

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

KJ PRINTING
AUGUSTA, MAINE

HOUSE

Tuesday, April 5, 1977

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

Prayer by the Reverend Richard E. Wrentzel of the East Auburn Baptist Church.

The journal of yesterday was read and approved.

Paper from the Senate

The following Joint Order, An Expression of Legislative Sentiment recognizing that: The Boys' Basketball Team of St. Mary's Church at Houlton are the CYO State Champions for 1977. (S. P. 393)

Came from the Senate read and passed.

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

Tabled and Assigned

Bill "An Act to Require the Use of Tugboats by Tankers Transiting Hussey Sound in Casco Bay" (S. P. 388) (L. D. 1301)

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

In the House, on motion of Mrs. Post of Owls Head, tabled pending reference in concurrence and tomorrow assigned.

Resolution, Proposing an Amendment to the Constitution to Repeal Provisions Relating to the Poll Tax and to Payment in Lieu of Military Duty (S. P. 387) (L. D. 1300)

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

In the House, referred to the Committee on State Government in concurrence.

Reports of Committees

Leave to Withdraw

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act Concerning the Power of the Criminal Justice Academy to Inspect Records to ensure Compliance with Law Enforcement Officer Employment Requirements" (S. P. 98) (L. D. 227)

Came from the Senate with the Report read and accepted.

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

Referred to the Committee on Energy

Report of the Committee on Business Legislation on Bill "An Act to Require Posting of Prices of Certain Internal Combustion Engine Fuel" (S. P. 312) (L. D. 1032) reporting that it be referred to the Committee on Energy

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Energy.

In the House, the Report was read and accepted and the Bill referred to the Committee on Energy in concurrence.

Non-Concurrent Matter

Bill "An Act to Provide for Reimbursement of Certain Expenses Incurred by a Maine Band Selected to Participate at the Inauguration Ceremonies of a President of the United States" (H. P. 1069) (L. D. 1261) which was referred to the Committee on Education in the House on March 28, 1977.

Came from the Senate referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

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

Messages and Documents

The following Communication: (S. P. 391) State of Maine

Maine Education Council

March 29, 1977

Honorable Members of the 108th Legislature:

The Maine Education Council herein presents its response to Senate Paper 896, an Order of the 106th Legislature directing the Council to review the "advisability and implications" of the recommendation by the Maine Management and Cost Survey that the schools in the Unorganized Territory of the State be closed and that the pupils be transported and tuitioned to schools in organized units.

Visits were made to some of the schools. But the report by Mr. Horace D. McGowan, Director of the Division of School Operations in the Department of Educational and Cultural Services until August 1, 1974, proved most helpful to the Council. Also, the 1930 report of the Commissioner of Education has helped the Council gain an historical point of view toward the present schools.

The members of the Maine Education Council believe that each and every function of state government should receive a periodic review and present this report as the result of one such review.

For the Maine Education Council
(Signed) CLYDE BARTLETT
Chairman

Came from the Senate read and with accompanying papers ordered placed on file.

In the House, the Communication was read and with accompanying papers ordered placed on file in concurrence.

The following Communication: (S. P. 399)
State of Maine
Office of the Governor
Augusta, Maine

March 31, 1977

Honorable Joseph Sewall
President of the Senate
and

Honorable John Martin
Speaker of the House
Dear Joe and John:

This is to formally notify you that Asa C. Richardson was nominated to serve on the State Personnel Board today.

In accordance with M.R.S.A., Title 5, Section 591, as amended, this nomination is subject to review by the Joint Standing Committee on Labor and to confirmation by the Legislature.

Your assistance in this area is greatly appreciated.

Very truly yours,
(Signed) JAMES B. LONGLEY
Governor

Came from the Senate read and referred to the Committee on Labor.

In the House, the Communication was read and referred to the Committee on Labor in concurrence.

Petitions, Bills and Resolves Requiring Reference

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

Health and Institutional Services

Bill "An Act Concerning the Board of Registration in Medicine" (H. P. 1211) (Presented by Mrs. Kany of Waterville)

Committee on Business Legislation was suggested.

On motion of Mr. Goodwin of South Berwick, the Bill was referred to the Committee on Health and Institutional Services, ordered printed and sent up for concurrence.

Election Laws

Bill "An Act Concerning a Standard Method of Tallying Ballots" (H. P. 1212) (Presented by Mr. Nadeau of Sanford)

(Ordered Printed)
Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Permit the Hunting of Wild Animals by Bow and Arrow and to Provide for the Issuance of Resident and Nonresident Archery Licenses" (H. P. 1213) (Presented by Mr. Tozier of Unity)

(Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act Concerning Record Checks on Applicants for Employment with Fire Departments" (H. P. 1214) (Presented by Mr. Laffin of Westbrook)

Bill "An Act to Require the Court System to Compensate Washington County for Certain Equipment and Space" (H. P. 1215) (Presented by Mr. Conners of Franklin)

(Ordered Printed)
Sent up for concurrence.

Local and County Government

Bill "An Act Authorizing Municipalities to Create Development Districts" (H. P. 1216) (Presented by Mr. MacEachern of Lincoln) (Cosponsors: Mr. Carey of Waterville, Mr. Kelleher of Bangor, Mr. Pearson of Old Town)

(Ordered Printed)
Sent up for concurrence.

Natural Resources

Bill "An Act Appropriating Funds to Provide Road and Bathing Facilities on Lucia Beach at Owls Head" (H. P. 1217) (Presented by Mrs. Post of Owls Head)

(Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act Relating to Financial and Other Types of Management Assistance" (H. P. 1218) (Presented by Mrs. Kany of Waterville)

(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act to Amend the Law Relating to Gas Tax Reimbursement" (H. P. 1219) (Presented by Mrs. Post of Owls Head)

(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act to Define the Term Intersection" (H. P. 1220) (Presented by Mr. Cunningham of New Gloucester)

Bill "An Act to Establish a Sign on the Maine Turnpike Showing the Exit for Coastal Maine" (H. P. 1221) (Presented by Mr. Gray of Rockland)

(Ordered Printed)
Sent up for concurrence.

Veterans and Retirement

Bill "An Act to Provide Retirement Credit to Charles J. Boetsch" (H. P. 1222) (Presented by Mr. Sprowl of Hope)

(Ordered Printed)
Sent up for concurrence.

Orders

Mr. Kelleher of Bangor presented the following Joint Order and moved its passage: (H. P. 1210)

WHEREAS, the Mill Act, Title 38, Chapter 5, subchapter I, has been the law of Maine since 1821 regarding the construction of dams; and

WHEREAS, there are numerous and complex federal and state laws regulating the construction and operation of dams; and

WHEREAS, the energy crisis may encourage the development of hydroelectric power and generation sites to a degree heretofore unknown; and

WHEREAS, there may be several antiquated provisions in the Mill Act or other state laws that are no longer relevant to the operation or

construction of dams in Maine; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Public Utilities undertake a study to determine the fairness, feasibility and need for all laws regarding dams including the Mill Act; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1977, and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order be forwarded to the members of the committee.

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

An Expression of Legislative Sentiment (H. P. 1223) recognizing that: Mrs. Marguerite R. Lary has been chosen Maine Merit Mother of the Year for 1977

Presented by Mr. Higgins of Scarborough.

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

(Off Record Remarks)

On motion of Mr. Tierney of Lisbon Falls, Recessed until the sound of the gong.

After Recess
10:45 a.m.

The House was called to order by the Speaker.

House Reports of Committees Ought Not to Pass

Mrs. Boudreau from the Committee on Election Laws on Bill "An Act to Appropriate Funds for Municipalities Involved in Special Elections for State and National Offices" (H. P. 478) (L. D. 593) reporting "Ought Not to Pass"

Was placed in the Legislative Files without further action pursuant to Joint Rule 20, and sent up for concurrence.

Recommitted to the Committee On Election Laws

Mr. Talbot from the Committee on Election Laws on Bill "An Act to Require Certification of Nomination Petitions" (H. P. 1) (L. D. 1) reporting "Leave to Withdraw"

Report was read.

On motion of Mrs. Boudreau of Portland, recommitted to the Committee on Election Laws, and sent up for concurrence.

Mrs. Chonko from the Committee on Taxation on Bill "An Act to Provide that the Uniform Property Tax Rate shall be Established in Conformity with Statutory Limits on Educational Funding" (Emergency) (H. P. 6) (L. D. 16) reporting "Leave to Withdraw"

Mr. Twitchell from the Committee on Taxation on Bill "An Act to Reduce the Uniform Property Tax by 1/4 Mills" (Emergency) (H. P. 60) (L. D. 81) reporting "Leave to Withdraw"

Mr. Kelleher from the Committee on Public Utilities on Bill "An Act to Repeal the Mill Act" (H. P. 389) (L. D. 521) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mrs. Beaulieu from the Committee on Education on Bill "An Act to Amend the Vocational Education Laws" (Emergency) (H. P. 111) (L. D. 146) reporting "Ought to Pass" in New Draft (H. P. 1209) (L. D. 1329)

Report was read and accepted, the New Draft

read once and assigned for second reading tomorrow.

Divided Report Tabled and Assigned

Majority Report of the Committee on Election Laws reporting "Ought Not to Pass" on Bill "An Act to Provide that the Position on the Primary Election Ballot and on the General Election Ballot of the Names of Candidates for Major Offices shall be Determined by Lot" (H. P. 479) (L. D. 594)

Report was signed by the following members:

Mr. KATZ of Kennebec
DANTON of York
— of the Senate

Mrs. DURGIN of Kittery
Mr. BOUDREAU of Waterville
Mrs. BOUDREAU of Portland,
Messrs. BIRT of E. Millinocket
BUSTIN of Augusta
McMAHON of Kennebunk
TRUMAN of Biddeford
TALBOT of Portland
— of the House

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

Report was signed by the following members:

Mr. TROTZKY of Penobscot
— of the Senate

Mrs. MITCHELL of Vassalboro
Mr. RAYMOND of Lewiston
— of the House

Reports were read.

(On motion of Mrs. Boudreau of Portland, tabled pending acceptance of either Report and tomorrow assigned.)

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" on Bill "An Act Pertaining to License Fees for the Regulation of Certain Amusements" (H. P. 577) (L. D. 701)

Report was signed by the following members:

Mr. HEWES of Cumberland
Mrs. CUMMINGS of Penobscot
— of the Senate.

Messrs. JOYCE of Portland
COTE of Lewiston
GOULD of Old Town
BURNS of Anson
Mrs. DURGIN of Kittery
Messrs. MOODY of Richmond
DUDLEY of Enfield
— of the House

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

Report was signed by the following members:

Mr. CARPENTER of Aroostook
— of the Senate

Messrs. BIRON of Lewiston
SHUTE of Stockton Springs
CARRIER of Westbrook
— of the House.

Reports were read.

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

Mr. BIRON: Mr. Speaker, I move that we accept the Minority "Ought not to pass" Report and would speak to my motion.

The SPEAKER: The gentleman from Lewiston, Mr. Biron, moves that the House accept the Minority "Ought not to pass" Report. The gentleman may proceed.

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: If you look at L.D. 701, the attempt here is to change the license fees for those people who operate pool rooms and other such establishments within the state. What they are attempting to do with this bill is change the fee from \$10 to whatever reasonable

fee your local community shall deem necessary.

I am opposed to the bill because under this type of legislation a local community could, if it wanted to, put a small business right out of business by simply raising the fees so high that it is impossible for them to obtain a license. This is why I am against the bill.

In committee I suggested an amendment to the bill to raise the fee to a certain dollar amount. The City of Portland is the only community in the state that spoke in favor of this bill. Apparently they are the only community where they have someone who goes around to check these different licenses, and I don't think that we here in the legislature should be legislating laws for one community in the state; we should be legislating laws which benefit everyone. There is no need for this type of legislation and I urge you to support the "ought not to pass" report.

Mr. Gould of Old Town requested a vote.

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Burns.

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly on this bill. We reported it out "ought to pass" and Representative Biron is absolutely correct, there is no need for this legislation, and that is exactly what we are trying to do, take it off the books so we can allow the towns to make their own decisions as to what fees shall be paid for each amusement.

Therefore, I ask you to defeat the motion on the floor to accept the "ought not to pass" report and then we can go forward and accept the "ought to pass" report.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I don't have any great concern about this bill, but I did think each community differed. I thought that the fee in Portland might well be different from West Enfield, the amount of business done might be different, and all those things entered into it. So, again, it was a chance for home rule. I thought the people in these local communities now are getting to have some talent, at least talent enough to decide what these licenses should be; therefore, I hope that they will decide and I signed the Majority "Ought to pass" Report.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill, this is not the bill that attempts to open the doors to gambling in Maine. This legislation is needed and it has been said that it is truly a case of home rule.

The City of Portland does license bowling alleys, billiard halls, bagatelles and pinball machines. The charge is now \$5 per location per pinball machine. All the municipality asks is permissive legislation so that they can balance the books. It appears that now they want to raise the license for pinball machines to \$10 instead of \$5. It is a reasonable request. I think that is what we all want, home rule.

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

Mr. BIRON: Mr. Speaker and Members of the House: In response to the good gentleman from Portland, Mr. Joyce, the attempt here is not to raise the fee to \$10. The attempt here is to put whatever reasonable fee the local municipality feels is necessary, and this is where I am concerned. It is very, very possible that some municipalities that do not want to have a billiard room in their community, and for that reason, they would set the license fee so high that a person could not operate a billiard room in that community.

Now, I personally think that is wrong. The state law right now permits someone to set up that kind of location in any community in the state, providing that they are licensed and they

are controlled. The license fee is reasonable, and if you support this legislation, what you are saying is that you are allowing some communities in the state to put some people out of business, and that is exactly what will happen. I am opposed to that and I hope that you will support the "ought not to pass" report.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: Twenty-seven years ago, the City of Portland came to this legislature to ask permission to put the pinball location license up to \$5. Twenty-seven years later, they come here and ask for a change so that they can raise it again to cover expenses.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I signed the Minority "Ought not to pass" Report, probably on the same basis as the gentleman from Lewiston, due to the fact that it does not state any fee. I think that some of us were reasonable. We did suggest that if they wanted to get away from a specific fee, you could at least put in there that the fee will not be more than so and so.

I don't like this type of bill because you are opening something. It is a very ambiguous bill and you are at the mercy of the municipal officers. If someone was to open up an establishment, they usually like to know ahead of time what expenses are involved and what the cost is.

I don't think the bill is well drawn, and if we are interested in having good laws on the books, I would think it should be worded a little different than this. But my point was, why I voted against it and I still truly believe in the fact that we were on the right track, that we did suggest that the thing should not be in excess of \$10 or \$20, accomplish the same thing that the sponsors and others desired to do but also limiting it and making it a better law.

I hope you accept the Minority "Ought not to pass" Report.

The SPEAKER: A vote has been requested. The pending question is on the motion of the gentleman from Lewiston, Mr. Biron, that the Minority "Ought not to pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

31 having voted in the affirmative and 75 having voted in the negative, the motion did not prevail.

Thereupon, the Majority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

Consent Calendar

First Day

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the First Day:

(S. P. 187) (L. D. 573) Bill "An Act Providing for a Program of Support for Destitute Persons on Indian Reservations and Appropriating Additional Funds for the Department of Indian Affairs" (Emergency) — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-43)

No objections being noted, the above item was ordered to appear on the Consent Calendar of April 6, under listing of the Second Day.

Consent Calendar

Second Day

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

(H. P. 324) (L. D. 415) Bill "An Act to Define 'North American Indians Residing in Maine' for Purposes of the North American Indian Scholarships"

(H. P. 294) (L. D. 351) Bill "An Act to

Eliminate Membership Deadlines for the Cobossee Watershed District"

(S. P. 91) (L. D. 215) Bill "An Act to Remove Limitations on the Amount of Group Life Insurance Which May be Issued"

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

Passed to Be Engrossed

Bill "An Act Relating to Tax on Pari-mutuel Pools and State Stipend Law" (Emergency) (H. P. 506) (L. D. 625)

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

Passed to Be Enacted

Emergency Measure

An Act to Exempt Small Water Districts from Regulation by the Public Utilities Commission (H. P. 1060) (L. D. 1116)

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. 105 voted in favor of same and 8 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Concerning the Required Height of Motorcycle Handlebars (H. P. 279) (L. D. 344)

An Act Relating to Representation of Maine Maritime Academy on the Post-secondary Education Commission of Maine (H. P. 219) (L. D. 283) (C. "A" H-86)

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.

Finally Passed

Resolve, Authorizing the Purchase of "University of Maine at Farmington — A Study of Education Change, 1864 to 1974" (H. P. 384) (L. D. 472) (C. "A" H-85)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, the Resolve finally passed, 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 Relating to Description of Recorded Mortgages" (H. P. 590) (L. D. 717)

Tabled — March 31, 1977 by Mr. Spencer of Standish.

Pending — Passage to be Engrossed.

On motion of Mr. Spencer of Standish, retabled pending passage to be engrossed and tomorrow assigned.

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

An Act Relating to Vehicle Sizes and Weights (Emergency) (S. P. 90) (L. D. 214)

Tabled — March 31, 1977 by Mr. Quinn of Gorham.

Pending — Passage to be Enacted.

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

Mr. HENDERSON: Mr. Speaker, since we have had controversy in the past over truck weights, I would like someone to explain this bill to me if they would.

The SPEAKER: The gentleman from Bangor, Mr. Henderson, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: As House Chairman of the Committee on Transportation, I will try to enlighten my fellow men.

This bill is to clean up some of the problems that we had with the former legislation. This enables us to have what we feel is a fair and equitable truck weight law. It increases the tolerance and it clears up any of the misunderstandings we have had in the past.

I had my reservations on the truck weight legislation in the past session. I tried to amend the law and was unable to, but now, through the efforts of the Department of Transportation and the people concerned, we feel that this now clears up any ambiguities in the past legislation and I am sure if you have any other questions, if you will meet with us later, we will discuss it, but we would hope, after having this tabled as long as we have, and where it is emergency legislation, there are people waiting right now to buy equipment and they are waiting for this legislation to be passed before they buy it. I would hope that you would go along with us this morning and give this an ought to pass.

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

Mr. JALBERT: Mr. Speaker, may I be excused from voting on this?

The SPEAKER: The Chair would advise the gentleman from Lewiston, Mr. Jalbert, that there would be no way that he could be in conflict on this bill.

This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.

136 having voted in the affirmative and one having voted in the negative, the motion did prevail.

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

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

An Act to Clarify and Confirm the Municipal Boundary between the City of South Portland and the Town of Scarborough (H. P. 524) (L. D. 642)

Tabled — March 31, 1977 by Mr. Higgins of Scarborough.

Pending — Passage to be Enacted.

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

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

Resolution, Proposing an Amendment to the Constitution to Require the State to Reimburse Municipalities for at least 50% of Property Tax Exemption Losses (S. P. 366) (L. D. 1227) — In Senate, referred to Committee on State Government.

Tabled — April 4, 1977 by Mr. Curran of South Portland.

Pending — Reference in concurrence.

Thereupon, the Bill was referred to the Committee on State Government in concurrence.

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

Bill, "An Act to Permit the Penobscot Indian Tribe to Assess a Fine on Vehicles Improperly Parked on the Reservation" (H. P. 1187) (Committee on Human Resources suggested)

Tabled — April 4, 1977 by Mr. Pearson of Old Town.

Pending — Reference.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I spoke to the Governor of the Penobscot Tribe this morning on the telephone and he informed me that they would

like to have the bill killed, so I move that it be indefinitely postponed.

Thereupon, on motion of Mr. Pearson of Old Town, the Bill and all accompanying papers were indefinitely postponed.

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

Bill, "An Act to Regulate the Circulating of Initiative or Referendum Petitions" (H. P. 223) (L. D. 287)

Tabled — April 4, 1977 by Mr. Wilfong of Stow.

Pending — Passage to be Engrossed.

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

Mr. TIERNEY: Mr. Speaker and Members of the House: It is my understanding that an Attorney General's ruling has been issued in respect to this piece of legislation as recently as an hour ago. Because I haven't had the opportunity to review that decision so that I am able on this, I would request that someone would table this bill for one legislative day.

Whereupon, on motion of Mr. Quinn of Gorham, tabled pending passage to be engrossed and tomorrow assigned.

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

SENATE REPORT — "Ought to be Adopted" — Committee on State Government on Joint Resolution Accepting the Capitol Planning Commission Report and Indicating a Willingness to Utilize The Capitol Complex Plan and Public Improvement Proposals As A Guide For All Future Legislation Pertaining to The Capitol Complex (S. P. 62)

Tabled — April 4, 1977 by Mr. Norris of Brewer.

Pending — Acceptance of Committee Report.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, when this first came up, I move to have it tabled until later in the day's session, then Mr. Norris from Brewer tabled it one legislative day, and the reason for that is because I have some concerns over the Capitol Planning Commission's report and its adoption and the motion that is before us.

The Maine Capitol Planning Commission Report, in its letter of transmittal to the legislature, says in part that in the law that was passed that the State Planning Commission is required to, number two, submit the completed plan to the legislature for adoption as the official state master plan for the development of state buildings and grounds in the capitol complex. In this report, they have drawn a boundary which outlines what the capitol complex will be, and on page 13 of the report, item 2, it says that the general policy related to the capitol area, and I might mention that the capitol area is the area generally around here and it does not include Augusta Mental Health across the river, but the general policy relating to the capitol area says that all future state office buildings in Augusta should be located within the capitol complex, except those designed for heavy equipment and dead storage use.

My concern is, of course, as a lot of the people in Penobscot County are aware of, I am concerned that this may preclude any arguments that we might have later on in the session for the use of Augusta Mental Health as perhaps places for state office buildings and moving the patients at Augusta Mental Health to Bangor Mental Health. Not only am I concerned about that, but it would seem to preclude the use in the future of office space in Stevens School in Hallowell.

The report also calls for the eventual destruction of the education building over here for aesthetic purposes. I understand this report

didn't have a public hearing and I am disturbed about that also. For those and other reasons, I asked for it to be tabled yesterday and wanted to speak to it today and perhaps others will after I get through.

The SPEAKER: The Chair recognizes the gentleman from Stow, Mr. Wilfong.

Mr. WILFONG: Mr. Speaker, I have a question I would like to pose to any member of the State Government Committee that would care to answer it. Why is this report being accepted in this manner and not in the usual manner of just placing it on file?

The SPEAKER: The gentleman from Stow, Mr. Wilfong, has posed a question through the Chair to anyone who may care to answer.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I believe the answer to the gentleman's question is that it is mandated in the statutes that it be adopted biennially.

Whereupon, Mr. Wilfong of Stow requested a roll call vote.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I have had some problems with this for various reasons. Some sessions ago when I was privileged to serve on the Appropriations Committee and we looked at the situation of building a new parking garage and also a new office building down here, certainly this is one of the tools that we used and used it readily, but not because it had been adopted by the legislature.

I am the same as my good friend, Mr. Wilfong, I am amazed to see a thing come in this House from a commission report with adopting their report, because it certainly is all encompassing. It says that state agencies located and leased and state-owned office buildings outside the state capitol complex in Augusta should relocate in the complex here, and I see great expenditures being mandated if you adopt this piece of legislation this morning.

I would hope that you would defeat this piece of legislation, or defeat this motion, and then one of us could move that this report be placed in the legislative files to be at the disposal of the future legislators to use with discretion in proliferating the capitol complex here, but to put it into the record this way this morning to me doesn't seem to be right. I would hope that you would vote against the adoption and then I would be happy to get up and move that it be placed in the legislative files.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I think one reason you have got this before you this morning is that the statute mandates that the state have a master plan. It also mandates that this Planning Commission come back to us every two years with any amendments or changes. I think the key word here is 'plan,' and another word, 'should.' If you look at the Resolution itself, all it says is that we are going to use it as a guide. I don't think it is going to mandate a thing. There is not one penny attached to the report to pay for all of these recommendations.

I am not so sure about what happens if you defeat it this morning. Maybe what we have got to do then is go back to the 1969 plan, which is in existence presently, and then maybe another alternative would be to have the Planning Commission start over again and develop a master plan, because it is mandated in the law that we have a master plan, and it is nothing more than a plan.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Bachrach.

Mrs. BACHRACH: Mr. Speaker, Men and Women of the House: I made the opportunity to talk to Senator Richard Morrell, who is a

member of the Planning Commission, about the origin of all this, and as Mr. Curran has very clearly pointed out, it is only intended as a guide and also I just wanted to add that as each thing would be carried out as shown on the plan, it would have to come before the legislature as a separate bill to be passed on. There is no way that any of this could be implemented without our say-so. So I feel that it is simply a guide to future action, but we don't have to follow out any of its provisions precisely.

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

Mr. WOOD: Mr. Speaker and Members of the House: When this report was first on our desks, I went to leadership because I was concerned about it and asked leadership what the procedure was and I was assured that it would be going to the committee and there would be a public hearing on it and at that time I could raise my objections. Since there was no public hearing, I could not raise those objections.

I think the fact that we are accepting this report will be the basis for planning, and in the future when they come before us, they are going to say, well, you accepted the report and we went on that basis. There are things in the report that I can't accept, and I would hope that we could defeat this.

The SPEAKER: The Chair recognizes the gentlewoman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: If we pass this Joint Resolution, it means that we adopt this report as the official state plan, and if this has no great importance, then why does the legislature have to adopt it? Why doesn't it go across our desks as many other reports do, off the record? If we are going to put this on the record, I want to know what the long range plan is going to be.

I admit I am new here and I have not yet trained my eyes and ears to detect all the effects derived from inserting those little incidentals. If there is some relation to that big bill yet to come down the road, I want to know about it. I must say that I have been made very suspicious, especially when L. D. 188 came floating in with zero money budgeted for Bangor Mental Health Institute. I wondered how that could be possible. The law says that there will be two mental health institutes in the state, so for some reason, I don't trust the establishment here in Augusta.

This is a legislative commitment, and I urge you to consider it carefully because I believe there are implications in that little green book and I think we ought to know what they are before we vote yes.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: It does seem logical to assume that progressive planning would incorporate the area by AMHI and also Hallowell Girls' School.

Presently, we have offices up in the Capitol Plaza, we have offices on Western Avenue, and it would seem logical to assume that we should utilize that area at AMHI or the Hallowell Girls' School.

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

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: There is obviously a great deal of confusion and concern about this report. It is also obvious that it has not had a public hearing and I think anything as significant as the impact that this proposal has for the Augusta area and other areas, I would thereby move that this report be recommitted to the Committee on State Government for the purposes of having a public hearing.

Thereupon, on motion of Mr. Davies of Orono, the Resolution was recommitted to the Committee on State Government in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Bill, "An Act to Remove Restrictions on the Salary of County Commissioners who Hire Full-time County Administrators" (S. P. 154) (L. D. 394)

Tabled — April 4, 1977 by Mr. Dudley of Enfield.

Pending — Adoption of House Amendment "A" (H-93).

Thereupon, Mr. LaPlante of Sabattus withdrew House Amendment "A" (H-93)

The same gentleman offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-103) was read by the Clerk.

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

Mr. GAUTHIER: Mr. Speaker, and Members of the House: Mr. LaPlante put these amendments in, and I would like to ask him what the difference is between the two.

The SPEAKER: The gentleman from Sanford, Mr. Gauthier, has posed a question through the Chair to the Gentleman from Sabattus, Mr. LaPlante, who may answer if he so desires.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I called the contents of House Amendment "A" to the attention of the gentleman from Sabattus yesterday because I felt that if you read it it indicates that the county commissioners would have only one choice with House Amendment "A" and that was either to stay with the \$25 a day or go back to the original figure that they had always paid county commissioners.

I think the wording of House Amendment "B" is a little more flexible in that it still retains the idea that the legislature recognizes that there should be a reduction in salary of county commissioners if an administrator is hired. The present law, of course, puts its down to \$25 per day, which I feel most would agree is a minimum; however, present law mandates the \$25 a day with no exceptions if they hire a county administrator. At the very least, it seems to me this mitigates against any board of county commissioners hiring an administrator, which many feel is one way of modernizing county government without a lot of legislation. This reflects a certain prejudice against professional county administration, because human nature being what it is, most county commissioners are not likely to arbitrarily cut their salaries; however, the legislature and legislators cannot go out and hire a county administrator, that is up to the county commissioners, so you have stopped it right there.

However, with this amendment, and I trust you all read it, it says a majority of the legislative delegation from that county may vote to establish an annual salary for county commissioners, notwithstanding the fact that the commissioners have hired a full-time county administrator. In other words, the law says that it will go down as \$25 a day, but that if in some county they want to take the over action of compensating county commissioners on a different basis than \$25 a day, they may do so under this act.

Now, you remember that is the county commissioners' recommendation which the legislative delegation, under the present law at least, has to approve, so it will actually be in the control of the legislative delegation. I think this is local control, it takes away the mandate although the direction is obviously still there. I think this is good legislation and I hope that it will be adopted and I move for the adoption of House Amendment "B".

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Bachrach.

Mrs. BACHRACH: Mr. Speaker, Men and Women of the House: I do not understand the attitude of some of the legislators towards county government. They treat commissioners like mentally retarded children and the whole level of government as if it were untrustworthy and incompetent. If the legislature continually refuses to allow county government any autonomy whatever, it must lose its usefulness as an intermediate form of government.

What has happened in this session alone with the salary bill, the four-year term for sheriff, a bill to replace sheriffs with state police as the rural law enforcement officers, and now this bill to allow county commissioners to hire administrators without dictating that they must take a cut in salary, makes it clear to me that the legislature must either loosen its stranglehold on county government or get rid of it altogether.

I hear complaints about the inferior quality of county officers, especially commissioners. How can we expect to have a high quality candidates for this office if they are treated like incompetent children by the legislature? If we dictate that an improvement in an administrative procedure produces a cut in salary, how can we hope to have commissioners hire any administrators? Salary levels for commissioners should be considered as a part of the total budget and the cost benefit of an administrator as a separate item.

In Oxford County, the Executive Secretary, who is really an administrator, saves the county money by acting as a purchasing agent and improving efficiency in other ways. I suggest that county government can and should be a viable form of intermediate government, but as long as it is the stepchild of the legislature, it never will. We should grant the commissioners the right to improve the operation of county government and allocate available funds in a reasonable manner after public hearings and not dictate by statute how they should handle this whole area.

I hope you will vote to defeat House Amendment "B" which still leaves the legislative delegation to allow or not to allow the commissioners to hire administrators without penalties and then go on to pass the original bill to remove these restrictions.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I don't quite understand my good friend Mrs. Bachrach, either, because yesterday she made a statement, or someone made a statement in the House here and I think she is the one that made it, that the county commissioners already did not do the work, that it was the clerks doing the work, so I don't think we have to hire anybody else to do the work if the clerks are doing it.

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

Mr. HENDERSON: Mr. Speaker, do I understand the posture of this bill is that House Amendment "B" has been adopted?

The SPEAKER: The Chair would answer in the negative.

Mr. HENDERSON: I thought I heard the hammer go down on the motion.

The SPEAKER: The Chair would answer in the negative.

Mr. HENDERSON: Mr. Speaker, I would like to ask the author of this amendment, first of all, if this amendment is attached that it does mean if administrators are hired that the commissioners must come back to the county delegation again; in other words, this is not something that is set in the county budget process but it is a separate process? That is one question. The other question is, what formal mechanism will be used for allowing the legislative delegation

to vote to establish the annual salary? Obviously, I suspect the intention is not to use the county budget process, and I am wondering where would these be put on file and what form of process would be used so there would be an official record of this?

The SPEAKER: The pending question before the House is adoption of House Amendment "B". Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Jalbert of Lewiston requested a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. Those in favor 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 Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: On the floor of this House and my actions by not even attending sessions of the County Government Committee and by reading my local press and constant bickering, it does not ingratiate me too much with one of my first former loves, and that was County Government. I don't mean to get myself involved, let alone over-involved in this thing, but I would wish and suggest that you might hark the words of the gentlelady from Brunswick, Mrs. Bachrach, and with due deference to my very dear friend from Farmington, Mr. Morton. I can see this bill, this amendment, strictly as a divisive amendment. This can do nothing but pit one county commissioner against another. At least in my county that has been the order of the day. I would hope that the action of the House would not be to encourage such a procedure. This is permissive legislation.

I read in the newspapers a short while ago where the chairman of our delegation, the gentleman from Auburn, Mr. Hughes, indicated, and I believe he spoke on the measure and I was not present in the chamber, that this is permissive legislation under the yes or no of the county delegation. This thing here is all right with me. This amendment does nothing but pit one county commissioner against another. Believe me, I have seen it happen. I have seen county government go in all areas to a point where now it just seems to me that we should not treat these people — they are elected people as we are, and I certainly go along with the words of the gentlelady from Brunswick, Mrs. Bachrach.

Mr. Speaker, is the motion still in order to move indefinite postponement of this amendment?

The SPEAKER: The Chair would answer in the affirmative.

Mr. JALBERT: Mr. Speaker, I want the bill, I think the bill is a good bill. I don't like the amendment, with deference to the gentleman from Sabattus, Mr. LaPlante, I know his intentions are well, but my experience shows me that this measure here would be nothing but a divisive affair between county commissioners, it would pit one against the other. I don't want to get into a hassle over it, but I am sorry, I just can't buy this amendment.

Therefore, I move the indefinite postponement of House Amendment "B" and request a roll call.

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

Mr. HOWE: Mr. Speaker, Members of the House: During my campaign, I sent out a questionnaire to several thousand households in my district. I asked a number of questions and one of the questions I asked was, should county government be abolished? I gave people five op-

tions with which to respond and they strongly agreed they are undecided or don't know; they disagree and strongly disagree and the responses to this questionnaire were interesting. It was about evenly split either side of don't know but the largest single response was in that category and it was the largest response in that category of any of a couple of dozen questions. How I interpreted that response was that people don't know much about their county government. They really don't know what it is doing, and I think one of the reasons for that is that county government is a rather impotent creature, if you will. The real action is in the legislature because the real action of any political body, it seems to me, is with its control over fiscal matters and the county commissioners ultimately don't have that control.

I think, for myself, it is with this bill that I am going to start trying to move in the direction of giving that responsibility back, if they ever had it, to the county commissioners. I think if the county commissioners have that kind of responsibility as elected officials, perhaps the press will begin paying more attention to their meetings and as a result people will start learning more about county government, whether it is good or bad, and therefore be able to make some intelligent judgments about it at the polling place.

Therefore, I support, with some reluctance, because of my feelings toward my seatmate, but I support the motion to indefinitely postpone, the House Amendment and will support the legislation in its original form.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, I would like to pose a question through the Chair to anyone who might answer. If we adopt House Amendment "B", would a person who is running for county commissioner have any way of knowing whether they would in fact be paid if they got elected?

The SPEAKER: The gentleman from Standish, Mr. Spencer, has posed a question through the Chair to anyone who may care to answer.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: The legalists here in the House are posing questions which seem to me beg the question; the answer is pretty obvious. Of course the county commissioners are going to be paid something.

I agree with the gentleman from Lewiston, Mr. Jalbert, that this is permissive legislation, and I certainly agree with him that I want the bill and I will vote for the bill with or without this amendment.

Frankly, this amendment is in response to those who have strong feelings that there should be a very minimal compensation for county commissioners and this should be mandated by the state. It was hoped that leaving the language in the law which calls for the \$25 a day would at least point the way for legislative delegations when it came to setting the salaries of county commissioners in the county budget.

I have no objection at all to this being completely removed, so I think your vote on this amendment should be whether or not you feel as though if you are in favor of the bill in its original form, whether you think it will fly better with this amendment on it or not. I guess I really don't know the answer to that. I don't think it is going to be any more divisive at the county level with this amendment on it than it is without it, because if you are in favor of the bill, as the gentleman from Lewiston is, then when you get to that point, the county commissioners will not know any more than they do presently about how much they are going to be paid because it will still be up to the legislative delegation, and I am all in favor of that. I think

your decision has got to be whether you think this strengthens the bill or not.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I think this bill, as some of the debate represents, is a philosophical problem that the legislature has got to deal with, perhaps not in this session but shortly, and that is exactly as the Representative from Brunswick, Mrs. Bachrach, has stated — do we really want county government or do we want to see a change or it done away with?

I think we have to start looking at these bills individually and remember where the tax money comes to run things such as county government and the administrative assistants and all the other people that the commissioners would like to have, and it comes from the property taxpayers of the individual towns. I think before we vote on bills like this we have got to remember that fact and remember that the trend today seems to be to try to get away from more and more government and try to get government a little bit more responsive to the people and a little less complicated. It seems to me that by establishing another mechanism and a third level of very strong government between the towns in the state, we are just complicating the process even further, creating another level of bureaucracy and just make it that much harder for people to stay in touch with their own government, and for that reason, I oppose the original bill and would urge you to support this amendment because I think it continues the type of handle that legislatures and legislative delegations, which are much closer to the individuals than the county commissioners are to the individuals in each town, it gives us a continued handle on the budget and the spending at the county level.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: After reading the proposed amendment and the original bill, it appears to me that if we adopt this amendment, a person running for county commissioner will not, in fact, be able to determine whether they will get an annual salary or simply be paid so much per day. If two of the county commissioners, for example, hire a county administrator, immediately the salary would be reduced from the set annual salary to \$25 per day unless the legislative delegation voted to change that. I think we would be creating a real uncertainty in the whole system of compensation for county commissioners, and I would urge you to support the motion for indefinite postponement of this amendment.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: In response to the gentleman from Standish, Mr. Spencer, I would just like to say that anybody running for county commissioner now really isn't sure of his salary. The county delegation, if they felt so inclined in an economy move, could cut their salary by whatever they felt or could add whatever they felt when the budget comes up. I think it should also be noted that if they do hire an administrative assistant, their work-load is going to decrease by that much more and probably they shouldn't be getting that salary they were originally hoping to get when they ran.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I will try to confine my remarks to the amendment. I appreciate what the good gentleman from Sabattus is trying to do but I don't see that this helps the situation at all. I feel that it confuses because the delegations have the authority under the bill as

it is written. The bill was presented, it had a public hearing, it came out, it has gone along very nicely and here at the last minute, with good intentions, we are trying to amend it and I don't believe the amendment will do a thing for it.

I hope that you will vote for the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Burns.

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: This amendment, if placed on the bill, does very little because actually the legislative delegation passes on what the salaries are going to be. In looking at the amendment and the amendment itself, it appears that if we adopt this amendment and it is passed into law, we may be making a major change in how the county salaries are affixed at this time, particularly in the area of county commissioners, because the way that we could read this amendment, it could state that the legislative delegation from that county may vote to establish the annual salary for the commissioners. Therefore, if we want to set a \$20,000 salary for the county commissioners, it could be done if the legislative delegation wanted to do it and thereby would negate the power of this legislature at this time to establish the salaries for the county commissioners.

I concur with the indefinite postponement of this amendment.

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. Those in favor 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 on the motion of the gentleman from Lewiston, Mr. Jalbert, that House Amendment "B" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Bachrach, Bagley, Beaulieu, Benoit, Birt, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Bunker, Burns, Bustin, Byers, Churchill, Clark, Connors, Connolly, Cote, Cox, Curran, Dovee, Dow, Dutremble, Fenslon, Fowlie, Gillis, Goodwin, K.; Gould, Gray, Green, Hall, Henderson, Hickey, Howe, Huber, Jackson, Jacques, Jalbert, Jensen, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LeBlanc, Locke, Lougee, Lunt, Lynch, Mahany, Masterman, Maxwell, McBrearty, McKean, McPherson, Mills, Mitchell, Nelson, N.; Norris, Palmer, Pearson, Peltier, Peterson, Prescott, Rollins, Silsby, Spencer, Sprowl, Strout, Talbot, Tarbell, Tarr, Teague, Theriault, Twitchell, Whittemore, Wilfong, Wood, Wyman.

NAY — Austin, Bennett, Berry, Berube, Biron, Brown, K. L.; Carroll, Carter, D.; Chonko, Cunningham, Davies, Dexter, Diamond, Drinkwater, Durgin, Flanagan, Garsoe, Gauthier, Goodwin, H.; Greenlaw, Higgins, Hobbins, Hughes, Hunter, Hutchings, Immonen, Joyce, LaPlante, Lewis, MacEachern, Mackel, Marshall, Martin, A.; McHenry, Moody, Morton, Nadeau, Najarian, Nelson, M.; Perkins, Plourde, Post, Quinn, Raymond, Shute, Smith, Stover, Stubbs, Tierney, Torrey, Tozier, Trafion, Truman, Valentine.

ABSENT — Blodgett, Carey, Carrier, Carter, P.; Dudley, Elias, Gill, Littlefield, Lizotte, Masterton, McMahan, Peakes, Rideout, Tynedale.

Yes, 82; No, 54; Absent, 14

The SPEAKER: Eighty-two having voted in the affirmative and fifty-four in the negative,

with fourteen being absent, the motion does prevail.

Thereupon, the Bill was passed to be engrossed in concurrence.

The SPEAKER: The Chair recognizes the gentlewoman from Freeport, Ms. Clark.

Ms. CLARK: Mr. Speaker, is the House in possession of H.P. 68, L.D. 98, An Act to Provide Accessible Polling Places for the Physically Handicapped and the Elderly?

The SPEAKER: The Chair would answer in the affirmative, having been recalled from the Governor's desk.

On motion of Ms. Clark of Freeport, under suspension of the rules, the House reconsidered its action whereby the bill was passed to be enacted.

On further motion of the same gentlewoman, under suspension of the rules, the Bill was recommitted to the Committee on Election Laws and sent up for concurrence.

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

Mr. TIERNEY: Mr. Speaker, is the House in possession of House Paper 1200, "An Act Concerning Required Voting on Certain Boards and Commissions with Quasi-judicial Authority?"

The SPEAKER: The Chair would answer in the affirmative, having been held at the request of the gentlewoman from Sebec, Mrs. Locke.

On motion of Mr. Tierney of Lisbon Falls, under suspension of the rules, the House reconsidered its action whereby the Bill was referred to the Committee on Judiciary.

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

Off Record Remarks)

On motion of Mr. Talbot of Portland,
Adjourned until nine-thirty tomorrow morning.