

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

**January 5, 1977 to May 25, 1977**

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## HOUSE

Wednesday, January 12, 1977

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

Prayer by Father Christopher Piselli, Associate Pastor of St. Joseph's Catholic Church, Gardiner.

The journal of yesterday was read and approved.

## Papers from the Senate

From the Senate:

Bill "An Act to Revise the Charter of the Aroostook-Prestle Treatment District" (S. P. 37) (L. D. 45)

Bill "An Act to Amend the Charter of the Baileyville Utilities District" (Emergency) (S. P. 35) (L. D. 43)

Came from the Senate referred to the Committee on Public Utilities and ordered printed.

In the House, were referred to the Committee on Public Utilities in concurrence.

Bill "An Act Relating to Abatements by Municipal Tax Assessors" (S. P. 36) (L. D. 44)

Came from the Senate referred to the Committee on Taxation and ordered printed.

In the House, was referred to the Committee on Taxation in concurrence.

## Messages and Documents

The following Communication:

Report of Committee on Elections  
Election in District 89

The Committee on Elections to which was referred (a) the returns of the votes cast for Representative to the Legislature, and (b) the Report of the Commission on Governmental Ethics and Election Practices on the Appeal of William J. Hennessey, House District 89, and (c) the Petition of William J. Hennessey have had the same under consideration and ask leave to report that:

The Committee met and reviewed the above documents on January 6, 1977. Based on that review the Committee reports the following facts:

William J. Hennessey and Courtney E. Stover were candidates for election as Representative from District 89 in the November 2 election. After that election and a recount, both candidates stipulated certain facts to the Commission on Governmental Ethics and Election Practices.

1. That Representative District 89 consists of parts of Wards 2, 3, 4 and 5 in the City of Bath; all of the Town of West Bath and parts of Districts 1 and 2 in the Town of Brunswick.

2. That the official return of said election from the Town of West Bath is correct.

3. That the official return of said election from the City of Bath is incorrect in that the voting checklists reflect that 1210 persons qualified to vote in Representative District 89 actually voted but only 1109 Representative District 89 ballots were distributed and accounted for. That it would appear that 101 persons qualified to vote in Representative District 89 were given ballots for Representative District 89.

4. That the official return of said election from the Town of Brunswick is incorrect in that the voting checklists reflect that 684 persons qualified to vote in Representative District 89 actually voted but only 577 Representative District 89 ballots were distributed and accounted for. That it would appear that 107 persons qualified to vote in Representative District 89 were given ballots for Representative District 91.

5. That the official return of Representative District 89 indicates that Courtney E. Stover defeated William J. Hennessey by 133 votes.

6. That the total of the errors described in

paragraphs 3 and 4 herein would appear to be 208.

Based on its review of the facts, the Commission on Governmental Ethics and Election Practices found that the voting "irregularities," although presumably inadvertent, were of such magnitude as to render the election invalid. In their report the Commission noted:

"It appears that at least 208 voters were disenfranchised in this election, a number that clearly exceeds the 133 vote margin of apparent victory. Moreover, representations from counsel and materials presented to the Commission indicate the possibility that an additional disenfranchisement of District 89 voters may have been masked by the casting of District 89 ballots by District 90 and District 91 voters. This possibility adds to the questionability of this election's validity."

Accordingly the Commission recommended the holding of a special election to determine representation of District 89.

After further review the Committee believes that the findings and recommendations of the Commission on Governmental Ethics and Election Practices should be followed by the House.

Therefore, the Committee recommends that the House declare that there is a vacancy in the representation in the House of District 89 including the municipalities of Bath, Brunswick and West Bath because of inadvertent irregularities in election procedures in Bath and Brunswick which prevented many voters from expressing their choice in the District 89 election.

Further, the Committee recommends that the name of Courtney E. Stover, presently seated as the representative of District 89, be stricken from the rolls.

Further, the Committee recommends that the Secretary of State and appropriate municipal officials be promptly advised of House action on this report so that, if a vacancy is declared by the House, a new election can be held as expeditiously as possible.

Dated: January 11, 1977.

Committee on Elections.

Signed:

HARLAND C. GOODWIN JR.  
Chairman

The Communication was read.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Ms. Bachrach. Ms. BACHRACH: Mr. Speaker, Men and Women of the House: I just wanted to urge you to vote as quickly as possible to declare this vacancy, because both Bath and Brunswick are holding up local referendums hoping to incorporate them in with a new vote for District 89. They have been waiting very impatiently to hear that they could go ahead and set a date for the referendum and election.

Thereupon, the Communication was ordered placed on file.

## Petitions, Bills and Resolves

## Requiring Reference

The following Bills and Resolve were received and referred to the following Committees:

## Business Legislation

Bill "An Act to Revise Restrictions in Allowing Reciprocity with Licensed Hairdressers in Certain States and Provide Greater Flexibility for State of Maine Licensees" (H. P. 46) (Presented by Mrs. Boudreau of Portland) (Ordered Printed)

Sent up for concurrence.

## Education

Bill "An Act to Authorize the Town of Beals to Withdraw from the Mossabec Community School District" (Emergency) (H. P. 47) (Presented by Mr. Connors of Franklin)

Bill "An Act Relating to Conferring Degrees by Husson College" (Emergency) (H. P. 48) (Presented by Ms. Clark of Freeport) (Ordered Printed)

Sent up for concurrence.

## Fisheries and Wildlife

Bill "An Act Establishing an Experimental Open Season on Moose" (H. P. 49) (Presented by Mr. MacEachern of Lincoln) (Cosponsor: Mr. Tozier of Unity) (Ordered Printed)

Sent up for concurrence.

## Legal Affairs

Bill "An Act Relating to the Regulation of Beano" (H. P. 50) (Presented by Mr. Connors of Franklin)

Bill "An Act Pertaining to Out-of-State Marriages" (H. P. 51) (Presented by Mr. Cote of Lewiston)

Bill "An Act Pertaining to Birth Records" (H. P. 52) (Presented by Mr. Cote of Lewiston) (Ordered Printed)

Sent up for concurrence.

## State Government

Bill "An Act to Clarify the Definition of Activities Reportable as Lobbying" (H. P. 53) (Presented by Mrs. Kany of Waterville) (Cosponsor: Mr. Hughes of Auburn)

Committee on Legal Affairs was suggested.

On motion of Mr. Tierney of Lisbon Falls, was referred to the Committee on State Government, Ordered Printed and sent up for concurrence.

## Legal Affairs cont'd.

Bill "An Act Pertaining to Town Clerk's Fees, for Record of Burial Permits" (H. P. 54) (Presented by Mr. Cote of Lewiston)

Bill "An Act Concerning Proofs Required for the Issue of a Marriage Intention Form" (H. P. 55) (Presented by Mr. Cote of Lewiston)

Bill "An Act Concerning Certified Copies of Records of Marriage" (H. P. 56) (Presented by Mr. Cote of Lewiston)

Bill "An Act Pertaining to Issuance of Marriage Licenses" (H. P. 57) (Presented by Mr. Cote of Lewiston) (Ordered Printed)

Sent up for concurrence.

## Local and County Government

Bill "An Act Relating to Reapportionment" (Emergency) (H. P. 58) (Presented by Mr. Cote of Lewiston)

(Ordered Printed)

Sent up for concurrence.

## Public Utilities

RESOLVE, Providing Funds for Repair of Olamon Stream Dam in the Town of Greenbush, Penobscot County. (Emergency) (H. P. 59) (Presented by Mr. Gould of Old Town)

(Ordered printed)

Sent up for concurrence.

## Taxation

Bill "An Act to Reduce the Uniform Property Tax by 1/4 Mills" (Emergency) (H. P. 60) (Presented by Mr. Carey of Waterville)

Bill "An Act to Provide for a Trade-in Credit for Wheeled or Tracked Vehicles used in Lumbering or Agriculture" (H. P. 61) (Presented by Mr. Dexter of Kingfield)

(Ordered Printed)

Sent up for concurrence.

## Veterans and Retirement

Bill "An Act to Permit the Inhabitants of Cranberry Isles to Withdraw from the Maine State Retirement System" (H. P. 62) (Presented by Mr. Perkins of Blue Hill)

(Ordered Printed)

Sent up for concurrence.

**Orders**

On motion of Mr. Goodwin of South Berwick, it was

ORDERED, that the House of Representatives declares a vacancy to exist in the representation in the House of District 89 because of inadvertent irregularities in election procedures in Bath and Brunswick which prevented many voters from expressing their choice in the District 89 election, and be it further

ORDERED, that the name of Courtney E. Stover, presently seated as the representative of District 89, be stricken from the rolls, and be it further

ORDERED, that a copy of this Order duly certified by the Clerk of the House be sent to the Governor, the Secretary of State and City or Town Councils or Selectmen of the municipalities of Bath, Brunswick and West Bath.

On motion of Mr. Nadeau of Sanford, it was

ORDERED, that David Bustin of Augusta be excused January 11th and 12th for personal reasons

AND BE IT FURTHER ORDERED, that Orland G. McPherson of Eliot be excused from his attendance at the House sessions this week for personal reasons

AND BE IT FURTHER ORDERED, that Georgette Berube of Lewiston be excused due to death in her family.

**Orders of the Day**

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

Joint Order — Relative to Amending Joint Rule 22 (H. P. 45)

Tabled — January 11, 1977 by Mr. Tierney of Lisbon Falls

Pending — Passage.

Thereupon, the Order received passage and was sent up for concurrence.

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

HOUSE ORDER — Relative to Bills and Resolves Requiring Appropriation.

Tabled — January 11, 1977 by Mr. Tierney of Lisbon Falls (Pursuant to House Rule 54)

Pending — Passage.

On motion of Mr. Tierney of Lisbon Falls, tabled pending passage and specially assigned for Tuesday, January 18.

**(Off Record Remarks)**

At this point, the Speaker made the following changes in Committee appointments:

Mr. Teague of Fairfield was removed from the Committee on Human Resources, and Mr. Marshall of Millinocket assigned to this committee.

Mr. Marshall of Millinocket removed from the Committee on Labor and Mrs. Lewis of Auburn assigned to this committee.

On motion of Mr. Hughes of Auburn, Ad-journed until ten o'clock tomorrow morning.