

# 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**

Wednesday, March 12, 1975

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

Prayer by Father John Clancy of Old Orchard Beach.

The journal of yesterday was read and approved.

**Papers from the Senate**

From the Senate: The following Joint Order: (S. P. 287)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Westbrook Blue Blazers Western Maine Class A Basketball Champions 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.

From the Senate: The following Joint Order: (S. P. 288)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Blue Devils of Lewiston High School State Hockey Champions 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 and Resolve from the Senate requiring reference was disposed of in concurrence.

**Petitions, Bills and Resolves**

**Requiring Reference**

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

**Appropriations and Financial Affairs**

Bill "An Act Appropriating Funds to Maintain the Present Level of Social Services" (Emergency) (H. P. 850) (Presented by Mr. Kelleher of Bangor)

(Ordered Printed)

Sent up for concurrence.

**Business Legislation**

Bill "An Act Relating to the Licensing of Hearing Aid Dealers and Fitters" (H. P. 844) (Presented by Mr. Silverman of Calais)

Bill "An Act to Prevent Unfair Discrimination Against Blind Persons Seeking Insurance Coverage" (H. P. 846)

(Presented by Mrs. Miskavage of Augusta)

(Ordered Printed)

Sent up for concurrence.

**Education**

Bill "An Act to Provide for a Line Budget Procedure for All School Systems" (H. P. 841) (Presented by Mr. Greenlaw of Stonington)

(Ordered Printed)

Sent up for concurrence.

**Fisheries and Wildlife**

Bill "An Act Concerning the Registration and Operation of Snowmobiles" (H. P. 845) (Presented by Mr. McBreaity of Perham) (Cosponsors: Mr. Peterson of Caribou, Mr. Martin of St. Agatha)

Bill "An Act to Require Nonresident Hunters to Use the Services of a Maine Guide" (H. P. 849) (Presented by Mr. Peterson of Caribou) (Cosponsor: Mr. MacEachern of Lincoln)

(Ordered Printed)

Sent up for concurrence.

**Judiciary**

Bill "An Act to Clarify Certain Provisions of the Maine Right to Know Law" (H. P. 848) (Presented by Mr. Smith of Dover-Foxcroft) (Cosponsors: Mr. Snow of Falmouth, Mr. McMahon of Kennebunk)

Bill "An Act to Increase Costs and Fees Taxed and Allowed in the District Court" (H. P. 852) (Presented by Mr. Ingegneri of Bangor)

(Ordered Printed)

Sent up for concurrence.

**Legal Affairs**

Bill "An Act Concerning Vehicles Left on the Premises of Commercial Garages and Certain Other Automobile Businesses for a Period of 6 Months or More" (H. P. 842) (Presented by Mr. DeVane of Ellsworth)

(Ordered Printed)

Sent up for concurrence.

**Public Lands**

Resolve, Confirming the Transfer of Certain Lands from the Department of Mental Health and Corrections to the Department of Conservation, Bureau of Public Lands" (H. P. 843) (Presented by Mr. Kennedy of Gray)

(Ordered Printed)

Sent up for concurrence.

**Public Utilities**

Bill "An Act to Further Define and Protect Surface Sources of Public Water Supplies in Maine" (H. P. 847) (Presented by Mr. DeVane of Ellsworth) (Cosponsors: Mr. Martin of Eagle Lake, Mr. Kelleher of Bangor)

(Ordered Printed)

Sent up for concurrence.

**State Government**

Bill "An Act to Send to the People in a Special Advisory Election the Question of whether or not the Maine Legislature shall Repeal its Ratification of the So-called 'Equal Rights Amendment'" (H. P. 851) (Presented by Mr. Connors of Franklin)

(Ordered Printed)

Sent up for concurrence.

Mr. Connors of Franklin presented the following Joint Order and moved its passage: (H. P. 838)

WHEREAS, The Legislature has

learned of the Outstanding Achievement and Exceptional Accomplishment of the Narraguagus High School Knights Eastern Maine Class C Basketball 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.

Mr. Connors of Franklin presented the following Joint Order and moved its passage: (H. P. 839)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Jonesport-Beals High School Royals Eastern Maine Class D Basketball 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.

On motion of Mr. Binnette of Old Town, it was

ORDERED, that Linwood Higgins of Scarborough be excused for March 12th and 13th for personal reasons.

**House Reports of Committees Ought to Pass in New Draft New Drafts Printed**

Mr. Snow from the Committee on Labor on Bill "An Act Relating to Penalties and Employment Remedies for Unpaid Wages" (H. P. 306) (L. D. 369) reporting same in new draft (H. P. 854) (L. D. 991) under same title and that it "Ought to Pass"

Mr. Tierney from the Committee on Labor on Bill "An Act Concerning Appeals from a Determination that an Employing Unit is an Employer Subject to the Employment Security Law" (H. P. 374) (L. D. 468) reporting same in new draft (H. P. 853) (L. D. 990) under same title and that it "Ought to Pass"

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

**Ought to Pass with Committee Amendment**

Mr. Snow from the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-65) on Bill "An Act to Extend the Time Limit for Filing a Claim Under a Mechanic's Lien" (H. P. 34) (L. D. 111)

Report was read and accepted and the Bill read once. Committee Amendment "A" (H-65) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

### Divided Report Tabled and Assigned

Majority Report of the Committee on Human Resources reporting "Ought Not to Pass" on Bill "An Act Establishing the Civil Rights of Hemophiliacs" (H. P. 161) (L. D. 202)

Report was signed by the following members:

Messrs. GRAHAM of Cumberland  
KATZ of Kennebec  
TROTZKY of Penobscot  
— of the Senate.

Messrs. RAYMOND of Lewiston  
TALBOT of Portland  
CONNERS of Franklin  
HUNTER of Benton  
AULT of Wayne  
DAVIES of Orono  
TRUMAN of Biddeford  
Mrs. BACHRACH of Brunswick  
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft under same title (H. P. 840) (L. D. 986)

Report was signed by the following members:

Mrs. SAUNDERS of Bethel  
HUTCHINGS of Lincolnville  
— of the House.

Reports were read.

(On motion of Mr. Talbot of Portland, tabled pending acceptance of either Report and specially assigned for Friday, March 14.)

### Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-64) on Bill "An Act Relating to Interest Awards in Workmen's Compensation Cases" (H. P. 487) (L. D. 606)

Report was signed by the following members:

Messrs. ROBERTS of York  
McNALLY of Hancock  
PRAY of Penobscot  
— of the Senate.

Messrs. TIERNEY of Durham  
BINNETTE of Old Town  
SNOW of Falmouth  
LAFFIN of Westbrook  
FLANAGAN of Portland  
TEAGUE of Fairfield  
SPROWL of Hope  
MARTIN of St. Agatha  
Mrs. CHONKO of Topsham  
— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following member:

Mrs. TARR of Bridgton  
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker and Members of the House: I seem to be standing here all alone this morning on this bill, but I just wanted you to know my feelings on it. I just think that if the insurance companies are going to have to pay interest, eventually that is going to be reflected in our rates in workmen's compensation.

Obviously I couldn't get anybody else in the committee to feel the same way, so because of this, I will move to accept the Majority "Ought to pass" Report.

Thereupon, on motion of Mrs. Tarr of Bridgton, the Majority "Ought to pass" Report was accepted and the Bill read

once. Committee Amendment "A" (H-64) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

### 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 Placing the Secretary to the Attorney General in Unclassified Service of State Government" (Emergency) (H. P. 419) (L. D. 505)

Bill "An Act Relating to Nepotism in State Hiring and Promotional Practices" (H. P. 615) (L. D. 728)

Bill "An Act Authorizing the Bureau of Forestry to Provide Funds to the Penobscot and Passamaquoddy Tribes to Procure Shade Trees" (H. P. 526) (L. D. 643)

Bill "An Act Relating to Change of Location or Status Concerning Vehicle Registrations" (H. P. 459) (L. D. 562)

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

### Passed to Be Engrossed

Bill "An Act to Prohibit the Unlawful Piracy and Resale of Recorded Musical Performances" (S. P. 269) (L. D. 855)

Bill "An Act to Reduce the Annual District Tax on Maine Forestry District Property Due to Increased Valuation" (H. P. 833) (L. D. 960)

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

### Second Reader Tabled and Assigned

Bill "An Act to Decrease the Insuring Limitation on Certain Programs of the Maine Guarantee Authority" (H. P. 832) (L. D. 959)

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

(On motion of Mr. Silverman of Calais, tabled pending passage to be engrossed and specially assigned for Friday, March 14.)

### Second Reader Tabled and Assigned

Bill "An Act Relating to Issuance of Motor Vehicle Registrations by Municipal Officials" (H. P. 834) (L. D. 961)

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

(On motion of Mr. MacEachern of Lincoln, tabled pending passage to be engrossed and tomorrow assigned.)

Bill "An Act Designating the Bureau of Taxation as the State Revenue Bureau and to Correct Errors and Inconsistencies in the Property Tax Laws" (H. P. 110) (L. D. 156)

Bill "An Act to Eliminate Certain Sales Taxes to Patients in Hospitals" (H. P. 378) (L. D. 471)

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

Bill "An Act to Remove the Town of Medway from the Maine Forestry District" (H. P. 228) (L. D. 284)

Was reported by the Committee on Bills

in the Second Reading and read the second time.

Mr. Finemore of Bridgewater offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-66) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, I was requested to put a fiscal note on the cost on this L. D. 284. That amendment, H-66, is on your desks, and I hope you all will read it at this time.

The State Forestry District last year paid \$11,088.09 to the Town of Medway, and then refunded two different times, so when they got done, the total payment by Medway to the Forestry District was \$6,887.

Let me give you a little further history in regard to this forest tax. In 1973, the forest district tax expected \$212,258.11, and they returned about \$32,000. In other words, they had a net of \$180,000. This goes into the general fund and then it is brought back, a hundred cents to the dollar, it is dedicated revenue to the forestry district. I made quite a deep check into this yesterday, and I talked with Mr. Holt. Of course, he doesn't care about losing any of these. There are some more organized townships that I didn't know was in there.

In Aroostook County, we have four districts, enough to pay \$22,473. So I hope you will move to accept this amendment and send this bill on its way.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

### Amended Bill Tabled and Assigned

Bill "An Act Appropriating Funds for the State Share of the Spruce Budworm Control Program and Imposing a Tax on Forest Lands for Spruce Budworm Control" (Emergency) (H. P. 560) (L. D. 689) (C. "A" H-62)

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

(On motion of Mr. Smith of Dover-Foxcroft, tabled pending passage to be engrossed and tomorrow assigned)

Bill "An Act Relating to the Authority of Bail Commissioners" (H. P. 263) (L. D. 310) (C. "A" H-61)

Bill "An Act Relating to Use of Studded Tires on Motor Vehicles" (H. P. 433) (L. D. 544) (C. "A" H-59)

Bill "An Act to Limit the Minimum Wage Exemption for Summer Camp Employees" (H. P. 504) (L. D. 626) (C. "A" H-57)

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

Bill "An Act to Protect Families with Children and Recipients of Certain Benefits Against Discrimination in Rental Housing" (H. P. 273) (L. D. 327) (C. "A" H-58)

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

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

Mr. TALBOT: Mr. Speaker and Members of the House: Seeing that a lot of these items are being tabled today, I would explain for just a minute that the Committee on Human Resources wants to make sure that these bills that are reported out go out in the very best of form, so I would ask somebody if they would table this bill for just one legislative day.

Thereupon, on motion of Mr. Mulkern of Portland, tabled pending passage to be engrossed and tomorrow assigned.

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

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

#### Passed to Be Enacted Emergency Measure

An Act to Amend the Law Relating to the Registration of Automobiles (H. P. 343) (L. D. 427)

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. 131 voted in favor of same and one 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 to Clarify Questions on Local Option under Liquor Law (S. P. 79) (L. D. 219)

An Act to Eliminate the 10-day Advance Notice Requirement on License Applications to Sell Liquor at Certain Gatherings (S. P. 102) (L. D. 357)

An Act to Revise the Statutes Concerning the Board of Bar Examiners (S. P. 123) (L. D. 409)

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.

An Act to Repeal the Requirement for Railroads Operating in Maine to File Annual Reports of Capital Expenditures with the Department of Commerce and Industry (H. P. 10) (L. D. 15)

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

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

Mr. TIERNEY: Mr. Speaker, could somebody please explain this bill as to exactly what it does?

The SPEAKER: The gentleman from Durham, Mr. Tierney, poses a question through the Chair to any member who may care to answer.

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

Mr. MORTON: Mr. Speaker and Members of the House: As I recall this bill — I don't know where I recall it from, but I recall it, definitely. The information that would be contained in these reports is required to be filed with the PUC Commission. Hence, it is available, and this was merely to avoid a duplication.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Clarify the Exemption of Hairdressers Holding Booth Licenses from Eligibility for Unemployment Compensation (H. P. 202) (L. D. 247)

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

An Act to Require the Licensing of Alcoholic Treatment Facilities (H. P. 683) (L. D. 806)

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

#### Orders of the Day

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

Bill "An Act to Establish the Maine Safe Drinking Water Act" (H. P. 654) (L. D. 812) — In House, Referred to Committee on Health and Institutional Services — In Senate, Referred to Committee on Public Utilities.

Tabled — March 11, by Mr. Goodwin of South Berwick.

Pending — Further consideration.

On motion of Mr. Goodwin of South Berwick, the House voted to insist.

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

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, was Finally Passed and Signed by the President on March 6.

Tabled — March 11, by Mr. Stubbs of Hallowell.

Pending — Motion of Mr. Finemore of Bridgewater to Adhere on Previous Action Whereby the Resolution Failed to be Finally Passed.

Thereupon, the House voted to adhere.

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

Mr. STUBBS: Mr. Speaker, am I at liberty to speak on this or has it—

The SPEAKER: The gentleman may move to reconsider.

Mr. STUBBS: Mr. Speaker, I move to reconsider.

The SPEAKER: The gentleman from Hallowell, Mr. Stubbs, moves that the House reconsider its action whereby it voted to adhere.

The gentleman may proceed.

Mr. STUBBS: Mr. Speaker and Members of the House: I should like to read this editorial that appeared March 8 in the Lewiston Daily Sun. It is entitled Felons for Office.

"It is incredible that the 107th Maine Legislature should vacillate on the approval of an amendment to the Constitution which would spell out a ban against felons who are serving their time seeking or holding public office. The House approved the amendment then changed its mind. The Senate enacted the proposal, but it had to be called back because of the House action.

"The proposed amendment was the outgrowth of the attempt of a State Prison inmate to run for governor last year. The Secretary of State found that there was no provision barring the felon from receiving nominating petitions. But for the fact that the prisoner changed his mind, his name could have been on the ballot.

"Without a change in the Constitution, the same situation may arise again. And a future would-be candidate may not withdraw. It will be a sorry day for Maine when it turns to its prison to fill out the

ballot! It would demean the entire election process.

"The Legislature should act while there is time. An amendment still would have to be approved by the people in referendum."

I should like to say that it has been intimated that to pass this bill would, in effect, be making a mockery of the legislative process by cluttering up the ballot with this constitutional amendment. However, I should like to point out that once voted on by the people, we would preclude the ballot from being cluttered up with frivolous and fraudulent candidacies in the future. So I say, let's put it on the ballot once and preclude many many names on the ballot which really are just cluttering it up.

There is no question in my mind that if passed the people would vote this amendment to the Constitution by an overwhelming majority.

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: This bill which is a constitutional amendment has been slowly being defeated in this body. It was passed in the other body, but let us look at the merits of the bill. It says that a person who has been sentenced because of committing a crime such as murder, arson or whatever you may find, in the State of Maine and is in an institution should not have the constitutional right to run for an office in this state which includes Governor.

Only last year we had the occasion of a man who sought to run for Governor who was in the state institution and the papers of this state, I personally think, made a mockery, a mockery out of us who are in the Legislature or serving the people in a Legislative capacity for having no law in the books to protect our structure of election from someone who has committed a violent crime from running for office while he is still sentenced.

I would say that if we allow this to go out to the people of the State of Maine it would have a great approval. That the people of this state along with people like myself feel that if we are to have an honorable standard in government then we should not be allowing people sentenced to be running for the office of governor.

Now, for some reason, unbeknownst to me, and I am certain it is not just cluttering up a ballot — we believe people have a right to vote on a ballot, there are certain people in this House who will do anything to stop this bill being passed. I don't understand it. We are working on two thousand, five hundred bills, this is one of them, why not let it have its day out to let the people of this state vote whether they want a frivolous candidate and this is the key to this bill, a frivolous candidate running for governor of this state. Let the people decide this. Instead you are saying no because we can't get a majority vote or a two thirds vote in this House. Therefore, at this time I ask the Yeas and Nays and ask that you vote yes for reconsideration and let us try to keep this bill alive and maybe we can get it passed. It is a bill that will say frivolous candidates are not going to be running for the office of Governor and the news media of this state is not going to make a mockery of our election system with something like this.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: A question first, if I may. Did this go under the hammer to adhere?

The SPEAKER: The Chair would answer in the affirmative. The pending question is the motion of the gentleman from Hallowell, Mr. Stubbs, that we reconsider our action whereby the House adhered.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: The reason I moved to adhere the other day, this bill takes a two-thirds vote of the House, because it is a constitutional amendment, therefore, we couldn't even get a motion passed to recede and concur with the Senate and the only other motion was to insist and insist wouldn't do us any good because we are on the wrong side no matter how we did it. So, therefore I believe in going along with legislation instead of wasting our time on the floor.

I am in favor of this bill one hundred percent, but at the same time we don't stand a chance. What is the good of fooling ourselves, we don't stand a chance to pass this bill here in this session. Therefore, on the motion to reconsider, I believe everyone should vote the way they wish, I am not making any suggestions.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: Speaking for the State Government Committee that reported this out with just one dissenting vote we reported it out as "Ought not to Pass." It was our feeling in that committee that the people of the State of Maine were people of common sense and good judgment and regardless of the fact that somebody in state prison might play a big publicity game and try to get his name on a ballot that it would be a waste of his time because of the common sense the people of the State of Maine certainly would never elect such a person.

We were also concerned with the fact that we have had about, I think we have handled five proposed constitutional amendments in the State Government Committee, not one of which would make any substantive change in the constitution — just trifling things that would clutter up the ballot and delay the voting process.

Now, we all know what happened last fall in the election. The electors faced three or four ballots, several referendum questions, constitutional changes, and the conscientious voter went into the booth stayed there a half an hour, and those who didn't understand or didn't care about the matter just played tick-tack-toe with their crosses and we had problems all over the state with people not being able to get into the voting booth before they closed. If we keep on with this kind of subject or matter it would be the same thing at the next election. I hope you go along and not pass this bill.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: After listening to the gentleman from Hallowell and the gentleman from up in Calais, I think they have a right to ask for reconsideration. Maybe it is true that that editorial was written by one man as a lot of them say to me, what are we going to do listen to one man? No, but that man's

editorial has been spread around the state and there are a lot of people who read that and they are very concerned about it. As a matter of fact, I think that these people that are incarcerated are being well taken care of, why should they want to get out, why should they want to get on the ballot? So, I really believe, and I am sincere about it that we should reconsider that. I disagree with my friend, Mr. Finemore, I think that we should use a little bit of tact on that and stop and think the reaction of allowing these people to have their name placed on a ballot.

I respect my friend, Mr. Farnham, for the work they are doing over there, I think they are doing a tremendous job, but I still think on that one measure itself, it should be brought before the people.

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

Mrs. MORIN: Mr. Speaker and Members of the House: I would hope that you would reconsider this and vote for the bill.

Last year we were made the laughing stock of the country by having somebody in prison running for office and it was just more or less on a dare just to make it look as if we are not too swift. I hope that you do pass this.

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 Portland, Mr. Mulhern.

Mr. MULKERN: Mr. Speaker, a point of clarification. Could you explain to the members of the House what the motion to adhere does on this bill?

The SPEAKER: The motion to adhere would kill the bill. The pending question before the House is on the motion of the gentleman from Hallowell, Mr. Stubbs, that the House reconsider its action whereby it voted to adhere. In other words, if you are in favor of the bill, you would vote yes to reconsider. If you are opposed to the bill, you would vote no, not to reconsider. Is the House ready for the question? All in favor of reconsideration will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Bagley, Berry, G. W.; Berube, Binnette, Birt, Blodgett, Boudreau, Bowie, Burns, Byers, Carey, Carroll, Carter, Churchill, Connors, Cox, Curran, R.; Curtis, Doak, Drigotas, Dudley, Durgin, Dyer, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Gould, Gray, Hewes, Hinds, Hunter, Hutchings, Jackson, Joyce, Kauffman, Kelleher, Laffin, Laverty, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Maxwell, McKernan, McMahon, Mills, Morin, Morton, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Powell, Raymond, Rideout, Rollins, Shute, Silverman, Snow, Snowe, Sprowl, Strout, Stubbs, Tarr, Theriault, Torrey, Tozier, Truman, Tyndale, Usher, Walker, Webber.

NAY — Bachrach, Bennett, Berry, P. P.; Bustin, Call, Carpenter, Chonko, Clark, Connolly, Cote, Curran, P.; Davies, DeVane, Dow, Farnham, Goodwin, H.;

Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Hughes, Immonen, Ingegneri, Jacques, Jensen, Kany, Kennedy, LaPointe, LeBlanc, Martin, R.; McBreairty, Miskavage, Mitchell, Mulhern, Nadeau, Najarian, Norris, Pelosi, Peterson, T.; Post, Quinn, Rolde, Saunders, Smith, Spencer, Talbot, Teague, Tierney, Twitchell, Wagner, Willfong, Winship, The Speaker.

ABSENT — Cooney, Dam, Farley, Higgins, Hobbins, Jalbert, Kelley, Lovell, Palmer, Peakes, Susi.

Yes, 86; No, 54; Absent, 11.

The SPEAKER: Eighty-six having voted in the affirmative and fifty-four in the negative, with eleven being absent, the motion to reconsider does prevail.

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

Mr. FINEMORE: Mr. Speaker, am I right in saying now that the only thing we can do is draw back. It is no good to insist on this bill. The only thing we can do is drop back and reconsider whereby we failed to recede and concur.

The SPEAKER: The pending motions available to the House are the motions to insist, the motion to insist and ask for a Committee of Conference, or to move to reconsider our action whereby the House failed to recede and concur.

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

Mr. SILVERMAN: Mr. Speaker, I move that we table this for two legislative days pending the motion to adhere.

The SPEAKER: The pending question is on the motion of the gentleman from Calais, Mr. Silverman, that this item be tabled for two legislative days.

Mr. Kelleher of Bangor requested a vote on the pending motion.

The SPEAKER: A vote has been requested. If you are in favor of tabling for two legislative days you will vote yes; if you are opposed you will vote no.

A vote of the House was taken. 20 having voted in the affirmative and 117 having voted in the negative, the motion did not prevail.

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

Mr. MORTON: Mr. Speaker, I move we reconsider our action whereby this failed of receding and concurring.

The SPEAKER: The gentleman from Farmington, Mr. Morton, moves that the House reconsider its action whereby it failed to recede and concur.

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

Mr. CAREY: Mr. Speaker, a parliamentary inquiry, please. Since there has been intervening debate since the last motion was made to recede and concur, which lost, since there was a motion made to adhere, which we have now reconsidered, is the proper motion now to recede and concur, period, rather than having to reconsider?

The SPEAKER: The Chair would answer in the negative. Since the other issue was not decided, the pending question would be to reconsider and then if that were to prevail, the motion to recede and concur then would be in order again.

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain something. On the roll call vote, we had 86 votes, people who favored this bill, but we did not have 101 votes in order to get the bill passed. Therefore, if you favor this bill, we have got to be able to

have it tabled, and that is why I made the motion, until it is possible, if it is possible, to pick up the extra votes.

If you are in favor of this bill, on the next motion — I hope it is reconsideration — you would table the bill, because you don't have enough votes to pass it. If you don't table it and we vote to recede and concur again, you will be defeated and you will be right back where you were before. Therefore, on the next motion — and the motion, as I understand it, is reconsideration — Mr. Speaker, what is the next motion?

The SPEAKER: The pending motion is the motion of the gentleman from Farmington, Mr. Morton, that we reconsider our action whereby the House failed to recede and concur.

Mr. SILVERMAN: Mr. Speaker, okay. Therefore, we can vote on the reconsideration motion. My opinion is that we table it for two days.

The SPEAKER: The Chair would advise the members of the House that pursuant to House Rule 36, in order for the motion of the gentleman from Farmington, Mr. Morton, before that motion can be offered, the rules would have to be suspended because more than one succeeding day has intervened. The Chair would inform the members of the House, if you wish to suspend the rules, the pending motion then would be the gentleman's motion from Farmington. Would the gentleman care to move to suspend the rules?

Thereupon, Mr. Morton of Farmington moved that the rules be suspended for the purpose of reconsideration.

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

Mr. ROLDE: Mr. Speaker, a parliamentary inquiry. In suspending the rules, does this take a two-thirds vote?

The SPEAKER: The Chair would answer in the affirmative. A two-thirds vote is required to suspend the rules.

The pending question before the House is on suspension of the rules, which is not debatable. If that is favorable by a two-thirds vote, the pending question then can be on reconsideration whereby the House failed to recede and concur with the other body. If that should prevail, the pending question then would be on receding and concurring, which would require a two-thirds vote for final enactment, since this is a constitutional amendment, and that is required under the Constitution.

The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, a parliamentary inquiry to satisfy Mr. Silverman. That is two thirds of the members present and voting, I believe, rather than 101.

The SPEAKER: On suspension of the rules, it is two thirds of those present and voting, and on a constitutional amendment, it is two thirds of those present and voting.

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

Mr. SILVERMAN: Mr. Speaker, under the motion of suspension of the rules, have we had a tabling motion on that yet?

The SPEAKER: The Chair would answer in the negative.

Mr. SILVERMAN: Then I move that on the motion of suspension of the rules we table it for two legislative days.

Thereupon, Mr. Kelleher of Bangor requested a vote on the tabling motion.

The SPEAKER: The Chair recognizes

the gentleman from Bangor, Mr. McKernan.

Mr. MCKERNAN: Mr. Speaker, a parliamentary inquiry. I would like to know whether there is any authority for your decision on the question by Mr. Carey. I am just wondering whether the fact that we have moved to — the motion to adhere was defeated, whether or not the motion to recede and concur would not be--

The SPEAKER: The motion to adhere was not defeated. We reconsidered our action whereby we had adhered. Therefore, it is now open.

Mr. MCKERNAN: Mr. Speaker, I was just wondering whether at that point the motion to reconsider wouldn't be in order rather than going--

The SPEAKER: The Chair would rule in the negative.

The Chair recognizes the gentleman from Waterville, Mr. Carey, who may pose his inquiry.

Mr. CAREY: Mr. Speaker, once we have reconsidered our action whereby we adhered, we are now at the point of voting on the motion to adhere. Am I correct, sir?

The SPEAKER: The Chair would advise the gentleman that the problem we have with the process through which we are taking us is that the House failed once to recede and concur. In order to go back to that point, which would pass that piece of legislation, we have to reconsider whereby we failed to recede and concur with the other body. Following that, the motion to adhere went under the hammer. We reconsidered our action whereby the House adhered. At that point, intervening motions are in order, in order of priority of which those motions can be made in the process that they come from the other body.

Mr. CAREY: Mr. Speaker, we have reconsidered our action whereby we adhered on this measure. Then the next vote, as it has in the past, obviously, would be to vote again as to whether or not we do adhere or not. We have reconsidered our action on adhering.

The SPEAKER: Let me inform the members of the House that the action we would take ourselves through, if the rules are suspended by two thirds of those present and voting, the next motion to be offered would be the motion to reconsider whereby it failed of final passage. That would take a majority vote. At that point, the pending motion would become the motion to recede and concur, and that would take a two-thirds vote of the members present and voting.

Mr. CAREY: Mr. Speaker, this is the point that I am at least trying to get across. It is unfortunate that we do not have a parliamentarian available and we have to trust hopefully to each other's interpretation.

The SPEAKER: The Chair would inform the gentleman that the Chair at the moment is a parliamentarian.

Mr. CAREY: Mr. Speaker, this member would inform the Chair that it is a very highly unusual procedure to have a member who votes on the floor also be the parliamentarian. But my question is, Mr. Speaker, if the motion before us now, and we have reconsidered where we adhered, the motion before us should be whether or not we do adhere or not, and then we would be voting no against adhering. But the motion to recede and concur has higher priority than adhering, and that should be able to be made at any time.

The SPEAKER: The pending question before the House is the motion of the

gentleman from Calais, Mr. Silverman, that this item be tabled for two legislative days. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

39 having voted in the affirmative and 93 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question now before the House is the motion of the gentleman from Farmington, Mr. Morton, that the rules be suspended for the purpose of reconsideration.

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

Mrs. NAJARIAN: The pending question is that the rules be suspended to reconsider?

The SPEAKER: The Chair would answer in the affirmative. The pending question is to suspend the rules. A vote has been requested. All in favor of the rules being suspended will vote yes; those opposed will vote no.

A vote of the House was taken.

91 having voted in the affirmative and 52 having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, I now move that we adhere, which has been reconsidered and--

The SPEAKER: That is presently the motion before the House, the motion to adhere.

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

Mr. SILVERMAN: Mr. Speaker and Members of the House: I tried to explain it to you before. I am quite certain those who are in my opposition know what you are doing. You have got to have a motion. We don't have 101 votes. You have got to have a motion to carry it for another day if you want to try to keep it alive. We don't have it. You just killed tabling twice, and I will only ask you the third time, if you want this bill to live, to table it for one legislative day on the present motion to adhere. If you vote this out, we are finished. We don't have 101 votes.

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

Mr. KELLEHER: Mr. Speaker, I would like to address a few remarks to my fine friend from Calais, because I am one of those fellows who is supporting his position. But if you will look at the votes, you are not going to be able to get them. They are not here whether we table it today or tomorrow. So there is no need of us prolonging this session. Let's get to the vote at hand and dispense with it in one manner or another.

The SPEAKER: The pending question is to adhere. The Chair will order a vote. All those in favor of adhering will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. McKernan 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, I move this item lie on the table one day.

Whereupon, Mr. Norris of Brewer requested a vote on the tabling motion.

The SPEAKER: All those in favor of tabling for one day pending the motion to adhere will vote yes; those opposed will vote no.

A vote of the House was taken. 67 having voted in the affirmative and 71 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question before the House is the motion to adhere.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: as I stated before, I favor this bill, but I am like the gentleman from Bangor, Mr. Kelleher, this bill doesn't stand one chance. We are just wasting state's money. I am not running for any big campaign office, I have been here for 10 years, and I think I understand parliamentary procedure. This bill doesn't stand a chance, so let's get rid of it here and now.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Kauffman.

Mr. KAUFFMAN: Mr. Speaker, I move we adjourn.

The SPEAKER: The gentleman from Kittery, Mr. Kauffman, moves that the House stand adjourned. The Chair will order a vote. If you are in favor of adjournment you will vote yes; if you are opposed you will vote no.

A vote of the House was taken. 7 having voted in the affirmative and 135 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question now before the House is the motion to adhere.

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

Mr. MORTON: Mr. Speaker, I would like to pose an inquiry. What is the status of this bill if the motion to adhere fails?

The SPEAKER: The only available motion at that point would be the motion to insist or insist and ask for a Committee of Conference.

The Chair recognizes the same gentleman.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: In spite of what my good friend Mr. Finemore says, Mr. Kelleher and some of the other ladies and gentlemen of this House, I feel as though if we just cop out on this and fail to take action based on our principles, we are doing the wrong thing.

I agree that it clutters up the ballot, but I don't like to use that word clutter. I think the people of this state can understand a ballot, and I think it is ridiculous to be put in the position we were put in last fall.

I hope you would vote to defeat the motion to adhere.

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

Mr. DAVIES: Mr. Speaker, I would like to pose a parliamentary question. Do we need a two thirds or a simple majority?

The SPEAKER: The Chair would answer that it is a simple majority vote.

A roll call has been ordered. The pending question is the motion to adhere. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Bagley, Bennett, Bustin, Call, Carroll, Chonko, Clark, Connolly, Cote, Curran, P.; Curran, R.;

Davies, DeVane, Dow, Farley, Farnham, Fenlason, Finemore, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Hughes, Immonen, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kany, Kennedy, LaPointe, LeBlanc, Lunt, MacEachern, Martin, A.; Martin, R.; Maxwell, McBrearty, Miskavage, Mitchell, Mulkern, Nadeau, Najarian, Norris, Pelosi, Peterson, P.; Peterson, T.; Post, Powell, Quinn, Rolde, Rollins, Smith, Spencer, Susi, Talbot, Tierney, Twitchell, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Albert, Ault, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Blodgett, Boudreau, Bowie, Burns, Byers, Carey, Carpenter, Carter, Churchill, Conners, Cox, Curtis, Dam, Doak, Drigotas, Dudley, Durgin, Dyer, Faucher, Garsoe, Gauthier, Gould, Gray, Hewes, Hinds, Hunter, Hutchings, Jackson, Kauffman, Kelleher, Laffin, Laverty, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lynch, Mackel, MacLeod, Mahany, McKernan, McMahan, Mills, Morin, Morton, Palmer, Perkins, S.; Perkins, T.; Pierce, Raymond, Rideout, Saunders, Shute, Silverman, Snow, Snowe, Sprowl, Strout, Stubbs, Tarr, Teague, Theriault, Torrey, Tozier, Truman, Tyndale, Webber.

ABSENT — Cooney, Higgins, Hobbins, Kelley, Lovell, Peakes.

Yes, 70; No, 75; Absent, 6.  
The SPEAKER: Seventy having voted in the affirmative and seventy-five in the negative, with six being absent, the motion to adhere does not prevail.

The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: I move we insist and ask for a committee of conference.

The SPEAKER: The gentleman from Wayne, Mr. Ault now moves that the House insist and ask for a Committee of Conference. 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.

Thereupon, Mr. Binnette of Old Town requested a roll call.

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 Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: I would just point out to you that if you do support this bill, you still have a chance to save it by voting for insisting and a committee of conference.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I wonder if he realizes what we are insisting on. We are insisting on our former action, which was to kill the bill.

The SPEAKER: The Chair would answer in the affirmative.

The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: I would point out to Mr. Finemore that we are still going to

have a committee of conference and be able to discuss it.

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

Mr. LAPOINTE: Mr. Speaker, may I pose a question through the Chair? Who appoints the members of the committee of conference?

The SPEAKER: The Chair would answer in the affirmative.

Mr. LAPOINTE: I hope you use infinite wisdom in appointing those people.

The SPEAKER: The Chair would answer that regardless of the Chair's position, it is procedure under the rules that those on the prevailing side are appointed to the committee and the prevailing side from this body in its original position was the motion to kill this bill.

The SPEAKER: A roll call has been ordered. The pending question is to insist and ask for a Committee of Conference. All in favor of that motion will vote yes; those opposed will vote no.

YEA — Albert, Ault, Berry, G. W.; Berube, Binnette, Birt, Boudreau, Burns, Byers, Carey, Carroll, Carter, Churchill, Conners, Cox, Curran, R.; Curtis, Dam, Doak, Drigotas, Dudley, Durgin, Dyer, Garsoe, Gauthier, Gould, Hewes, Hinds, Hunter, Jackson, Joyce, Kauffman, Kelleher, Kelley, Laverty, Leonard, Lizotte, Lynch, MacLeod, Maxwell, McMahan, Morton, Mulkern, Norris, Perkins, T.; Pierce, Powell, Raymond, Shute, Snow, Snowe, Sprowl, Strout, Stubbs, Tarr, Teague, Theriault, Torrey, Truman, Tyndale, Usher, Walker, Webber.

NAY — Bachrach, Bagley, Bennett, Berry, P. P.; Blodgett, Bowie, Bustin, Call, Carpenter, Chonko, Clark, Connolly, Cote, Curran, P.; Davies, DeVane, Dow, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hennessey, Hughes, Hutchings, Immonen, Ingegneri, Jacques, Jalbert, Jensen, Kany, Kennedy, Laffin, LaPointe, LeBlanc, Lewin, Lewis, Littlefield, Lunt, MacEachern, Mackel, Mahany, Martin, A.; Martin, R.; McBrearty, McKernan, Mills, Miskavage, Mitchell, Morin, Nadeau, Najarian, Palmer, Pelosi, Perkins, S.; Peterson, P.; Peterson, T.; Post, Quinn, Rideout, Rolde, Rollins, Saunders, Silverman, Smith, Spencer, Susi, Talbot, Tierney, Tozier, Twitchell, Wagner, Wilfong, Winship, The Speaker.

ABSENT — Cooney, Higgins, Hobbins, Lovell, Peakes.

Yes, 63; No, 83; Absent, 5.

The SPEAKER: Sixty-three having voted in the affirmative and eighty-three in the negative, with five being absent, the motion to insist and ask for a Committee of Conference does not prevail.

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

Mr. PERKINS: I move that we insist.

The SPEAKER: The gentleman from South Portland, Mr. Perkins, moves that the House insist, and that does have priority.

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

Mr. PETERSON: Would it be in order to indefinitely postpone this bill and all its accompanying papers?

The SPEAKER: The motion to indefinitely postpone would not be in order since this is a non-concurrent matter.



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

Mr. ROLDE: May I pose a parliamentary inquiry? What does the motion to insist do to the bill?

The SPEAKER: The motion to insist would send the bill back to the other body where the other body could further insist and return it back at that point.

The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, what is the present status of this bill if nothing further takes place?

The SPEAKER: The Chair would inform the members of the House that this body indefinitely postponed this item and that the other body finally passed it and at that point, it came back to us.

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

Mr. HENDERSON: Mr. Speaker, I think the question that is troubling some of us is, and maybe Mr. Perkin's motion is that motion, but what appropriate motion can be made at this time to definitely kill this bill so that we don't have to continue? I think the question is, what is the proper issue to resolve it, if any?

The SPEAKER: The Chair would inform the gentleman that the House has failed to reconsider whereby we receded and concurred and that this body has failed to adhere. It did adhere and then we reconsidered adhering; therefore, we have already reconsidered that motion. We have failed to insist and ask for a committee of conference. We could reconsider that motion, but the pending motion now is to insist.

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

Mr. LAPOINTE: A parliamentary inquiry. If we insist on this bill that is before us now and it goes back to the other body, does that body have an opportunity to send it back to us? And does the bill have a chance of remaining alive?

The SPEAKER: The Chair would answer in the affirmative. If we insist, the other body could simply further insist and it would come back here.

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

Mr. ROLDE: If we fail to insist, what motions would then be available?

The SPEAKER: If we fail to insist, since we have exhausted all available motions before it, the bill is now in the same posture as having returned from the other body clean so that the motion to recede and concur, in fact, would be in order.

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

Mr. FINEMORE: Mr. Speaker, the question you just made brings it right back again that every one of the three motions are in order again. You could even move to adhere again after this one is defeated.

The SPEAKER: The Chair is answering in the affirmative.

To dispose of the motion to insist in the negative, the available motions will go back to the former motions that we were discussing. All of those in favor of insisting will vote yes; those opposed will vote no.

A vote of the House was taken. 51 having voted in the affirmative and 90 having voted in the negative, the motion did not prevail.

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

Mrs. GOODWIN: I move that we adhere. The SPEAKER: The gentlewoman from

Bath, Mrs. Goodwin moves that the House adhere.

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

Mr. LIZOTTE: I move that we recede and concur.

The SPEAKER: The motion is in order. The gentleman from Biddeford, Mr. Lizotte, now moves that the House recede and concur. If you are in favor of receding and concurring, you will vote yes; if you are opposed, you will vote no. The Chair will inform the members of the House that this requires a two-thirds vote.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I must confess that I am in the same boat as the gentlewoman, Mrs. Tarr is. I am at the point where I don't understand anything.

I would like to have this clarified so that we could really understand what this motion will do. Will this motion here, if you vote yes, will it keep it so that we will have a chance or if we vote no, will we not have any chance whatsoever?

The SPEAKER: Let the Chair refer at this point, since we have discussed and lost all motions, we go back to the bill as it is returned from the Senate originally. Therefore, it is available to adhere, to insist, to insist and ask for a committee of conference, to recede and concur, or to recede. The Chair has now ruled that it is now at that point that the motion to recede and concur is in order. It has been made by the gentleman from Biddeford, Mr. Lizotte. Since the motion to recede and concur, in effect, if we were to do that, it would finally pass the bill. This is a constitutional amendment. The Chair has ruled in the past and will rule again that to recede and concur requires a two-thirds vote of those members present and voting because this is final enactment of this measure and if we go back from where we had indefinitely postponed, that is the point where we are.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I recognize the problems we are in at the moment, and I think in view of the fact of regardless of whether we are for or against this measure, we could be doodling back and forth here for some time and I think in the interest of getting along, we perhaps should table this measure for one legislative day.

The SPEAKER: The Chair would inform the members of this House that it is a very simple process. If you are in favor of this bill and final enactment, you will vote yes; if you are opposed to final enactment, you will vote no.

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

Mr. LIZOTTE: Mr. Speaker, Ladies and Gentlemen of the House: I hope that everybody does me a favor and I hope that we get rid of this bill by enacting it. Thank you very much.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: I move for the yeas and nays.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I move that this lie on the table one legislative day.

Whereupon, Mr. Kelleher of Bangor requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. McKernan, 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. 45 having voted in the affirmative and 95 having voted in the negative, the motion did not prevail.

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 before the House is the motion of the gentleman from Biddeford, Mr. Lizotte, that the House recede and concur. All in favor of the House receding and concurring, will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Bagley, Berry, G. W.; Berube, Binnette, Birt, Blodgett, Boudreau, Bowie, Burns, Byers, Carey, Carpenter, Carroll, Carter, Churchill, Connors, Cox, Curtis, Dam, Doak, Drigotas, Dudley, Durgin, Dyer, Faucher, Fenlason, Flanagan, Garsoe, Gauthier, Gould, Gray, Hewes, Hinds, Hunter, Hutchings, Jackson, Joyce, Kauffman, Kelleher, Kelley, Laffin, Laverty, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lynch, Mackel, MacLeod, Mahany, Maxwell, McKernan, McMahon, Mills, Morin, Morton, Palmer, Perkins, S.; Perkins, T.; Pierce, Post, Raymond, Rollins, Shute, Silverman, Snow, Snowe, Sprowl, Strout, Stubbs, Tarr, Teague, Torrey, Tozier, Truman, Tyndale, Walker, Webber.

NAY — Bachrach, Bennett, Berry, P. P.; Bustin, Call, Chonko, Clark, Connolly, Cote, Curran, P.; Curran, R.; Davies, DeVane, Dow, Farley, Farnham, Finemore, Fraser, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Hughes, Immonen, Ingegneri, Jacques, Jalbert, Jensen, Kany, Kennedy, LaPointe, LeBlanc, Lunt, MacEachern, Martin, A.; Martin, R.; McBreairty, Miskavage, Mitchell, Mulken, Nadeau, Najarian, Norris, Pelosi, Peterson, P.; Peterson, T.; Powell, Quinn, Rideout, Rolde, Saunders, Smith, Spencer, Susi, Talbot, Theriault, Tierney; Twitchell, Usher, Wagner, Wilfong, Winship, The Speaker.

ABSENT — Cooney, Higgins, Hobbins, Lovell, Peakes.

Yes, 81; No, 65; Absent, 5. The SPEAKER: Eighty-one having voted in the affirmative and sixty-five in the negative, with five being absent, the motion to recede and concur does not prevail.

Thereupon, on motion of Mr. Norris of Brewer, the House voted to adhere.

The SPEAKER: Is it now the pleasure of the House we reconsider whereby we voted to adhere?

The motion failed.

Mr. Susi of Pittsfield was granted unanimous consent to address the House.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I would like to take just a moment to commend the Speaker for conducting an extremely

Speaker for conducting an extremely difficult debate in a highly competent manner. (Applause)

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

Bill "An Act Relating to the Use of Colored Lights on Certain Fire and Emergency Vehicles" (H. P. 411) (L. D. 499) — In House, Passage to be Engrossed — Reconsidered

Tabled — March 11, by Mr. McKernan of Bangor.

Pending — Adoption of House Amendment "A" (H-63).

On motion of Mr. McKernan of Bangor, tabled pending the adoption of House Amendment "A" and tomorrow assigned.

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

Joint Order, Relative to Legislative Council Study Distribution of Social Service Funds. (S. P. 180) — In Senate, Read and Passed as Amended by Senate Amendment "A" (S-14)

Tabled — March 11, by Mr. Rolde of York.

Pending — Adoption of Senate Amendment "A".

On motion of Mr. Rolde of York, retabled pending the adoption of Senate Amendment "A" and specially assigned for Friday, March 14.

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

Senate Divided Report — Majority (9) "Ought Not to Pass" — Minority (4) "Ought to Pass" — Committee on Fisheries and Wildlife on Bill "An Act to Permit All-day Hunting of Deer on Sunday by Maine Residents." (S. P. 74) (L. D. 214) — In Senate, Majority "Ought Not to Pass" Report accepted.

Tabled — March 11, by Mr. Mills of Eastport.

Pending — Acceptance of Either Report.

On motion of Mr. Usher of Westbrook, retabled pending acceptance of either Report and tomorrow assigned.

The SPEAKER: There is a bill being held. It is Bill "An Act to Repeal the Bounty on Bobcats" (H. P. 287) (L. D. 339).

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

Mr. ROLDE: Mr. Speaker, I notice that the sponsor of the bill is not in his seat. I don't believe he is here today and I think he will be away for another day. I wonder if somebody would be good enough to table this item for two legislative days so that he would have a chance to discuss any action that might be taken on the bill.

The SPEAKER: At the present time there is no motion before the body. No one has moved to reconsider.

The Chair recognizes the gentleman from Houlton, Mr. Carpenter.

Mr. CARPENTER: Mr. Speaker, I move we reconsider our action whereby we passed this bill to be engrossed.

Thereupon, on motion of Mr. Farnham of Hampden, tabled pending the motion of Mr. Carpenter of Houlton to reconsider and specially assigned for Friday, March 14.

Mr. Palmer of Nobleboro was granted unanimous consent to address the House.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I do concur with the gentleman from Pittsfield, Mr. Susi, in the comments he made commending the

Speaker during this debate. I do, however, have one reservation. I did not like to see a piece of legislation thwarted in a way, the rule of the majority thwarted, even though we could not get a two-thirds vote. Even though I commend you for getting us through the morass we have been through, I would hate to have a precedent like that set whereby because we had a majority favoring one end and still could not get a vote of two thirds, that the Speaker unilaterally decided that the bill would die. So, I do commend you for your parliamentary finesse, but at the same time I would caution the House, and I hope this would not be a precedent-setting device.

On motion of Mr. Powell of Wallagrass, Adjourned until nine-thirty tomorrow morning.