

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

SENATE

Thursday, February 20, 1975

Called to order by the President.

Prayer by Rev. Grayson Schwarz of
Hallowell:

Our Heavenly Father, we lift up to you this morning the families of the legislators here. It is not easy to be called away from one's home for such extended periods of time, and we leave behind because of this call families who really miss us and families who really need to know that while we are here we are thinking about them. So Father, by your holy spirit, remind us at certain times, even during this day, of the very little things that can make such a very big difference in the lives of those whom we left at home; the little thoughts, the little ways of remembering them to let them know that although our job takes us here our hearts are still there. Father, we thank you for our families and for the support that they can give us, and for the opportunity to know what it means by the phrase which goes "It is more blessed to give than to receive." Help us, Father, this day and during this legislature to give those thoughtful little remembrances that can make such a big difference in their lives and in ours. In Jesus' name we pray. Amen.

Reading of the Journal of yesterday.

Papers From The House
Non-concurrent Matter

Bill, "An Act to Further the Conservation of Vision." (S. P. 169) (L. D. 556)

In the Senate February 6, 1975, referred to the Committee on Legal Affairs and Ordered Printed.

Comes from the House, referred to the Committee on Health and Institutional Services and Ordered Printed in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act to Annex Township 4, Range 2 to the Town of Carrabasset Valley." (S. P. 78) (L. D. 218)

In the Senate February 11, 1975, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-27), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Joint Order
STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred And Seventy-five.

WHEAREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of

Crusaderettes of Van Buren
District High
Eastern Maine Class B
Girls 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. (H. P. 585)

Comes from the House Read and Passed.

Which was Read and Passed in concurrence.

House Papers

Bills and Resolves today received from the House requiring Reference to Committees were acted upon in concurrence.

Senate Papers

Business Legislation

Mr. Collins of Knox presented, Bill, "An Act Relating to Closing Costs under the Maine Consumer Credit Code." (S. P. 218)

The same Senator presented, Bill, "An Act Relating to Minimum Finance Charges Under the Maine Consumer Credit Code." (S. P. 219)

Which were referred to the Committee on Business Legislation and Ordered Printed.

Sent down for concurrence.

Judiciary

Mr. Collins of Knox presented, Bill, "An Act Relating to Motor Vehicle Certificates of Title." (S. P. 217)

Which were referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

Natural Resources

Mr. Johnston of Arrostook presented, Bill, An Act to provide for Prompt Determinations under the Site Location of Development Act. (S. P. 220)

Which was referred to the Committee on Natural Resources and Ordered Printed.

Sent down for concurrence.

Orders

On motion by Mr. Roberts of York,
State of Maine

ORDERED, the House concurring, that bill, "An Act Relating to a Close Corporation Under the Unemployment Compensation Laws," S. P. 11, L. D. 43, now on file pursuant to Joint Rule 17A be recalled from the legislative files and referred to the Joint Standing Committee on Labor. (S. P. 216)

Which was Read.

The PRESIDENT: The Chair would call the Senate's attention to the fact that this bill has been subjected to Joint Rule 17A. In order to have this bill recalled from the legislative files, it would require a two-thirds vote of all members of the Senate.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: By way of brief explanation on this order, I understand from the Chairman of the Committee on Labor that the committee did not intend to pass this bill out as a unanimous ought not to pass report, and that it did come out that way by mistake. They therefore wish to have the bill back in their committee for further consideration, and I would urge the passage of the order.

The PRESIDENT: In order to have this item clearly on the record the Chair will order a division. All those in favor of the passage of this order will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 30 having voted in the affirmative and none voting in the negative, the Joint Order received Passage.

Sent down for concurrence.

Committee Reports
House

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act to Provide Free Tuition to Certain Maine Residents 65 Years of Age or Older who are Enrolled in a State Supported Institution of Higher Learning." (H. P. 358) (L. D. 450)

Ought to Pass

The Committee on Legal Affairs on, Resolve, to Reimburse Virginia A. Brann of Windsor for Motor Vehicle Damage Due to State Construction. (H. P. 196) (L. D. 240)

Reported that the same Ought to Pass.

The Committee on Transportation on, Bill, "An Act to Clarify Directional Signs Indicating Coastal Route at Exit 9 on the Maine Turnpike." (H. P. 231) (L. D. 287)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on, Bill, "An Act Authorizing the Theater at Monmouth to be Named the Shakespearian Theater of Maine." (H. P. 261) (L. D. 308)

Reported that the same Ought to Pass.

(On motion by Mr. Berry of Cumberland, tabled and Specially Assigned for February 25, 1975, pending Acceptance of the Committee Report.)

The Committee on Legal Affairs on, Resolve, to Reimburse Gordon Wiley of Littleton for Loss of Poultry by Fox. (H. P. 265) (L. D. 312)

Reported that the same Ought to Pass.

The Committee on Labor on, Bill, "An Act to Suspend Certain Requirements of the Employment Security Law During Periods of Emergency." (H. P. 509) (L. D. 571)

Reported that the same Ought to Pass.

The Committee on Labor on, Bill, "An Act to Revise Certain Requirements of the Employment Security Law During Periods of Emergency." (H. P. 510) (L. D. 572)

Reported that the same Ought to Pass.

Comes from the House, the Bill and Resolves Passed to be Engrossed.

Which reports were Read, and except for the tabled matter, Accepted in concurrence, the Bills and Resolves Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds to Reimburse Municipalities for Business Inventory Taxes." (H. P. 82) (L. D. 100)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-22).

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Relating to Grants-in-Aid for Construction and Maintenance of Public Facilities for Boats." (H. P. 145) (L. D. 163)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-23).

The Committee on Legal Affairs on, Resolve, to Reimburse Evelyn Bass of Bucksport for Loss of Beehives by Bear. (H. P. 192) (L. D. 228)

Reported that the same Ought to Pass as

Amended by Committee Amendment "A" (H-20)

The Committee on Transportation on, Bill, "An Act Relating to Fees for the Inspection of School Buses." (H. P. 229) (L. D. 285)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-21)

Come from the House, the Bills and Resolve Passed to be Engrossed as Amended by Committee Amendment "A".

Which reports were Read and Accepted in concurrence, and the Bills and Resolve Read Once. Committee Amendments "A" were Read and Adopted in concurrence and the Bills and Resolve, as Amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Taxation on, Bill, "An Act Relating to Contraband Cigarettes." (H. P. 123) (L. D. 179)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 564) (L. D. 631)

Comes from the House, the Bill in New Draft Passed to be Engrossed.

Which report was Read and Accepted in concurrence, the Bill in New Draft Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on, Liquor Control on, Bill, "An Act Relating to Enforcement of the Statutes on Alcoholic Beverages." (H. P. 134) (L. D. 150)

Reported that the same Ought Not to Pass.

Signed:

Senators:

GRAFFAM of Cumberland
DANTON of York
CARBONNEAU of Androscoggin

Representatives:

LIZOTTE of Biddeford
FAUCHER of Solon
TWITCHELL of Norway
PERKINS of Blue Hill
DYER of South Portland
PIERCE of Waterville
IMMONEN of West Paris

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-15)

Signed:

Representatives:

JACQUES of Lewiston
MAXWELL of Jay
RAYMOND of Lewiston

Comes from the House, Bill and accompanying papers Indefinitely Postponed.

Which reports were Read.

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted.

Senate

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act to Require Department of Environmental Certification before a School Unit may Commence School Construction." (S. P. 159) (L. D. 533)

Ought to Pass

Mr. Graffam for the Committee on Liquor Control on, Bill, "An Act to Authorize the State Liquor Commission to Grant Civic Associations Licenses to Sell

Alcoholic Beverages for On-Premise Consumption." (S. P. 89) (L. D. 260)

Reported that the same Ought to Pass.

Mr. Huber for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Increasing the Number of Official Court Reporters." (S. P. 127) (L. D. 413)

Reported that the same Ought to Pass.

Which reports were Read and Accepted the Bills Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

Mr. Thomas for the Committee on Education on, Bill, "An Act Relating to the Presentation of Budgets by School Administrative Districts." (S. P. 49) (L. D. 130)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-8)

Which report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Second Readers

The Committee on Bills in the Second Reading reported the following:

House

Bill, "An Act to Authorize the Board of Cosmetology to Employ a part-time Executive Secretary." (H. P. 201) (L. D. 246)

Bill, "An Act Making an Additional Appropriation from the General Fund to Restore the Appropriation for Operations of the Bureau of Taxation for the Fiscal Year Ending June 30, 1975." (H. P. 43) (L. D. 55)

Bill, "An Act to Extend Standard Coverage under the Minimum Wage Statutes to Employees of Nursing Homes and Hospitals." (H. P. 339) (L. D. 422)

Which were Read a Second Time and Passed to be Engrossed, in concurrence.

House As Amended

Resolve, Ratifying Grant of Easement on State Land to Central Maine Power Company. (H. P. 54) (L. D. 66)

Bill, "An Act to Clarify the Power of County Commissioners to Authorize the Sale of Malt Liquor and Table Wine for Off-premise Consumption on Sundays in Unincorporated Communities." (H. P. 144) (L. D. 175)

Which were Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

Senate

Bill, "An Act Relating to Hearings for Applications for Liquor Licenses." (S. P. 101) (L. D. 356)

Which was Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

AN ACT Designating Head of Tide on the Union River under the Atlantic Sea Run Salmon Commission. (S. P. 50) (L. D. 131)

AN ACT to Change the Name of the Department of Military, Civil Emergency Preparedness and Veterans Services to the Department of Defense and Veterans Services. (S. P. 58) (L. D. 138)

Which were Passed to be Enacted and, having been signed by the President, were

by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate the first tabled and Specially Assigned matter:

SENATE REPORTS — from the Committee on State Government — 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) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

Tabled — February 13, 1975 by Senator Curtis of Penobscot.

Pending — Acceptance of Either Report.

Mr. Hichens of York then moved that the Senate accept the Minority Ought to Pass Report of the Committee.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President and Members of the Senate: I would like to request a division on the motion. The proposal is one which has been on the table for a time while we sought an additional opinion from the Attorney General. We now have that opinion and there is no doubt in my mind but that the proposal as sponsored by the Senator from York, Senator Hichens, is a constitutional and valid proposal. I think that perhaps it is not a necessary one.

Earlier this year during the gubernatorial campaign, there was indeed a person who announced that he was a candidate for governor while he was incarcerated at Thomaston. There was perhaps a little humor added to the campaign when he began his announcement by indicating to the good wishes of the press and the public perhaps that he was at least one candidate who was willing to admit he was a crook from the start.

The reason that I am in, I guess, somewhat milder opposition, but at any rate mild opposition, to the proposal to adopt this bill now is that it seems to me there is a restriction on the freedom of choice proposed in the legislation. I think if a person wants to run for office he should be able to, and that if people want to vote for a candidate they should be able to so vote.

I can think of the situation in which a person perhaps while incarcerated and serving a sentence as a felon would be able to complete his sentence prior to the time he might commence the serving of his office. As an analogy, and I hope people will find a distinction here, but when I first ran for the House of Representatives, I was in the U.S. Navy stationed in Vietnam, and when I won the primary nomination I was still in the Navy. Those two positions would have been incompatible, however, I would have been very upset if somebody had said I couldn't run for the House, because when I was able to be sworn in and serve, of course, I was no longer in the service. So, with that suggestion, I would like to ask for a division.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, in reference to the remarks just made, I hope we don't get the idea that serving in the Navy is the same as serving in prison. It may feel that way but it has a very different connection, as far as I am concerned. But last year, as referred to by the good Senator from Penobscot, Senator

Curtis, we did have a candidate for an elective office who was serving a term, and many people said well, I thought that the legislature passed a law restricting these people from running for office, and I answered that we had passed such a law, but when I went to the Attorney General's Office, they said that they had ruled that the law we passed was unconstitutional in the way that it was written; that a constitutional amendment had to go to the people. So L.D. 95 was presented to reinforce that law passed in the special session of the legislature. Following passage of the law, as I have stated, the Attorney General made his ruling and said that a resolution such as L.D. 95 would be necessary. Following the Committee's adverse report, I again contacted the Attorney General's office and received the following answer — this was dated February 10, 1975:

"This office, in a formal opinion dated July 26, 1974, addressed the question of the constitutionality under the Maine Constitution of the candidacy provisions of M.R.S.A. 21 section 247; a copy of this opinion is appended hereto for your convenient reference.

"I quote from the last paragraph on page four of our opinion:

"The Maine Constitution likewise provides the qualifications for its state elective offices. Like their federal counterparts, and like the provisions of Article II, Section 1 regarding the qualifications for electors, these provisions must be regarded as exclusive and not susceptible of modification by statute. Thus, Section 247, insofar as it relates to the capacity of incarcerated felons to run for the offices of Governor, State Senator or State Representative, is unconstitutional."

I am of the opinion that if M.R.S.A. 21 section 247, specifically, the provisions thereof relating to candidacy for state offices established by the Maine Constitution, were subjected to attack in the courts on the ground that it is unconstitutional under the Maine Constitution, such attack would be successful and the statute in that connection would be declared in violation of the Maine Constitution. I am, therefore, of the further opinion that 21 M.R.S.A. section 247, would be ineffectual to preclude a felon in execution of sentences from seeking an office established under the Maine Constitution; in order to effectively preclude felons in execution of sentence from seeking constitutional office, the Maine Constitution must be amended. A Resolution such as is embodied in L.D. 95 would be necessary in order to effectuate such intended result."

I had this opinion for last week's debate and then was confronted by one of the members of the committee as to the relationship between our constitution and the federal constitution. So I trotted back to the Attorney General's office and I received this statement which was put on my desk yesterday morning.

"Dear Senator Hichens: This is in response to your further inquiry into L. D. 95, Resolution, Proposing an Amendment to the Constitution Prohibiting anyone under Sentence for a Felony from Seeking or Holding a Constitutional Office; specifically, whether its provisions are in conflict with the U.S. Constitution.

"Since the proposed amendment to the Maine Constitution relates only to offices created by the Maine Constitution, we are not concerned here with any attempted

State imposition of qualifications upon federal offices.

"The question for resolution here appears to be whether the proposed amendment to the Maine Constitution conflicts with the Fourteenth Amendment to the U.S. Constitution, or whether the proposed amendment constitutes a denial of equal protection of the laws by denying to convicted felons in execution of sentence the right to hold offices created by the Maine Constitution.

"Although we find no cases directly in point, we believe that there is ample support by analogy for the proposition that such proposed amendment to the Maine Constitution does not constitute a denial of equal protection of the laws and is thus not in conflict with the U.S. Constitution. The U.S. Supreme Court has spoken thrice recently respecting state constitutional and statutory provisions disenfranchising convicted felons. It is from these decisions that we draw support for our opinion.

"We cite the following language from the U.S. Supreme Court as supportive of the Legislature's undertaking embodied in L. D. 95:

"... A state has an interest, if not a duty, to protect the integrity of its political processes from frivolous or fraudulent candidacies."

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

I sincerely believe, gentlemen and lady member of the Senate, that I did not make my presentation clear enough when I spoke before the Committee on State Government, and I hope that by means of these communications from the Attorney General's Office that they and the legislature will see fit to accept the Ought to Pass Report and pass this resolution. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President and Members of the Senate: When I vote, I want to explain why I am voting the way I do. I had the good fortune this morning to watch the "Today" show and listen to Governor Walker, who is going to try somehow to get out of the idea of people being sentenced to from one to ten years in prison, and then some getting out in less than a year on that sentence and others having to stay in for seven or eight years. That sounds sensible to me. His theory is that he is trying to prevent crime, and we all know that crime is increasing.

I know from coming down in Hancock County in the last session of the legislature we had over 4,000 signatures from the people of Hancock County that believed that our courts were too lenient in some of our sentences, and there is no question but that crime is still increasing. And I am going to vote for this motion by Senator Hichens for the very reason that I believe that we ought to do away with crime. We ought to have something that would do away with crime and would make people realize that what we have now, with a sliding scale of one to ten years, and so on, that people are not being treated equally. I believe in an equal sentence.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Graham.

Mr. GRAHAM: Mr. President and Members of the Senate: I say why clutter up the Constitution with another amendment. The Constitution should be a statement of general principles and not a bundle of glorified statutes.

It is not likely that a felon could be elected or that he could even gain enough signatures for nomination. But I say if the people want to elect a felon, they should be able to do so. After all, if the British had won the war of the American Revolution, all the founding fathers would have been felons or they would have been hung.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I speak here this morning not as Majority Leader but as a Senator from Kennebec. I would agree with the Senator from York, Senator Hichens, in the passage of this opportunity. And I call it an "opportunity" because that is precisely what it is. It is providing the people of this state an opportunity to vote on their Constitution, as to whether or not they wish to place in the Constitution a provision prohibiting anyone under a sentence for a felony from holding office under the Constitution.

Now, many of us may feel that such an event would never come about, and that the people of the state should have the opportunity to vote for a felon, if they so desire, but that obviously they would not so desire. Well, many of us have seen the accomplishment of some other things that we never thought would come about just in this very recent past, and we can point to other states in the union where other individuals have been elected to office and have not been able to serve in that position because they haven't been granted parole to so do. And I think that the people of this state should have the opportunity to vote, as they would on this constitutional amendment, as to whether or not they wish to have as a part of their Constitution — and it would be a very general policy statement in the Constitution — as to whether or not they wish to deny to a convicted felon, while he is under sentence, the opportunity to hold office. Now, this would not mean that after an individual has served his sentence, after he has paid his debt to society, that he could not then hold office, if the people so wished by voting for him, but while he is under sentence for conviction of a felony he would not be able to hold office under the Constitution of this state. It seems to me that that is eminently good sense, and I certainly support the motion of the Senator from York, Senator Hichens.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from York, Senator Hichens, that the Senate accept the Minority Ought to Pass Report of the Committee.

A division has been requested. Will all those in favor of accepting the Ought to Pass Report of the Committee please rise and remain standing in their places until counted. All those opposed will please rise and remain standing in their places until counted.

A division was had. 23 having voted in the affirmative, and seven having voted in the negative, the Minority Ought to Pass Report of the Committee was Accepted, the Resolution Read Once and Tomorrow Assigned for Second Reading.

The President laid before the Senate the second tabled and Specially Assigned matter:

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

Tabled — February 19, 1975 by Senator Roberts of York.

Pending — Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Roberts.

Mr. ROBERTS: Mr. President, I would ask that this be retabled because there is being prepared an amendment which I would present.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Thereupon, on motion by Mr. Berry of Cumberland, retabled and specially assigned for February 25, 1975, pending Passage to be Engrossed.

The President laid before the Senate the third tabled and Specially Assigned matter:

RESOLUTION, Proposing an Amendment to the Constitution to Require that the Governor be Elected by Majority Vote. (H. P. 455) (L. D. 619)

Tabled — February 19, 1975 by Senator Speers of Kennebec.

Pending — Motion of Senator Conley of Cumberland to refer to Committee on Election Laws and print in concurrence.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, I would request a division on this and ask my colleagues to vote against the pending motion so that the constitutional amendment can be referred, as suggested by the Reference of Bills Committee, to I hope the State Government Committee, which is considering most of the constitutional amendments. I did a check with our new computer print-out on the status of bills to see how many constitutional amendments have been proposed this year, and there are 23 proposed constitutional amendments to the state constitution and two that refer to the U.S. Constitution. Of those 23, 21 have been assigned to the State Government Committee for consideration and two to the Judiciary Committee for consideration.

The matter that is considered in L.D. 619 is one of some substance. I suggest there is a policy issue there that ought to have some careful thought given to it. No matter which committee ends up actually considering it, I think that probably the most likely course of action will be to wait for some time for a final decision, perhaps even to refer the matter to a future session of the legislature, a special session of the legislature, until after the Election Laws Committee has had an opportunity to iron out some of the mechanical difficulties of recounts and so forth, but because of the substance of the matter involved, Mr. President, I hope that my colleagues will vote against the pending motion.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: I dislike taking issue with the good Senator from Penobscot, Senator Curtis, but it is my understanding, as the good Senator from Somerset, Senator Corson, said the other day, that the Election Laws Committee today is working close in hand with the Secretary of State and Deputy Secretary of State in a total revision of the election laws of the state.

This is a constitution amendment, but there is nothing sacred about all constitutional amendments going before State Government, and I think if we are to remain consistent, that the Committee on

Election Laws should be holding the public hearing on this bill, and I would ask the members of the Senate to vote in concurrence.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, again I speak as a Senator from Kennebec, and not as the Majority Leader on this issue. I would support the comments made by the good Senator from Penobscot, Senator Curtis, in urging that this matter be sent to the Committee on State Government.

Much has been said about the Committee on Election Laws having a bill or several bills to revamp the entire elections procedure, and particularly with regard to recounts and trying to speed up the provisions for recounts, but I would hope that the Committee on Election Laws would accomplish this, regardless of whether or not this legislature and the people of this state decide that the Governor should be elected by a majority vote rather than a plurality. It seems to me that this is a policy issue that can be and should be decided separate and apart from the mechanics of providing for efficient elections. It would seem to me that the Election Laws Committee should be concerned with providing the mechanics for efficient elections, regardless of what happens as to the decision on this policy issue. It is a policy issue and it should be, I feel, decided by the Committee on State Government, as are most of the constitutional amendments that are presented to this legislature.

I agree there is nothing magic about having these go to the Committee on State Government. I would submit there is really nothing magic about any of the bills and resolves that are introduced going to any of the committees that we have created, but there has been the policy in the past followed by the leadership of this legislature to send constitutional amendments to the Committee on State Government, and I would hope that that policy would continue to be followed.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, I rise to support the motion of the Senator from Penobscot, Senator Curtis. I think the same arguments could have been brought up on the constitutional amendment that we just voted on previously, that that could just as well have gone to Judiciary, because they are studying the criminal code and things like that, but I think it very properly went to the State Government Committee and I think this one should go the same way.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Conley, that this resolution be referred to the Committee on Election Laws.

The Senator from Penobscot, Senator Curtis, has requested a division. Will all those in favor of the motion by the Senator from Cumberland, Senator Conley, that this Resolution be referred to the Committee on Election Laws please rise and remain standing in their places until counted. All those opposed will please rise and remain standing in their places until counted.

A division was had, 19 having voted in the affirmative, and 11 having voted in the negative, the Resolution was referred to the Committee on Election Laws and Ordered Printed in concurrence.

Papers from the House

Out or order and under suspension of the rules, the Senate voted to take up the following:

Committee Report Ought to Pass-As Amended

The Committee on Education on, Bill, "An Act Relating to the Borrowing Capacity of School Administrative District No. 19." (H. P. 69) (L. D. 81)

Reports that the same Ought to pass as Amended by Committee Amendment "A" (H-29).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence.

Thereupon, under suspension of the rules, the Bill was given its Second Reading and Passed to be Engrossed in concurrence.

(Off Record Remarks)

On motion by Mrs. Cummings of Penobscot,
Adjourned until 12 o'clock noon tomorrow.