative, the motion did not prevail.

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 and sent up for concurrence.

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

From the Senate: The following Joint Order: (S. P. 277)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, March 11, at ten o'clock in the morning.

Came from the Senate read and passed.

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

#### (Off Record Remarks)

On motion of Mr. Cooney of Sabattus, the House reconsidered its action whereby Resolve Authorizing the Director of the Bureau of Forestry to Convey by Sale the Interest of the State in Certain Land in Piscataquis County, House Paper 754, was referred to the Committee on Public Lands.

On further motion of the same gentleman, was referred to the Committee on State Government, ordered printed and sent up for concurrence.

On motion of Mr. Rolde of York, Adjourned until Tuesday, March 11, at ten o'clock in the morning.