

# 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**

Wednesday, April 6, 1977

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

Prayer by the Reverend Ehrmann B. Bennett of the First Baptist Church, Freeport.

The journal of yesterday was read and approved.

**Papers from the Senate**

The following Joint Order, an Expression of Legislative Sentiment recognizing that: Arthur and Rita Morin of Lewiston celebrated their 45th wedding anniversary on March 28, 1977. (S. P. 400)

Came from the Senate read and passed.

In the House, was read and passed in concurrence.

Bill "An Act Pertaining to Hospitals for the Mentally Ill" (S. P. 385) (L. D. 1330)

Came from the Senate referred to the Committee on Health and Institutional Services and ordered printed.

In the House, referred to the Committee on Health and Institutional Services in concurrence.

Bill "An Act to Permit Trial Work Periods under the Workmen's Compensation Statutes" (S. P. 394) (L. D. 1353)

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

In the House, referred to the Committee on Labor in concurrence.

Bill "An Act Establishing Standards for Surveys of Municipal or County Boundaries" (S. P. 397) (L. D. 1356)

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

In the House, referred to the Committee on Local and County Government in concurrence.

Bill "An Act Authorizing Payroll Deduction for Contribution by State Employees to Maine Health Agencies" (S. P. 395) (L. D. 1354)

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.

Bill "An Act Regarding the Sales Tax for Sales Made Through Vending Machines" (S. P. 396) (L. D. 1355)

Bill "An Act to Provide Relief from Extremely Burdensome Property Taxes" (S. P. 386) (L. D. 1331)

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

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

**Reports of Committees**

**Ought to Pass in New Draft**

Committee on Judiciary on Bill "An Act Relating to an Offense for Littering under the Litter Control Law" (S. P. 132) (L. D. 307) reporting "Ought to Pass" in New Draft (S. P. 392) (L. D. 1294)

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

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

**Non-Concurrent Matter**

Bill "An Act Relating to Public Utility Electrical Transmission Lines and Gas and Oil Pipelines" (H. P. 1092) (L. D. 1316) which was referred to the Committee on Public Utilities in the House on March 28, 1977.

Came from the Senate referred to the Committee on Natural Resources in non-concurrence.

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

**Non-Concurrent Matter**

Bill "An Act Concerning the Collection and Use of Social Security Numbers by Educational Institutions Receiving State Funds" (H. P. 1068) (L. D. 1291) which was referred to the Committee on Education in the House on March 28, 1977.

Came from the Senate referred to the Committee on Legal Affairs in non-concurrence.

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

Mr. HOWE: Mr. Speaker and Members of the House: I am the sponsor of L. D. 1291, and when this was first referred to the Committee on Education I didn't think too much about it, but now that it is in non-concurrence, I would point out that it is a bill intended to deal with the matter of personal privacy; it does not deal with the substance of education. Although I don't have any terribly strong feelings about the matter, I would move that we recede and concur.

Thereupon, on motion of Mr. Howe of South Portland, the House voted to recede and concur.

**Messages and Documents**

The following Communication: (H. P. 1233) LEGISLATIVE APPORTIONMENT COMMISSION

LEGISLATIVE FINANCE OFFICE  
STATE HOUSE  
AUGUSTA, MAINE

April 5, 1977

Hon. Edwin H. Pert, Clerk  
House of Representatives  
State House  
Augusta, Maine  
Dear Mr. Pert:

Pursuant to the Constitution of the State of Maine, Article IV, Pt. 1, Section 3, passed by the 107th Legislature, submitted herewith is the report by the Apportionment Commission for consideration by the 108th Legislature.

Submitted to you with this report are 11 maps, one for each of the present multi-member districts, showing the proposed reapportionment for each of these districts as described in our report.

Respectfully  
EDWIN A. HEISLER  
Chairman

The Communication was read and with accompanying Report ordered placed on file.

The following Communication:  
STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE

April 5, 1977

To: Honorable Members of the Senate and House of Representatives of the 108th Maine Legislature

I am this date returning without my signature and approval H. P. 738, L. D. 752, An Act to Revise the Salaries of County Officers.

While there are many provisions in this act, the major focus of attention is upon the salary levels set for county officials in Maine's sixteen counties. The salaries outlined in this bill are almost without exception an increase over the present salaries received by county officials and the salaries which existed when the present officeholders sought these positions.

I cannot in good conscience support the salaries that have been presented in L. D. 752. I can appreciate the pressure upon the Legislature and the dilemma which they faced with budget requests which emanated from the counties themselves. I also realize that there are many conscientious, dedicated individuals working within county governments and that several of these persons may well deserve

salary increases, but a virtual across-the-board pay increase for county officials cannot be justified at this time. In an era when tax dollars are at a premium and when fiscal responsibility is being practiced throughout State government, I cannot endorse an increase in salaries that I already consider to be excessive compensation for the public functions performed by some county officials.

L. D. 752 is a redraft of L. D. 62. The purpose of L. D. 62 was to bring some order and uniformity to the compensation provided county officials and was the thoughtful result of a study on county officers conducted by the Local and County Government Committee of the 107th Legislature. The rejection of the salary recommendations of that study is but one more example of the insulation of county officials from the sort of critical and fiscally responsible evaluation which all other levels of government are subject to.

The taxpayers of the State of Maine deserve better than an insulated layer of government which is receiving a high rate of compensation for duties that are no more time consuming and which carry no more responsibility than those duties undertaken by a large number of municipal officials and involved citizens who work for less statewide in many capacities, such as serving on school committees, boards of selectmen or city councils.

In addition, it is important to note that the present compensation for these posts was known and considered when the officeholders sought to fill these positions. To increase these salaries, which I consider to already be more than sufficient, at a time other than at the beginning of a new term of office is inappropriate. If these salaries are going to be increased, those increases should take place at a time when the higher salaries would be a factor to be considered by any interested citizen who might be seeking the office, or voting for a candidate, and should not be a fortunate turn-of-events for someone who happens to be occupying the office when a pay raise is approved. This would constitute a 16% increase in cost to the taxpayers of Maine for elected officials after they have been elected to offices which they chose to seek knowing the existing salary levels in advance. We have witnessed this in the Congress of the United States and hopefully we will not witness this in the State of Maine.

I must admit that the part of L. D. 752 which removes fees from the compensation of full-time county employees is an important reform. However, the fact that this reform, which has been called for for well over twenty years, is accomplished in this legislation does not outweigh the negatives of the entire bill.

In summary, I feel that the county government system in Maine deserves a very long and hard examination. The Local and County Government Committee of the Maine Legislature made a first step in that direction and was almost totally rejected by the political interests involved in setting county budgets. The people of Maine and municipal taxpayers deserve better, and those with responsibility in the area of determining compensation for county officials must show the same commitment to fiscal responsibility and to the alleviating of the burden of Maine taxpayers as shown by the other levels of government which are responsive and accountable to Maine citizens. For these reasons, I cannot in good conscience support L. D. 752.

Signed: Very truly yours,  
JAMES B. LONGLEY  
Governor

The Communication was read and ordered placed on file.

The SPEAKER: The pending question before the House is, shall Bill "An Act to Revise the Salaries of County Officers," House Paper 738,

L. D. 752, become law notwithstanding the objections of the Governor?

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I am familiar with this issue, since we have agonized over it for many, many hours. I think it is important to consider some of the comments the Governor has made in his veto message.

First of all, with respect to how the salaries were set and to what degree this is imposing a tax burden on the people, the Governor, I think, has been one who has favored local responsibilities and local control, local decision-making, we had a debate primarily in this House on whether the state as a whole ought to be setting the salaries of county officials or whether that should be left to the locally elected representatives, that is the legislative delegation from the particular counties, and sharing responsibilities with the county commissioners and other elected county officials. I think we concluded the latter and this bill attempts to represent the wisdom of the locally elected representatives as far as the salaries of their officers.

In addition, the Governor indicates that there may be some deserving county officials who may deserve an increase, but he didn't specify how many, it just seems there might be some.

I think one of the things this legislature has been trying to do is attract better talent for local and county government. We have been, and I think very often justifiably, critical of county government, but one of the ways that it is going to change is to attract people who can afford to serve at this level. That is another aspect of the increase in the salaries in this bill. To ask lawyers, especially, to serve as judges of probate for the salaries that are in this bill is really, for some of us I think, somewhat embarrassing. In fact, what is in the bill on this and other categories is often much lower than what the county office holders asked for.

I don't think it is reasonable for the Governor to imply that political pressure, in effect, forced us to pass this bill the way we did. I think we walked into it clearly with our eyes open, and we had a healthy debate and it was a rather evenly divided, although ultimately decided that the local officials should set the salary. We had a debate on the merits of having the statewide system for salaries, and I don't think either one of those sides were involved in any kind of political pressure.

Unfortunately, in addition, in the veto message the Governor gives extremely short shrift, five lines out of what must be several hundred lines, to what I think is the most basic reform in this bill, and that is the elimination of the fees to various county officers. I think the Governor basically doesn't understand certain elements of this bill. He sees the dollar signs in the salaries and doesn't understand that that represents taking away of dollars in the various fees for the last quarter of this year in most counties, and next year they will be completely eliminated, so the dollar sign fees may be increased but it doesn't necessarily mean that the dollar salary increase is what is represented in these dollars as compared to last year's dollars.

I think what we are doing in this bill is cleaning up another gray area in county government, putting it before the people so that the local people can make a decision. If they feel these fees are too much, they feel that the salaries are too much, they can make that choice in their local elections and they can also vote against every one of us who support these salaries, they have that option, and I don't think we are hiding from it.

To make reference to the United States Congress and its salary increase I think is an insult to this body when we, above-board, in our recorded vote, voted for these salaries which

don't even affect us, but it was on an open vote as compared to the situation where there was no recorded vote in the U.S. congressional circumstance.

It is also unfortunate that because of the delay in this bill having been considered, it was vetoed on the very last day that it could possibly have been. We have had an additional kink in our county budget; they won't be able to come out until this is finally resolved, and this puts local municipalities in additional uncertainty. They have enough to worry about as far as school funding is concerned and now they have another problem that is hanging over their heads not knowing what their county budget contributions are going to be. Many communities indicate to their local taxpayers the amount of the tax that goes to county budgets, so I don't think there is anything being hidden by this.

Mr. Speaker, I do urge the members, I believe the motion is already pending before us, but I do urge that we do pass this bill to be enacted notwithstanding the objections of the Governor.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: It is not too often that I can stand up here and support the Governor, but this morning I certainly can. To pay our county commissioners \$6,000 in Cumberland County is an insult to the people of Cumberland County. They don't do enough work down there to warrant \$1,000 a year. We have janitors, sweepers and cleaners and real working people who make less money than they do, and they might go in every morning and turn the thermostat down or up, I don't know which is which, but they tell me they do one or the other, and they might walk around to let everybody know they made an appearance, and that is about the extent of their work.

When the gentleman from Bangor mentions the salaries the Congress gave themselves, it is not only an insult to this body but it is an insult to the American people in general. If I don't make enough money to buy my wife a new wardrobe every year, that is too bad, and if I can't send my children to the best law school in the world, that is too bad.

I think the important thing we are talking about here today is taxpayers' money being spent for services rendered. I begrudge no man for what they make in this world, but when it comes to taking money from the taxpayers — they are the ones who pay for this bill, they pay our salaries, and if the county commissioners are worth \$6,000 a year, then I feel that I am worth \$50,000 a year to be up here.

I certainly would urge the members of this House to support the Governor this morning, because when we go back home, and I have already heard this, that we gave ourselves a raise for next year and I didn't even know it, but it came from the other body, apparently, but we gave ourselves a \$5 increase on our expenses starting in two years because we could not give ourselves a raise, so the next legislature will be getting \$30 a day instead of \$25. This has been told to me by reporters on the radio that my people have heard and I didn't know anything about it, so I had to accept it to be true. I see the Speaker is shaking his head, and I am not going to argue with him because he certainly knows more than I do, but I think we are getting into an area here where we should definitely support the Governor this morning and at least show the people that we want to try to save them something, even though the United States Congress doesn't.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to support the override of the Governor's veto of this bill.

There are a couple of things I would like to point out. The sheriff himself is the one who gets the highest raise in this; therefore, I would like to direct my remarks and use that office as the symbol.

The 16 percent that the Governor indicates as a raise in taxation I cannot buy. Currently, the sheriff, one sheriff I know, is taking home \$126.50 a week. His chief deputy earns \$185 a week and his full-time deputies earn \$175 a week; therefore, the boss on the job is the lowest paid individual in the department. For this, he works 24 hours a day. He is on call 24 hours a day, seven days a week, 50 weeks a year, he does get approximately two weeks' vacation each year.

Currently, we are paying the average sheriff throughout the state about \$8,000 a year. In order for him to live, to buy his wife a new coat and to send his children to college, he must make up this difference in the standard of living. True, he is given supposedly free rent at this time, which we compute at about 25 percent, thereby raising his salary to somewhere around \$12,000. But in order to maintain his standard of living, we have told him, okay, if you want to make extra money, you can go out and serve papers. Well, this paper service takes time and it takes a lot of time. In some counties it is quite lucrative. In one county that I know of, four years ago the paper server was making \$13,000. That is \$13,000 a year, and that is the only pay he was receiving, what he made in paper serving.

Let's take a look at that. Under this bill, that \$13,000 will go to the county treasurer, providing they are served by full-time men. That would save the county money, it would equal approximately what the sheriff's salary is and would save what we are currently paying him, which is approximately \$8,000.

I was for this bill in its original form when it came out of the committee. I didn't like it too much when it got axed here in the House, chopped up, but this is the best we could politically fly with and I encourage everyone to override this veto.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Laffin hit it right on the head when he said that we should support the Governor. I worked on this bill and I am so disappointed with the whole thing. I do not begrudge the sheriff and his helpers a raise, they deserve it, but I begrudge the raise that was given to the people who put in only a few hours of their time at their work and earn more money than a workingman brings home to his family. This is what I am after.

Another thing, the Governor said right off the bat when he said that the local and county governments of the Maine Legislature made a first step in the direction and was almost totally rejected by the political interests involved in this budget, and I agree with him a hundred percent and I shall vote to sustain his veto.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker and Members of the House: I am a member of the Local and County Government Committee and we requested each delegation to submit to us an affidavit signed by the delegation as to whether they were in favor of the budget as they had received it from the commissioners or as they had adjusted it. We did receive, I believe, affidavits from all counties indicating that they were in favor after adjustments, etc. I urge an override of the veto.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I am not the bashful one. If my Speaker or my leaders do not properly lead, I criticize them. I would not hesitate to

criticize my Governor. However, today I feel the Governor said in his letter what we in this House should have said. I feel this is the day and I urge you also to support our Governor.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I hesitate to speak on this measure, but I am a little upset. I feel that perhaps this may be — and I am not sure of my facts — the first time that a governor has vetoed a county salary bill.

I am concerned about this because it seems to me that this debate this morning revolves around the fact that we have people here in the House, and we do in the other body, who are pro and anti county government. But it seems to me that this document is the result of many, many hours and weeks of work on the part of local people before it ever got here to the legislature. I know in my own county we believe we have good county government, and I know that we have worked together with the town officials in Lincoln County, with the county officials we decided upon a course of action and that action is in this document. We feel very badly that after that local input, and we do talk a great deal about it these days, the Governor himself talks about giving the people the right to make their choices, and certainly in my county the people have spoken for this particular budget document.

I just feel as though those of us who do have a good relationship at the county level are being jeopardized in some manner here this morning because there are some who do not believe in county government.

I note on Page 4 of our Journal, the Governor does say, "In summary, I feel that the county government system in Maine deserves a very long and hard examination." Maybe it does, and I am sure there is a bill before this legislature which shall direct itself towards the improvement of county government, but in the meantime, I believe we should follow those local officials who have voted for this budget document and, indeed, it is passed through our Local and County Government Committee, and this morning I certainly hope that we do override the veto of the Governor.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am not speaking as the chairman of the Franklin County delegation this morning but as an individual member of that delegation; however, I trust that the delegation will agree with what I have to say and if they don't, they certainly can advise you differently.

I would direct your attention to two things. First, to follow up on what the gentleman from Anson spoke about, the sheriff's compensation, another aspect of this bill which he didn't happen to mention and which the Governor did not mention in his veto message was another thing which puts the sheriff's housing right up front where we can all check on it. If you just direct your attention to the bill, you will note that it says very clearly on Page 6, Section 65-2, that the county commissioner shall set the amount of rent to be charged for the sheriff, for the jail or occupying the house or apartment which is connected with the county jail. In other words, from now on, where the county has been furnishing free of charge, the sheriff is going to have to pay for his accommodations. Certainly, if we did not do something in the neighborhood of the \$12,500, most sheriffs in the state would be suffering quite a cut in pay.

I further direct your attention to the third or fourth paragraph in the Governor's veto message in which he points out that L. D. 62 was to bring some order and uniformity to the compensation provided county officials and was the thoughtful result of a study. I would like to point

out that at least in Franklin County's case, the level of the funding for county officers in L. D. 62 was faithfully followed with the exception that the level listed there does not give the county treasurer as much money in L. D. 752 as the committee came up with, because there is a Catch-22 provision in the bill which cuts him down below. Otherwise than that, Franklin County officers are going to be compensated exactly as the committee, on L. D. 62, reported, and I want basically to support that approach to county government salaries anyway. I think it was a fine approach and I am glad that we happened to conform to it. I don't think we are being irresponsible in Franklin County.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I can speak only for Penobscot County. We met, deliberated, re-met, discussed this and voted to a person at the meeting and there was a good percentage of the delegation for the salaries as set forth in this bill. I have had no dissent from any other members that weren't there. I would hope that we would keep this on a local basis and remain firm and vote this morning to override the Governor's veto.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I do want to apologize. I have got several letters and messages that the \$5 I mentioned was heard this week and it is in committee, and that is what you get for listening to your people back home, because sometimes I don't know what is going on here.

But the thing that I would like to mention is the gentleman from Nobleboro when he says that some of us up here don't get along with our county officials — the exact term that he used, I can't use his big words, but it means the same as we don't get along. I would like to inform my good friend from Nobleboro that I get along very good with all the county officials back home, and when they do something that I don't like, I tell them and if they don't like that, and you call that not getting along good with them, so be it, but I do, I get along good with some of those screwballs down there and we get along just fine.

The SPEAKER: The Chair recognizes the gentleman from Buxton, Mr. Berry.

Mr. BERRY: Mr. Speaker, I would like to pose a question through the Chair to the Chairman of the County Government Committee, if I may, and that question would be, if we sustain the Governor's veto, how would the salaries for county officers be determined?

The SPEAKER: The gentleman from Buxton, Mr. Berry, has posed a question through the Chair to the gentleman from Bangor, Mr. Henderson, who may answer if he so desires.

The Chair would recognize that gentleman.

Mr. HENDERSON: Mr. Speaker and Members of the House: There are a couple of options. One is, if we interpret by our sustaining of the veto that we support the Governor's position that there ought not to be a salary increase, then we just don't have to pass any bill, because if we don't pass any law, that just means that the salaries will stay exactly as they are now. The salaries are set by statute and this is an amendment to the statute.

On the other hand, it would also mean, if we make no changes, that the various fees that were coming into the various registrars and so forth that were not going into the county coffers will continue not to go into them, and it will also mean that sheriffs will still tend to get free housing. That is one option. The other option is to try to interpret what changes ought to be made and report out another bill, and in all candor there is vehicular possibility for doing that, so that can be another possibility. We can either

do nothing at all and just act as they were last year, or we can try to make some sense out of what the legislature wants if they override the veto.

The SPEAKER: The Chair recognizes the gentleman from Buxton, Mr. Berry.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: Most of the debate this morning on this particular issue has centered around salaries and probably only a small portion of the bill under discussion dealt with salaries. There were several other things that were included in that same bill. Mr. Henderson touched briefly on some of those — rent for the jail; rent for the sheriff's quarters in the jail is one of the things he mentioned, and fees collected for sheriffs, etc.

We have already seen some amendments before us that an attempt was made to take that part of that bill and do away with it so that these fees that sheriffs collect for serving papers and so forth would not go back into the county treasury. I don't remember exactly what happened to those amendments, I think probably it was written in the wrong manner, but there is going to be an attempt to rewrite those amendments and attach them to a bill that comes through here later on. So if you believe that those fees should go back into the treasury, then later on you are going to have an opportunity to do that or not do it.

It is a little bit beyond me to understand why we need a different system of establishing salaries for county officials than we have had through all of the years that I have been here. It seemed to work well. The legislative delegations met, they included in their budgets any increase that that delegation thought those people deserved. And if you talk about local control, that as just about as local as you can get. I see nothing wrong with that method of doing, as I told you two or three weeks ago when I first spoke on this bill.

I hope that if you can find some small way to support the Governor's veto, that you will do it on this bill.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Hughes.

Mr. HUGHES: Mr. Speaker and Members of the House: The Governor and I grew up in and are residents of the same county, and I can understand his skepticism toward county government, but I must disagree with him on this bill.

I think we have had our chance at this bill as county delegations. We have done the best we can, and these represent the will of the majority of the delegations. Now, I didn't agree with every salary we set in our county, but we were rather parsimonious with increases and our county commissioners got no increase whatsoever, the sheriff got a fairly generous increase and others were in between. But I don't think by opening up that whole question again and putting us back into county delegations meeting over county budgets, which will probably open up every other subject that is festering under the surface, as they always do, is going to be useful in a legislative session where we have so much more useful things to do.

I would hope we would override the Governor's veto and stick with the wisdom of this legislature, meeting through its county delegations, as expressed in this bill.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I have been around here quite a while. I have seen these things come before. Nothing is ever settled perfectly, but I am certainly convinced that our present committee has put in long, serious hours to produce this bill and I think they should be commended for their efforts. It has been the most thorough one I have ever seen, and I will vote to override the Governor's veto.

The SPEAKER: The pending question before the House is, shall this Bill become law notwithstanding the objections of the Governor? Pursuant to the provisions of the Constitution, the yeas and nays are ordered. If you are in favor of this Bill becoming law notwithstanding the objections of the Governor, you will vote yes; if you are opposed, you will vote no.

#### ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Biron, Birt, Blodgett, Boudreau, A.; Brenerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Byers, Carey, Chonko, Churchill, Clark, Conners, Connolly, Cox, Cunningham, Curran, Davies, Dexter, Dow, Drinkwater, Durgin, Elias, Fenlason, Flanagan, Fowlie, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Hughes, Hunter, Hutchings, Immonen, Jackson, Jensen, Kane, Kany, Kelleher, Kerry, LaPlante, LeBlanc, Locke, Lougee, Lunt, MacEachern, Mackel, Mahany, Marshall, Masterman, Maxwell, McBreaarty, McHenry, McKean, McMahon, McPherson, Mills, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Pearson, Peltier, Peterson, Plourde, Post, Prescott, Quinn, Rollins, Shute, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Talbot, Tarbell, Farr, Teague, Theriault, Tierney, Tozier, Trafton, Twitchell, Tyndale, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Berry, Berube, Boudreau, P.; Carrier, Carroll, Carter, D.; Cote, Diamond, Dudley, Dutremble, Garsoe, Green, Huber, Jalbert, Joyce, Kilcoyne, Laffin, Lewis, Littlefield, Lizotte, Lynch, Martin, A.; Perkins, Raymond, Silsby, Torrey, Truman.

ABSENT — Carter, F.; Devoe, Gauthier, Jacques, Masterton, Peakes, Rideout.  
Yes, 117; No, 27; Absent, 7.

The SPEAKER: One hundred seventeen having voted in the affirmative and twenty-seven in the negative, with seven being absent, and one hundred seventeen being more than two-thirds, the Governor's veto is not sustained.

By unanimous consent, ordered sent forthwith to the Senate.

#### Petitions, Bills and Resolves Requiring Reference

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

##### Education

Bill "An Act to Require the Use of Auto Simulators in Driver Education Programs" (H. P. 1227) (Presented by Ms. Clark of Freeport) (Ordered Printed)

Sent up for concurrence.

##### Judiciary

Bill "An Act to Create a Landlord's Lien on Personal Property in Leased Premises in Event of Issuance of Writ of Possession or Abandonment by Tenant" (H. P. 1228) (Presented by Mrs. Berube of Lewiston) (Cosponsor: Mrs. Najarian of Portland)

(Ordered Printed)

Sent up for concurrence.

#### Local and County Government

Bill "An Act to Require That Maine Municipalities of 5,000 or More Population Have a Qualified Electrical Inspector" (H. P. 1229) (Presented by Ms. Clark of Freeport)

(Ordered Printed)

Sent up for concurrence.

#### Performance Audit

Bill "An Act to Expand the Availability of Certain Social Services by Increasing Income Eligibility" (H. P. 1230) (Presented by Mrs. Najarian of Portland)

(Ordered Printed)  
Sent up for concurrence.  
(Later Reconsidered)

#### Orders

An Expression of Legislative Sentiment (H. P. 1224) recognizing that: The University and College Labor Education Association will hold its annual meeting at the University of Maine at Orono from April 6th to April 8th, to be sponsored by the Bureau of Labor Education Presented by Mr. Davies of Orono

Was read and passed and sent up for concurrence.

A Joint Resolution (H. P. 1231) in memory of Mrs. Ruth P. Barrows, who was postmaster of Glen Cove from 1958 to 1977 Presented by Mr. Fowlie of Rockland.

The Resolution was read and adopted and sent up for concurrence.

On motion of Mr. Nadeau of Sanford, it was Ordered, that Frank Carter of Bangor be excused April 4th, 5th and 6th for health reasons.

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

Mr. GOODWIN: Mr. Speaker, I move we reconsider our action of earlier whereby Bill "An Act to Expand the Availability of Certain Social Services by Increasing Income Eligibility," House Paper 1230, was referred to the Committee on Performance Audit.

On motion of the same gentleman, tabled pending his motion to reconsider and tomorrow assigned.

#### House Reports of Committees Ought Not to Pass

Mr. Truman from the Committee on Election Laws on Bill "An Act to Establish 'Open' Primary Elections" (H. P. 481) (L. D. 596) reporting "Ought Not to Pass"

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

#### Leave to Withdraw

Mr. Maxwell from the Committee on Liquor Control on Bill "An Act to Remove from the Law the Prohibition on Giving or Furnishing Liquor to Paupers" (H. P. 382) (L. D. 471) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

#### Recommended to the Committee on Education

Mr. Plourde from the Committee on Education on Bill "An Act to Amend the State Tuition Equalization Fund" (H. P. 258) (L. D. 327) reporting "Leave to Withdraw"

The Report was read.

On motion of Mr. Lynch of Livermore Falls, recommended to the Committee on Education and sent up for concurrence.

Mr. Plourde from the Committee on Education on Bill "An Act Changing the Formula for State Subsidy of Education" (H. P. 616) (L. D. 836) reporting "Leave to Withdraw"

Mrs. Post from the Committee on Marine Resources on Bill "An Act to Transfer \$10,000 from the Boat Fund to the Lobster Fund" (H. P. 878) (L. D. 1069) reporting "Leave to Withdraw"

Mr. Fowlie from the Committee on Marine Resources on Bill "An Act to Repeal the Over-size Lobster Law" (H. P. 337) (L. D. 428) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

#### Ought to Pass in New Draft New Drafts Printed

Mrs. Martin from the Committee on Local and County Government on Bill "An Act to Provide County Commissioner Districts in Washington County" (H. P. 523) (L. D. 641) reporting "Ought to Pass" in New Draft (H. P. 1225) (L. D. 1359)

Mrs. Post from the Committee on Marine Resources on Bill "An Act to Provide that the Lobster Fund be a Continuing Account from Year to Year" (H. P. 526) (L. D. 644) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Make the Lobster Fund a Continuing Account and to Transfer \$10,000 from the Boat Fund to the Lobster Fund" (Emergency) (H. P. 1226) (L. D. 1360)

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

#### Divided Report

Majority Report of the Committee on Taxation on Bill "An Act to Repeal the Uniform Property Tax" (Emergency) (H. P. 889) (L. D. 1023) reporting "Ought to Pass" in New Draft (H. P. 1232) (L. D. 1382)

Report was signed by the following members:

Messrs. JACKSON of Cumberland  
WYMAN of Washington

— of the Senate.

Messrs. MAXWELL of Jay  
MACKEL of Wells  
TWITCHELL of Norway

Mrs. CARTER of Bangor  
POST of Owls Head

— 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. MARTIN of Aroostook

— of the Senate.

Mr. COX of Brewer  
Mrs. CHONKO of Topsham  
Messrs. TEAGUE of Fairfield  
IMMONEN of West Paris  
CAREY of Waterville

— of the House.

Reports were read.

Mr. Carey of Waterville moved that the Minority "Ought not to pass" Report be accepted.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker and Members of the House: I would request a division on that particular motion.

This bill represents the second of three possible bills to be reported out by the Committee on Taxation which provides for repeal of the uniform property tax and which provides an alternative for school funding. Before I discuss the bill, I would like to express my appreciation to the Speaker of the House and to all members of the House for your patience and sense of fair play in handling this controversial issue so far.

Those of us who are on the Taxation Committee are obviously divided on the philosophical issues involved. We have agreed to disagree as responsible individuals and with respect for one another's views. This constructive attitude I attribute to the leadership that has been provided in the committee.

The bill that we have before us, even though a number of us had a large part in developing the bill, we must acknowledge that the fundamental concepts set forth in this bill originated with the School Finance Commission of 1975 which spent six months in studying school financing and which reported out three bills for consideration by the 107th Legislature.

The concepts reflected in this bill are those contained in one of the three bills reported out

by this commission. Considering the origin of the bill, it should come as no surprise that it is compatible with the existing law, L.D. 2196, the School Finance Act of 1976. Both bills are products of the same commission. Both bills contain the same fiscal restraints which brought deficit spending under control, both bills provide for the same four-step process in setting allocation levels and are identical in providing that at least 50 percent of the total basic education must be provided from state general revenue sources.

Special ed, vocational ed and transportation costs are reimbursed at 90 percent. Adjustments for geographical isolation and unusual enrollments remain the same. Those school units which operate at below the per pupil rate established by the legislature would be phased upward and those operating above the per pupil rate would be phased downward. That is provided by the current law.

In fact, the only items amended by this bill provide for the elimination of the state property tax, that is the uniform property tax, and the substitution of local property tax revenues as voted by local voters to fund the local share of funding local educational costs.

Something which has been introduced in this bill is the use of what I call the subsidy index. This bill provides that the legislature will annually designate a mill rate which, if applied to state uniform valuation of properties, would raise no more than 50 percent of the total basic education allocation. This mill rate has been designated as the subsidy index and used to identify those school units which require supplemental state aid in reaching the designated per pupil operating rate. This should be familiar to you because we have discussed it in an earlier bill that works the same way.

For example, if the legislature sets a per pupil operating rate of \$1,000 and designated at 10 mills to be the subsidy index which, as I have indicated, represents local effort, if with a 10 mill effort a unit is able to raise that \$1,000 or more, that unit would receive no subsidy from the state. If with the same 10 mill effort the school unit or community is able to raise only \$900, that community would be eligible to receive the difference, that is \$100 from the state General Fund.

If the unit chose to instead of making a 10 mill effort to make a 9 mill effort and was able to raise something less than \$1,000, the amount of subsidy received would be reduced proportionately. That is, if they were to make a 90 percent effort, they would receive 90 percent of the subsidy that they are entitled to.

When this bill was referred to the Committee on Taxation, it was only a funding mechanism, as I have earlier described. The printout that I provided earlier was designed merely to indicate how it would work and how it would compare if we used the figures, the total figures, the total allocations and the mill rate that were used by other bills, other proposals, such as the Commissioner of Education and the Appropriations Committee, to compare the bills, compare the funding mechanisms and see how they would work. But the bill itself was merely a mechanism, it did not contain any funding levels, and when it was referred to the Taxation Committee, the Taxation Committee had to provide this data.

The Taxation Committee has now completed the bill by including the funding levels which we are considering today. In funding this bill, we took a fiscally conservative approach, one which recognizes the need for funding other programs, and we attempted and succeeded in squeezing out of school funding a substantial amount of money. Our reduction was made totally in the total operating cost. This was a reduction of \$10 million that we took from the total operating cost if you were to compare it with the previous Appropriations Committee

bill or the Commissioner's bill or the Commissioner's proposal, you would find that the Commissioner and the Appropriations Committee had provided for \$220,360,000. We took \$10 million out of that and brought it down to \$210,360,000. I should point out to you that still is \$10 million higher than we approved for the current school year, that is the school year that we are operating under as of today. So it is still \$10 million more than the current funding.

Now, all other allocations remain the same as those levels recommended by the Appropriations Committee. That is, we did not deduct from any other fund.

We do provide leeway at \$125 with a 2 mill effort. The subsidy index we have used is 11.66 mills, which indicates local effort and which if totally funded by the local vote would provide approximately \$130 million, and this money, of course, would be raised and retained at the local level and spent for funding at that level.

The General Fund allocation, which should be of interest to you, is \$153 million, so that with the \$153 million that we are drawing from the General Fund and the \$130 million that would be raised locally, we have a total allocation of \$283 million that we are providing for education, and that, of course, is \$10 million less than the Appropriations Committee bill that we addressed the other day.

It does, as I mentioned earlier, repeal the uniform property tax. That represents a pay-in loss to the General Fund of about \$6 million. The bill provides for reimbursement to the General Fund of that \$6 million in the form of, one, an excise tax on all nuclear power plants in the state which would raise \$2.3 million and, secondly, by removal of the exemption of sales tax on cigarettes which would raise \$3.7 million, giving us a total of \$6 million. That would go into the General Fund as a replacement for the loss in pay-in suffered by the elimination of the uniform property tax.

What does it all add up to? Through these changes, if you recall under the appropriations bill, there was \$9.2 million left in the General Fund for other purposes, and many of us were concerned about the inadequacy of this money to fund many, many programs that have to be considered.

In this bill, we reduced the reliance on the General Fund by \$5.7 million. That is, the Appropriations Committee would draw \$158.7 million from the General Fund; under this bill we drew \$153 million and we gain \$5.7 million. That is, \$5.7 million is added to the amount of funds available in the General Fund. And because of the changes in the tax structure that I earlier mentioned, that is the excise tax and the exemption of the sales tax mentioned, which raises \$6 million, those figures total, that is the \$9.2 million, the \$5.7 million and the \$6 million gives us about \$21 million in the General Fund for use in other programs. Of course, those other programs, one of which we will consider, is reimbursement of the inventory tax that we are all so concerned about.

Ladies and gentlemen, I have often heard individual legislators identify themselves as being fiscally conservative individuals, and this morning I would suggest to you that if you are fiscally conservative, this is your bill and I would hope that you would support it.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Stonington, Mr. Greenlaw, to the rostrum to act as Speaker pro tem.

Thereupon, Mr. Greenlaw assumed the Chair as Speaker pro tem, and Speaker Martin retired from the Hall.

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

Mr. LYNCH: Mr. Speaker, Ladies and

Gentlemen of the House: One thing I would like to remark is that the reduction of \$10 million in operating cost is a \$10 million increase in the local property tax.

I find it curious that the printouts for the Commissioner's bill, the Governor's bill, Representative Palmer's bill, Representative Greenlaw's bill, all have a per pupil allocation on the first page; there is no such thing identified with the Mackel bill. The \$10 million cut in operating cost means a reduction in the per pupil allocation and I think it is a distortion of the facts not to declare it.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman from Livermore Falls, Mr. Lynch, I checked with the Department of Education this morning and I find that the per pupil allocation is \$760 per pupil in this bill and \$1,110 for secondary in this bill, and interestingly enough, what they tell us here is that we can educate elementary school kids for \$6 more apiece this year than we could last year and apparently we can educate high school kids for the same amount of money this year that we could last year, because the figures last year that we passed were \$754 for elementary school kids and \$1110 for secondary school kids, so the figures are very similar.

While I have the floor, Mr. Speaker, first of all you will notice, and I have had some questions raised about Representative Carter signing the report and thus making it a majority report, and I would like to point out that the committee as a whole felt that this was a very important piece of legislation, that Representative Carter, because of his illness, although he was not able to spend the time with us on this particular version, has spent a considerable amount of time with us on previous versions and he was called at home and he was told to see which way he would vote. He cast his vote with the "ought to pass" people, thus making that a majority vote, but even I, as a minority signer, had absolutely no objection to giving Representative Carter the opportunity to sign this report in absentia.

I hope that answers any questions that might come up about the fact that Representative Carter has signed the report to make it a majority report. Whether it was a majority "ought to pass" minority "ought not to pass" or a split report because of one being absent, 6 and 6, Reports A and B "ought to pass" and "ought not to pass", I would have been up here to make the motion for the "ought not to pass" anyway.

I would like to point out some of the reasons why. Mr. Mackel explained some of the things to you and I would like to tell you that this bill does two things, it is intended to do two things, and as has been said by the Senator on the committee up in Oxford County, he has said that this is not exactly our best shot. We gave you our best shot with the Palmer bill and now this is not our best shot and maybe we can come up with another best shot with the Greenlaw bill but time is running out on these best shots.

Primarily, this is intended to repeal the uniform property tax, that is its primary purpose. Secondly, it is to offer you in a sweetening effort, \$20 million to play with and, obviously, I can tell you how they get the \$20 million — they tax cigarettes and they put an excise tax, interestingly enough, on all nuclear power plants wherever they may be located in the state. I don't know where that might be or how many of them we have, and then they take \$10 million away from spending for education and sweeten up the pot for other things.

The primary purpose, as I said, is the abolition of the uniform property tax and they have this beautiful little phrase now, "subsidy index." Let me try to tell you what a subsidy index is. Since 85 percent of the communities in

the state use leeway funds, there is a very small chance that people will not get into the prorated thing-a-ma-jig that they come up with with this little beauty, which says, if you don't come up with your full 11.66 mills, therefore, the state will prorate its share backwards. I find very few communities that won't be using their full share and getting into leeway besides.

Let me tell you what this does. The subsidy index subsidizes Acton so that Acton has to come up with 5.76 mills; it subsidizes Beddington so Beddington has to make the magnificent effort of 1.83 mills; it subsidizes Bowerbank, that Mary Adams is so fond of, to the tune of Bowerbank only having to come up with 1.14 mills; Castine, as unpleasant as it may sound, has to come up with the fantastic total of 8.13 mills, a magnificent sum of money; Deblois has to come up with the fantastic sum of 4.21 mills; Elliottsville, 3.61; Isle Au Haut, 2.51; Lakeville Plantation, 1.61 mills; Rangeley Plantation, 1.51; Rome, in my area, 9.7; Sandy River Plantation, 2.0; Southport, the underprivileged people in Southport have to come up with the magnificent sum of 2.75 mills. We have about 60 of these communities in here and the other 430 have to make the subsidy effort of 11.66 mills. Now, if you are here to represent the majority of the people of the State of Maine, you will vote this package down and have everybody pay their fair share if we are going to try to equalize opportunities for kids throughout the state.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I think it has been pretty obvious that Taxation has been wrestling with this issue in trying to send out different alternatives and Appropriations is doing the same thing. The majority of the members of Taxation sent out the bill that they would most like to see passed, which was the repeal of the pay-in, without any additional statewide taxes. That was voted down and so what we are doing now is offering another alternative.

What we are asking for is a bill which repeals the uniform property tax, which bases the amount of money that a community gets from state valuation instead of taxing on state valuation, and we are asking that the pay-in be paid for by a tax on nuclear-generating facilities to take care of the problem of one particular town getting off scot free, which a lot of people have been concerned with and they were also paying for the pay-in with a sales tax on cigarettes.

We have heard a lot of people say that they thought the \$293 million was too much for education and not enough was left over for other programs, and that is why we set a funding level of \$283 million. What this bill does is give you a total of about \$20 million for programs other than education. So, if you are interested in funding some of these other programs, no matter what your project might be, you might consider this.

I, personally, am willing to go up to a \$283 level if that is what people in this body feel they want to do, and that can be amended in the second reading if this bill is accepted this time around. So, if you are willing to repeal the uniform property tax and put more money back into the General Fund, doing it with a tax on nuclear generating facilities and a sales tax on cigarettes and you want educational funding to be at a higher level, then you still can vote for this bill and then vote for an amendment which I am assuming would be prepared when it comes to second reading.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Members of the House: This bill did just come before us today and I am sure most of us haven't had much of a chance to evaluate it. In a quick reading, I have some real problems with that excise tax on

gross receipts, because obviously if the nuclear generating facility, and of course we only have one in the state, if it is not working for an extended period of time, eight weeks or so, you certainly are cutting way down on the receipts that you would get from generating electricity, and I think you cannot depend on a certain amount of gross receipts from a source such as this. If we were going into a statewide sharing of taxes from such a facility, I would rather see them be property taxes and go towards that.

I would ask somebody to table this measure for one legislative day only because we have not really had a chance to closely evaluate this bill.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Franklin, Mr. Connors.

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House It seems to me that we are right back to two years ago where we discussed this and we are in the same mess here that if we vote for this bill of reducing this by \$10 million, we are voting for an increase in the taxes in the local communities. If we don't vote for this bill, we are voting for a tax increase to fund all the other programs within the state. We seem to be at an impasse here, which way do we go?

I understand it takes somewhere between \$18 and \$19 million to fund the on-going programs that we have now. If we pass a \$293 million budget for education, it leaves us \$8 or \$9 million in the General Fund, so if we need \$19 or \$20 million, we are going to have to have a major tax increase to fund this.

I don't know, where do we begin to resolve this problem? We have had it for a long time. SAD districts, I understand, went through by one vote; 1994 went through final passage by one vote; 1452, I remember, I think that that was by one vote. We seem to be split right down the middle within the state and certainly something has got to be done.

I support this majority "ought to pass," let's pass it out. If we put this pressure back onto the towns and we get enough towns and people involved in this, perhaps the state legislature will do something about it. Perhaps we can repeal the uniform property tax and get this thing back on an equal footing of per pupil cost and leave the rest of it entirely up to the townspeople in the community school districts on just how much education they want to give their students.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from New Gloucester, Mr. Cunningham.

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: It has been referred to the fact that if we reduce our funding at state level by \$10 million, this is putting a \$10 million burden at the local level. What is the state level? It is a taxpayer who takes his money out of one pocket. What is the local level? It is a taxpayer who takes his money out of the other pocket, but it is the same taxpayer. The only difference is that by putting it at the local level, there is some local choice as to whether or not we want to fund our local schools at the particular index rate, if that is what you want to call it.

I also have some questions as to what we mean by equalized education or equal money behind all the students in the State of Maine. In the basic formula, in the school funding formula, we have two different sums of money, one representing the sums of money that are allowed for elementary students, which is \$760, according to one quote here, and then we have another number, \$1110. I don't see how \$760 equals \$1110; this is a new economic principle to me.

Reference has been made to the fact that 85 percent of the communities or units do use local leeway. I would like to call your attention to what is local leeway? What is the definition of this term leeway? Generally speaking, the

definition of the term leeway by school administrators around the state is that this is the cushion you have to build into your this year's budget in order to get enough reimbursement to pay your expenses next year.

Mr. Carey of Waterville was granted permission to address the House a third time.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: This would only be in answer to the gentleman from New Gloucester, Mr. Cunningham's question as to how you can really come up with a figure of \$760 and have it equate with \$1110. If the gentleman was familiar at all with school funding and was familiar at all with any of the handouts that have been passed around very recently, he would know that the funding level for elementary school kids, and as a short course in education, that is those kids who are from sub-primary through the 8th grade, they would get funded at \$760 per student, and the secondary is that which goes grades 9 through 12, and those students would be funded at \$1110. One of the reasons for increased cost of education today is not so much the drop in population, because it has not dropped that drastically, we are having as many kids, as a matter of fact, we had 100 kids more in school last year than we did in 1970. The difference is that there has been a shift from enrollment in the elementary grades, the kids have no place to go today so they are staying in school. We have started vocational programs so that they are staying in school for the vocational programs and we have more kids in the secondary grades today than we ever had in the past. That is the reason the budget goes up, primarily.

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

Mr. LYNCH: Mr. Speaker, I would like to pose a question through the Chair. With this bill, aren't we flying in the face of court decision that it should not make a difference where a child lives as to whether he has an equal opportunity for getting an education? I would say that when communities have to raise in excess of 11 mills as to compared to other communities that raise two, three, or four mills that you are flying in the face of court decision.

Now, the challenge was made, it doesn't make any difference whether you take out of your pocket for state income tax or other taxes or whether you take it out of your pocket for local taxes — it does make a difference under this funding, because a community that does not have to raise the maximum mill rate does not have to make a real sacrifice to raise additional funds for education. The community that has always had the burden of funding their public school education is going to have a greater burden under this bill, no matter what you say. Taking the total operating costs and slicing \$10 million out of that, that is the real heart of your public school education, that is your teachers' salaries, your books and supplies, your janitorial services, your insurances and everything that goes into operating a school district. That is the part that has to be maintained and that is the part that is going to be funded on local property tax.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I would like to try to answer Representative Lynch's question. I have a copy here of the Rodrigue decision and the Seranto decision, and even if you're going to assume that the Seranto decision applies to Maine, which it does not, because the Seranto decision was based on the California Constitution, not the Maine Constitution, there is nothing in any of these decisions which has to do with tax efforts in particular communities. All these decisions state is that where a child goes to school shall not determine the type of education that he gets



and that there is to be educational equality across an area, at least in terms that the kind of education a child gets doesn't depend on the property wealth of the community within that town. This bill provides very well in meeting the requirements of the Seranto decisions and other court decisions having to do with educational equality.

We have used state valuation of the property wealth of the town in determining how much subsidy a state gets. If you want to look at the printout sheets on this, you will find those rich towns don't get any assistance from the state at all. Furthermore, especially by increasing the leeway to \$125, we have given more assistance to the low valuation towns for the children in those communities. If Representative Lynch feels that this is not in alliance with the present Supreme Court decision or the present court decisions, I would simply ask him exactly where he could show us that and I would be perfectly willing to lend him a copy if he would like.

The SPEAKER Pro Tem: The gentleman from Livermore Falls, Mr. Lynch, may answer the question if he so desires.

The Chair recognizes that gentleman.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: What you are doing with this bill with the leeway provision is dangling a carrot and saying, if you will raise so many dollars on your local level, we will give you so many state dollars. That is not a gift. What you have done in cutting the total operating revenue from \$220 to \$210 million, you have forced them to raise this money. You have cut their per pupil allocation. You are making it almost mandatory to continue their educational programs they are going to have to use leeway. That is forced taxation. I would say that having the State of Maine moving in the direction that it has in the past three or four years to equalize opportunities for public school education, you are facing a greater challenge in the courts now than if you had never done it. Having moved that step forward, you are going to have to face court challenges to step backward.

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

Mrs. NAJARIAN: Mr. Speaker, Members of the House: We do have an opinion of the Maine Supreme Court issued in 1975 on forgiving the pay-in or paying back to those towns who raise more money from the property tax than is needed in their community for education, and they specifically said that a uniform property tax is unconstitutional. I have the opinion right here at my desk.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: It certainly is right and proper that this bill should be fully discussed here in the House and I feel it would be right and proper if it is given the deep six in the House, just as the one we had the last time. I am going to go into a few of the items that we discussed last time which apply exactly to this bill, only in spades.

I would call your attention in the bill to Page 3, Paragraph 3a, which talks about the adjustment for local tax effort, and basically this says the same as the other bills have, that the sum obtained is the result of computation of allocations shall be reduced if a tax for elementary and secondary education purposes is assessed and collected at a rate which if applied to the total state valuation would raise not more than 50 percent. So any unit which raises less than its allocation shall have its allocation reduced by the same percentage. Okay, that is what Representative Carey spoke about and it is correct that if you don't raise as much as they want you to for the basic allocation, then you are going to get your state support reduced.

But there is a very fatal flaw in this bill, and I would call your attention to the Statement of Fact on Page 9. This bill has no provision at all for an appeal by the people in case their unit does not fund education to the level that they think is satisfactory for their children. So, arbitrarily there is no opportunity to come and find out if the state will support a higher level of education in that community. The children in that community will have no protection under this bill as they would at least under the bill that we defeated last week, which in itself didn't fly very well.

As far as the level of funding is concerned obviously the item on Page 5, nuclear electric generating facility excise tax is a bandaid approach which I am sure the legislature will give a short trip.

I have done a little calculating this morning with my trusty computer and I can't talk about any other SAD's, but my SAD would be subjected to an additional cost over whatever bill you want to compare it to, but the only other one we had, which was the first Appropriations Committee bill which also didn't fly, but it would cost \$171,000 more in my SAD, and I am not prepared to lay that burden on the backs of local taxpayers in SAD 9.

The SPEAKER pro tem: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I think I would be remiss in my duties if I did not say a few words on this bill in view of the fact that I was House Chairman of the Committee on Education the session that the bill was passed. At that time, the bill was passed in this House by 94 to 36, and it went under the Senate gavel without a dissenting vote. Perhaps one of the reasons why this was done, we had a comedy of errors of figures from the Department of Education which later on proved to be a disaster to the bill.

In the Seranto decision in California, it specifically stated that a certain amount of money would be spent on the education of each child, and Mrs. Post is quite correct, the Rodriguez decision was against the bill.

The philosophy behind the bill may be fine; there is no objection in my thinking that every child in the State of Maine, handicapped or otherwise, should have an equalized opportunity for education. But you are confronted with a problem here that still has not been approached, and that problem is, how do you fund education? We are kidding ourselves with the semantics of mathematics that have been presented to you since this debate started.

This present bill, there is nothing wrong about possibly repealing the uniform tax effort provided you come up with a proper way of funding education as an alternative. This bill does not suggest that. The bill suggests that you have a piece-meal taxation to cover certain portions of the money that will not be available unless you get additional funds to the General Fund.

Gentlemen, we have to face this problem sooner or later. When you intend to face it, I don't know, but you will have to come up with which way do we go in giving a proper education to every child in the State of Maine and which way you will fund it, and let's not kid ourselves, there is only one way. Just as soon as we face this problem and have the courage to do so, then we will be able to get a proper bill to solve the whole problem.

I remember only too well during that debate, and there was a long debate in which my dear friend from Lewiston, Mr. Louis Jalbert, was quite correct in the summation of his figures what this bill would cost. I will not argue with him on that. No one can argue with the philosophy of the bill, an I agreed with Louie this morning, I told him so down on the second floor, that he was quite correct in what this bill would cost in its present form, for many, many

reasons, one reason I found was that there was a comedy of errors in the mathematics submitted to us by the Department of Education.

I am not going to carry this debate any further, but I tell you, ladies and gentlemen, that you have got to face up to this problem of funding education and there is only one way to do it, and you are going to do it sooner or later.

The SPEAKER: Pro Tem: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I do have just a few comments that I would like to make, primarily in response to previous statements. At the outset, Mr. Lynch referred to the lack of per pupil allocation on the printout that I have provided. That printout, I should point out, and I did explain it, that was merely to illustrate the way that this particular bill would operate. That is not the way this bill is currently funded, but to ease your minds at least, the per pupil allocation in that original printout was the same figure used by the Commissioner of Education of \$830 and \$1162, but, again, I should emphasize that that is not what we are talking about today. As a matter of fact, you have no printout that applies to the particular sums that are provided for within this bill.

I thought it would be a very novel, very interesting approach if we could have a school funding bill here without a printout so that we could look at the effects of the bill on the overall state rather than looking at it from how it affects our communities individually. So the figures mentioned are true as far as the numbers that were mentioned at the reduced per pupil allocation, I have no reason to quarrel with those particular figures or to question their accuracy, but I would point out that we do provide for \$10 million more money in the operating cost, \$10 million more than under the current school year. So there is a \$10 million increase involved.

I was waiting patiently and hoping that Mr. Morton or some other gentleman would note that we have removed the appeals process from there because they did make such an issue of the fact that we had the appeals process in the last bill, and if you recall, some of those same gentlemen objected to the appeals process because it presented a threat to local control. So in respect for their interest in local control and returning control of school funding and all that sort of thing back to the local community, we removed the appeals process and we sat back and waited to see who would be the first to criticize the removal of that item.

It has been implied here by one speaker, I wasn't too sure of what his stand was, but at least there was an implication that perhaps this wasn't a viable alternative for school funding. Well I will tell you quite frankly that this is a viable alternative. I tried to emphasize the point that this is a product of the School Finance Commission. It was designed by the same people who designed the bill that we are operating under currently. It is a good and sound plan.

I would emphasize and remind you one more time that the whole object of lowering this amount of money that we are proposing be spent for education is to provide for additional funds for other programs. It is true, as has been indicated, that we do provide for the repeal of the uniform property tax and we do want to repeal it, and there is a \$6 million loss. We did provide for the replacement of that \$6 million, so there is no loss to the General Fund as far as this bill is concerned, and we do make available in the General Fund \$21 million that could be used for other programs.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Wells, Mr. Mackel, is a more clever debater

than I had given him credit for. He has turned around my feelings in connection with the repeal.

I will tell you a little story, ladies and gentlemen. When I was in the service in Europe, I had a battery of artillery and there was another one, and we had inspection that day, kitchen inspection and the other battery was reported as having the worst kitchen the inspector had ever seen, and the only difference between his and mine was, mine was ten times worse.

I want you to know that the bill we killed last week was a pretty bad bill, but this one is ten times worse with respect to the opportunity for people to have an appeal. I don't know what kind of local control you are talking about, but there isn't anything any more local than Joe Citizen, and if Joe Citizen is going to have something laid on his youngsters that he hasn't even got a chance to say aye, yes or no about, that is real lack of local control.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think to answer just a little bit of the comment made by the previous speaker, I think probably any process that has the uniform property tax in it, a tax that is established at the state level, a mill rate that is established at the state level, the valuation that is established at the state level, and there is a simple article that comes in the warrant mandating that you raise this amount of money, I don't know where the local control is there.

I think this morning, if we could not pass the motion that is before us and then accept the "ought to pass" report, we would then have the bill in the posture whereby we could amend it, and I think there are some amendments that could be made. We could at that time also have a good debate as to whether we want to accept the \$283 million that is in the bill or whether we want to go to \$290 or somewhere else.

I would at the present time hope that the "ought not to pass" report not be accepted and then we could work on the other report.

Mr. Norris of Brewer requested a roll call vote.

The SPEAKER pro tem: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

Mr. Mackel of Wells was granted permission to speak a third time.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: Thank you for this third opportunity, but I would like to merely emphasize the point made by Mr. Birt that we do have an amendment that is available. I think we should keep the bill alive and reject this motion to accept the "ought not to pass" report, keep the bill alive and see if we can't come up with a measure that is more suitable to your taste if you do not approve of the \$283 million level.

Mr. Carey of Waterville was granted permission to speak a third time.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: Unlike cheese, this bill does not get better with age, and I would suggest that you accept the "ought not to pass" report.

At this point, Speaker Martin returned to the rostrum.

SPEAKER MARTIN: The Chair wishes to thank the gentleman from Stonington, Mr. Greenlaw, for acting as Speaker pro tem.

Thereupon, Mr. Greenlaw returned to his seat

on the floor and Speaker Martin resumed the Chair.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that the Minority "Ought not to pass" Report be accepted. Those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Alopis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berube, Biron, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Churchill, Clark, Connolly, Cote, Cox, Curran, Davies, Dexter, Diamond, Dow, Dutremble, Elias, Fenlason, Flanagan, Garsoe, Gauthier, Gill, Gillis, Goodwin, H.; Goodwin, K.; Green, Hall, Henderson, Prescott, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Immonen, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Littlefield, Lizotte, Locke, Lunt, Lynch, MacEachern, Mahany, Martin, A.; Masterman, McHenry, McKean, McPherson, Mills, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Norris, Palmer, Peakes, Pearson, Peltier, Peterson, Prescott, Quinn, Raymond, Rideout, Rollins, Shute, Smith, Spencer, Strout, Stubbs, Talbot, Teague, Theriault, Tierney, Torrey, Tozier, Trafon, Truman, Tyndale, Wilfong, Wyman, The Speaker.

NAY — Berry, Birt, Blodgett, Bunker, Byers, Conners, Cunningham, Devoe, Drinkwater, Dudley, Durgin, Fowle, Gould, Gray, Greenlaw, Hutchings, Jackson, Lougee, Mackel, Marshall, Maxwell, McBrearty, McMahon, Moody, Nelson, N.; Perkins, Post, Silsby, Sprowl, Stover, Tarbell, Tarr, Twitchell, Valentine, Whittemore, Wood.

AABSENT — Carter, P.; Masterton, Plourde. Yes, 112; No, 36; Absent, 3.

The SPEAKER: One hundred twelve having voted in the affirmative and thirty-six in the negative, with three being absent, the motion does prevail.

By unanimous consent, ordered sent forthwith to the Senate.

#### Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-104) on Bill "An Act Increasing the Pay for Substitute Teachers" (H. P. 186) (L. D. 248)

Report was signed by the following members:

Mr. USHER of Cumberland — of the Senate.  
Mrs. MITCHELL of Vassalboro  
Messrs. FENLASON of Danforth  
CONNOLLY of Portland  
Mrs. LEWIS of Auburn  
Messrs. WYMAN of Pittsfield  
BAGLEY of Winthrop — of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-105) on same Bill.

Report was signed by the following members:

Messrs. KATZ of Kennebec  
PIERCE of Kennebec — of the Senate.  
Mr. BIRT of East Millinocket  
Mrs. BEAULIEU of Portland  
Mr. LYNCH of Livermore Falls — of the House.

Reports were read.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that I

think you are going to have to vote on primarily because of your general philosophy.

The minority report repeals Section 1901. The first item is minimum salaries for teachers which was put in place in 1968 and is obsolete. It says that a teacher with a Bachelor's Degree must get a starting salary of \$5,000, and the steps lead up to \$7,500 after 10 years, and I don't think there is any district in the area that would be affected by deleting this.

The second repealer would repeal the paragraph saying that a substitute teacher with four years of study beyond high school, has a Bachelor's Degree and in possession of a standard Teacher's Certificate and teachers who have retired after a minimum of 15 years of teaching shall be compensated at the rate of not less than \$20 per day of service. This is what is repealed.

The other bill would establish a substitute rate of \$30 a day, and that is the essential difference between the two bills, the rate of pay.

The minority report says, in effect, leave it up to the local area to establish its own rate of substitute pay. The majority report says they must be paid not less than \$30 a day.

Mr. Speaker, I move the adoption of the Minority Report.

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, moves that the Minority "Ought to pass" Report be accepted.

The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker and Members of the House: There is one other important part of that minority report. The present bill provides that if teachers are on an annuity system whereby part of their money goes to an annuity rather than going to them, they do not have to pay the income tax on that amount. There is a provision in here that says that that amount shall be counted toward the salary. But in the wording, it also refers to the minimum salary which isn't needed, and I have an amendment prepared to change that, and I hope someone will table this for one legislative day.

Whereupon, on motion of Mrs. Mitchell of Vassalboro, tabled pending the motion of Mr. Lynch of Livermore Falls to accept the Minority Report and tomorrow assigned.

#### Consent Calendar

##### First Day

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

(H. P. 614) (L. D. 751) Bill "An Act Concerning the Purchase of School Books" — Committee on Education reporting "Ought to Pass".

(H. P. 203) (L. D. 263) Bill "An Act Concerning Territories Included in Baxter State Park" — Committee on State Government reporting "Ought to Pass".

(S. P. 121) (L. D. 279) Resolve, Providing Funds for Clients in Special Age Groups Served by Cerebral Palsy Centers — Committee on Appropriations and Financial Affairs reporting "Ought to Pass".

(S. P. 284) (L. D. 897) Bill "An Act Concerning the Charter of the Newport Water District" — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-44).

(H. P. 126) (L. D. 159) Bill "An Act Prohibiting the Hiring of Illegal Aliens" — Committee on Labor reporting "Ought to Pass".

(H. P. 230) (L. D. 293) Bill "An Act to Ensure that the Powers and Duties of Fire Chiefs are subject to Municipal Collective Bargaining Agreements" — Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-106).

(H. P. 641) (L. D. 785) Resolve, Appropriating Funds for Fire Protection Equipment in the vicinity of State Owned Facilities and the Unorganized Territories at Greenville — com-

mittee on Local and County Government reporting "Ought to Pass"

(H. P. 495) (L. D. 614) Bill "An Act to Provide Certain Travel Expenses for County Commissioners of all Counties" — Committee on Local and County Government reporting "Ought to Pass" as amended with Committee Amendment "A" (H-107)

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 7, under listing of the Second Day.

#### Consent Calendar Second Day

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the Second 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) (C. "A" S-43)

On the request of Mr. Pearson of Old Town, was removed from the Consent Calendar.

The SPEAKER: The Chair recognizes the Representative from the Passamaquoddy Tribe, Mr. Stevens.

Mr. STEVENS: Mr. Speaker and Members of the House: As you know, the Department of Indian Affairs is without a commissioner. The commissioner has always kept us informed on the status of bills in the House. We haven't had sufficient notice on this amendment and I would like to have someone table this for two legislative days.

Whereupon, on motion of Mr. Pearson of Old Town, tabled pending acceptance of the Committee Report and specially assigned for Monday, April 11.

#### Second Reader Tabled and Assigned

Bill "An Act to Amend the Vocational Education Laws" (Emergency) (H. P. 1209) (L. D. 1329)

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

(On motion of Mr. Lynch of Livermore Falls, tabled pending passage to be engrossed and tomorrow assigned.)

#### Passed to Be Engrossed

Bill "An Act Pertaining to License Fees for the Regulation of Certain Amusements" (H. P. 577) (L. D. 701)

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

Mr. Biron of Lewiston offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-111) was read by the Clerk.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I would oppose the amendment, and I move its indefinite postponement.

The SPEAKER: The gentleman from Portland, Mr. Joyce, moves that House Amendment "A" be indefinitely postponed.

The gentleman may proceed.

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: We have it here again today. This is not the bill that will open up the State of Maine to gambling. This here is a bill for the municipalities of the State of Maine to give them home rule so they can set the license fees for bowling alleys, shooting galleries, if there are any, pool halls, bagatelle, billiard rooms, which now are limited to a \$10 fee. Also, for locations for pinball machines they are now limited to \$5.

Twenty-seven years ago, the municipalities came to this legislature so they could get enabling legislation so they could raise the fees to where they are now. They make a reasonable

request in this L. D. that they have the right to set such reasonable fees as the municipal officers may establish. I don't think they are asking too much. I urge the defeat of the amendment so we can move the bill.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: The good gentleman from Portland, Mr. Joyce, and myself are on the same committee. At that committee hearing, he, himself, and also said it yesterday, that the intent of this bill was only to raise it \$5. This is exactly what the amendment does. It allows the municipalities to raise it \$5 if they wish. If you want local option, you have got it. If they don't want to raise it, they don't have to.

Yesterday, Mr. Joyce, in his deliberations, said that his intent was only to raise it \$5. In committee he said his intent was only to raise it \$5. I cannot understand his objection to the amendment when in his own words he said he had no objection to raising it \$5. This is exactly what the amendment is doing, and I urge you not to vote for the motion to indefinitely postpone.

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

Mr. HOWE: Mr. Speaker and Members of the House: Regardless of how we vote on the amendment, I thought I would add a little more information because some of you may appreciate it.

At one time I tinkered with the insides of a good many of the pinball machines in the Greater Portland area; I was what was known in the trade as a coin-operated amusement device technician. For you lay persons, that is a pinball machine mechanic. I have no connection whatsoever with that trade now and I don't put my quarters in those sinful devices. But in any case, I called my former employer the other day because I thought he might be interested in the legislation. The City of Portland isn't exactly going broke on their license fees at this point, because in addition to what authority gives them under the present statute, they are also, according to my former employer, licensing each and every pinball machine at the tune of \$50 a year. If you believe that the municipalities deserve to set the fees, if you believe in home rule, then so be it. If you would support the bill because you feel the city isn't getting sufficient revenues, then I think perhaps that information might be useful.

This gentleman owns a billiard parlor. He has a few tables and he has four pinball machines, and his license fees total \$215 a year, I believe, \$10 for the pool, \$5 for the premise where the pinball machines are located and another \$200 for the four pinball machines. So I don't know as the City of Portland is going broke on their present fee structure.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the motion to indefinitely postpone this House Amendment, and I believe the previous speaker indicated a \$50 license fee imposed on pinball machines. I believe that is correct. I think you will find that is a federal license and not a city license. It is a gambling device, therefore, a \$50 federal license must be paid.

Argument was made yesterday in reference to this would allow the community, if they so desired, to put it out of reach of anyone before he got a license. They already have that authority and would continue to have that authority under the law, because the municipal officers may license; there is no mandate that they must license them, and I concur with the previous speaker that this is home rule, so let's turn it back to them and let's get out of the pinball business. Mr. Speaker, I ask for the yeas and nays.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Biron has voiced reservations about the potential abuse by local authorities. As an advocate of local control, I can appreciate what has been said here today, but Mr. Biron's amendment also addresses the fears of potential abuse and yet he allows for the increasing fees to cover expenses by these communities. I would urge us to defeat 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. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

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

#### ROLL CALL

YEA — Ault, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Birt, Boudreau, A.; Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Byers, Carroll, Chonko, Churchill, Connors, Cote, Cox, Cunningham, Curran, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gauthier, Gill, Gillis, Goodwin, K.; Gray, Green, Hickey, Huber, Hunter, Hutchings, Immonen, Jackson, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kilcoyne, Laffin, LeBlanc, Lewis, Littlefield, Lizotte, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Martin, A.; Masterman, Maxwell, McBrearty, McKean, McPherson, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Prescott, Raymond, Rideout, Rollins, Silby, Smith, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Torrey, Tozier, Trafton, Valentine, Whittemore, Wyman.

NAY — Alopis, Austin, Biron, Blodgett, Brennerman, Carrier, Carter, D.; Clark, Connolly, Davies, Devoe, Dexter, Diamond, Dow, Goodwin, H.; Greenlaw, Hall, Henderson, Higgins, Hobbins, Howe, Hughes, Jacques, Kerry, LaPlante, Locke, Marshall, McHenry, McMahon, Mitchell, Post, Quinn, Shute, Spencer, Sprowl, Stover, Talbot, Tierney, Truman, Twichell, Tyndale, Wilfong.

ABSENT — Carey, Carter, F.; Dudley, Gould, Masterton, Mills, Norris.

Yes, 100; No, 43; Absent, 7.

The SPEAKER: One hundred having voted in the affirmative and forty-three in the negative, with seven being absent, the motion does prevail.

Thereupon, the Bill was passed to be engrossed and sent up for concurrence.

#### Orders of the Day

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

An Act to Authorize General Fund Bond Issue in the Amount of \$30,000,000 for Planning, Construction and Equipment of Pollution Abatement Facilities (Bond Issue) (H. P. 496) (L. D. 615)

Tabled — April 4, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Enacted.

On motion of Mr. Tierney of Lisbon Falls, retabled pending passage to be enacted and specially assigned for Monday, April 11.

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

Bill, "An Act to Require the Use of Tugboats

by Tankers Transiting Hussey Sound in Casco Bay" (S. P. 388) (L. D. 1301) — In Senate, referred to Committee on Natural Resources.

Tabled — April 5, 1977 by Mrs. Post of Owl's Head.

Pending — Reference in concurrence.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, I move that L.D. 1301 be referred to the Joint Committee on Natural Resources in concurrence.

The SPEAKER: The gentleman from Waldoboro, Mr. Blodgett, moves that this bill be referred to the Committee on Natural Resources in concurrence.

The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I tabled this bill yesterday because I was interested in seeing that the bill went to the Committee on Marine Resources. I think the issue we are dealing with — and this particular legislation, if you haven't read it yet, L.D. 1301, is one of the most heavily lobbied bills this morning. I got so carried away I ended up lobbying the lobbyist for the Maine Dairy Association, thinking he was a legislator at one point.

Essentially what this bill does is, it deals with tanker safety and the conditions under which a particular tanker or a tanker carrying oil can enter a particular harbor. It deals with navigation needs. There are also potential conflicts on the use of fishing grounds. For these particular reasons, I think it should go to Marine Resources.

There are a couple of other precedents set in this particular kind of legislation. The legislative document which was enacted last year, eventually into Section 561, which comes just before this particular bill if it were enacted, dealt with the anchorage of tankers within Casco Bay, and in that particular instance, the Department of Environmental Protection was asked to drop the regulations. However, it was seen as an issue dealing with marine resource areas and the possible problems with fishing and navigation.

Marine Resources also, last year, heard the bill on the doublebottom tankers, which, again, was a matter of tanker safety. For these particular reasons, I ask you to oppose the motion that this bill go to Natural Resources and that we send the bill to the Marine Resources Committee.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: L.D. 1301 should be referred to the Committee on Natural Resources. This bill deals with the oil conveyance act and the Department of Environmental Protection. The Natural Resources Committee reviews all the DEP regulations; therefore, it is only reasonable that any legislation that empowers the DEP to promulgate regulations should be referred to the Natural Resources Committee which reviews these regulations.

The DEP programs are pollution prevention programs and not related to marine resources, except that the pollution prevention protects the resource. The oil program is but one element in the water quality program, and the Natural Resources Committee is much more familiar with DEP than the Marine Resources Committee. The use of the tugs to prevent tanker accidents is just one of the pollution prevention elements. Therefore, I would urge you to refer this to the proper committee, the Committee on Natural Resources.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: Mrs. Post talking about lobbying a member of the lobby puts me in mind of when I was in the Coast Guard and

just out of boot camp and we went around saluting doormen because they were in uniform and we would salute anything at that point just to be on the safe side.

This bill, I feel very strongly, should go to Marine Resources. We have dealt with bills very close to this, as Mrs. Post pointed out, the double-bottom bill which went down to glorious defeat last year, but I guess it has been proven to be very needed now, and there have been a number of other areas. Also, the particular area we are talking about here is Hussey Sound, which is a very narrow entranceway from the ocean. There is an association of lobstermen and they fish in this area and it offers particular problems to fishing. They have to put many, many traps on a line to do it. They usually fish across the fish channel instead of in the channel because they lose gear. They have had a problem with losing gear both to the tankers and to Lyon Ferry Service in the past. Therefore, Marine Resources Committee has dealt with this problem in the past and this should really be assigned to that committee.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Green.

Mr. GREEN: Mr. Speaker, Men and Women of the House: As a member of the Natural Resources Committee, I, too, like the good gentleman from Waldoboro, Mr. Blodgett, would like to see the bill go there. I have only two comments I would like to make with regard to this bill and its reference, the first is that being a Freshman here in the legislature, I have been on the Natural Resources Committee for approximately a couple of months now, we have been having hearings on bills and I don't think there is one day that goes by but what a representative from DEP is not in the room with us. A lot of the bills we sponsor are Department of Environmental Protection bills, we deal with these people every day. We are dealing with the oil conveyance laws, as the good gentleman from Waldoboro, Mr. Blodgett, pointed out, and that is one of the reasons why I feel this bill should go to the Committee on Natural Resources.

Another comment I would like to make with regard to this bill is, it wasn't too long ago, I guess two or three weeks ago, the Joint Standing Committees on Energy and Natural Resources were both invited to view the Portland Pipeline in South Portland. We spent the day down there looking at oil tankers, having lunch with the executives of the company, when they went through their little program on the safety in the ship traversing the waters, etc., and the Committee on Marine Resources was not invited. As I read this bill, 1301, the only thing I can conclude is the fact that if it should go to the Committee on Marine Resources, why weren't they invited to the South Portland Pipeline along with Energy and Natural Resources?

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Connors.

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: Being on the Marine Resources Committee, I find that we handle the bulk of all of the marine bills pertaining to navigation, lobster fishermen and druggers and so forth, and I believe that this is another one, on account of the traffic up through your lobster traps and other gear, and if we are going to handle marine bills, I think we should handle all of them so we know what is going on.

The SPEAKER: The pending question is on the motion of the gentleman from Waldoboro, Mr. Blodgett, that this Bill be referred to the Committee on Natural Resources. Those in favor will vote yes; those opposed will vote no. A vote of the House was taken.

43 having voted in the affirmative and 82 in the negative, the motion did not prevail.

Thereupon, the Bill was referred to the Committee on Marine Resources in non-concurrence and sent up for concurrence.

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

HOUSE DIVIDED REPORT — Majority (10) "Ought Not to Pass" — Minority (3) "Ought to Pass" — Committee on Election Laws 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)

Tabled — April 5, 1977 by Mrs. Boudreau of Portland.

Pending — Acceptance of either Report.

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

Mrs. BOUDREAU: Mr. Speaker, I move acceptance of the Majority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, Members of the House: Although perhaps this is not the most important piece of legislation you will see before you this session, I do hope that you will give it some consideration. I must admit that the Election Laws Committee, concerning L. D. 594, thought it was a joke, and I assure you that it is not a joke.

What the bill does, and if you would like to look at it, it is 594, it says that candidates for major offices, meaning Congressional, Presidential, Vice-Presidential on the national level, as well as State Senate and House of Representatives, shall be determined by lot, and that is not a mysterious term. It means that you subject your position on the ballot for the luck of the draw rather than to the luck of what letter of the alphabet you happen to be born under. Even without knowing that those people who come near the first of the alphabet have a 5 percent advantage in a very close race, I don't have to be a statistician to tell you that, I would invite you to take a look at the boards, and I would invite both of you who come in the lower right-hand corner to inquire of anybody in the upper left-hand corner if they would be willing to change places with you voluntarily if you were in a race, a head-on race. Let me know your answers later; I would be very happy to know that.

You can't look at yesterday's committee report on those people who voted "Ought not to pass." I would like to point out a few highlights of those people who voted "ought not to pass." There was Senator Danton, there was Mrs. Durgin, Mr. Boudreau, Mrs. Boudreau, Mr. Birt, Mr. Bustin, Mr. Truman and Mr. Talbot, and only three people signed the minority report — Trotsky, Mitchell and Raymond. I would like for you to very seriously consider the merits of making our election process as fair as possible and this is one tiny step forward in that direction.

I would ask you to vote against Mrs. Boudreau's motion and I ask for a division.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: When I was first elected to the legislature, I had a long talk one night with Jim Tierney, the Majority Leader, and he told me that one of his dreams was to see the day when everybody on this side would vote one way and everybody on the other side would vote the other way. I have been waiting here for two years for that to happen and I think this is our chance.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Before we vote on this, in view of the humorous discussion that has ensued, I should say a few words being a member of the committee.

First of all, the committee did not consider this bill a joke. The sponsors of the bill presented it with the humor that the gentledady

evidenced here a few moments ago, so we all considered the bill in a pleasant atmosphere. Also, I would remind the gentlelady that my name, as well as that of Mr. Truman and Mr. Talbot, fall in the middle area and we are on the majority side.

The reasons why many of us, I think, certainly myself, voted the way we did on this bill, it is a very innocuous bill. It appears, on the surface, why not be for it; it is almost like motherhood, how could you be against something so obviously worthwhile. Yet, at hearing several points that were made by the sponsors in defense of their proposition and I don't believe they carried their argument. They did not prove to the satisfaction of the majority of the committee that the middle position or the second position on a ballot is necessarily a problem to candidates, they made that contention but they did not prove that contention nor did they prove, although they attempted to, there was a legal compulsion for this state to change its present method of alphabetical listing. You know, this is almost the kind of bill where you had to be there and experience the pleasantness and the good humor of the hearing to have made your decision.

I really hope that you will realize that the majority signers did consider this bill seriously and we had reason for our position.

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

Mrs. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: I am the cosponsor of this bill and I have been told that this bill has no chance of passing. After all, if you take a look at the board, you will see that 22 people here in the House names fall between A and B; 23 fall between C and D; that the first half of the alphabet here, there are 90 people that fall in the first half of the alphabet and that a little less than one third of the total population of this House falls between A and B in the alphabet.

I will finally address myself to the two points that Mr. McMahon spoke of. First of all, according to dozens of studies over the past 35 years in every state in the union, it has been proven that candidates whose names appear first on the ballot have an advantage over all other candidates that account for more than 5 percent of the candidates votes. As a matter of fact, when an informal ballot was passed around to some of the members here in the House of names of people who they did not know, 47 percent of the people here voted for the first name.

If I may speak to the illegality of having names by alphabetical order, there are three states in the Union, California, Arizona and Florida, whose Supreme Courts have stated that the positional advantage is clearly unconstitutional because it violates the 14th Amendment, and if you will allow me, I would like to quote from the court decision in California. "We have concluded that placement in a top ballot position affords the candidate a substantial advantage over lower placed candidates and it is supported by abundant, expert testimony introduced at this trial, and it is consistent and parallel with the findings rendered in similar litigation throughout the country: We further conclude that the allocation of advantage ballot position on the basis of alphabetical order is unconstitutional."

This bill we have here addresses that unconstitutionality on the basis of the 14th Amendment. By placing the names on the ballots by lot, we would give every candidate a chance at that first place advantage. Now, having a last name that begins with A or B and so forth is an accident, not only at birth but marriage.

Let's be fair. The lottery system, which arranges names on the ballot by drawing, at least initially gives all candidates an equal chance for that favorite first position. This bill you have before you states that it is certainly as

economic as the ballots you are now using. It is certainly as simple as the ballots you would have, but most of all, it is fair. Let's be fair. Let's talk about fair play. Let's give every person on that ballot a chance to be first, because by being first you have a 5 percent advantage over anybody else on that ballot.

This is a good bill and it is a fair bill and I know that you people are fair. I look forward to your voting.

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

Mr. PEARSON: Mr. Speaker, would the people at the beginning of the alphabet be in conflict of interest?

The SPEAKER: The Chair would answer in the negative.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: The Election Laws Committee did take this bill seriously and my good friend Mrs. Mitchell and I sit close to each other and we had some good laughs about the bill, but essentially, we look back at last November's election, the race like Barton — Emery; Muskie-Monks, it just didn't seem to us that the first person on the ballot had the advantage. Of course, there are studies that show that is the case, but in looking at all the races of people involved in the committee, we thought that people at the end of the ballot tend to be just as advantageous. For example, in Waterville, Mrs. Kany tends to get the most votes there and she was last in the ballot. People here think it is more fair to have draw by lots, that is a matter of philosophy, I guess, but I think the committee voted simply because we were not convinced that that was the case.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to anyone who may care to answer. It just occurred to me, who is going to determine the lot? Who is going to draw the lot?

The SPEAKER: The gentlewoman from Lewiston, Mrs. Berube, has posed a question through the Chair to anyone who may care to answer.

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

Mrs. NELSON: Mr. Speaker, we have an amendment. You should have an amendment on your desk that speaks to that. It would be the Secretary of State or his designee. That is how it was initially written and that is how you find it in your bill. However, there would be no objection to changing that to a member of the Judicial Supreme Court or any of his designees if you are concerned with party affiliations. If you would like me to explain how we plan to do that, I will be glad to answer.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: A couple of points that I was going to make have already been touched on. One is the results of the major offices in the last election. Carter appeared first, Ford carried Maine. Barton appeared first and Emery won. Monks appeared first; Muskie won the election. If you go down through a lot of the legislative races, in fact, maybe even more, rather than look at the board, I think the applicable point here is to take the listing of each race and see whether or not your opponents that you defeated appeared before you on the ballot or behind. I don't really think it is as relevant a position as it used to be.

I would point out, unless I am wrong, my good gentlelady friend over here from Vassalboro was second on the ballot in her particular race and we all know that the gentleman from Standish, Mr. Spencer, arrived in these halls after tremendous victory being second on the ballot.

Another strong advocate of this bill, as I understand it, is the Majority Leader, and I asked him in the hall of the House this morning how he would like to run for reelection as Majority Leader with just this idea of the board or what might be down past M. I think he began to change his mind.

The point that Mrs. Nelson failed to make relative to her argument on constitutionality is that no court has ordered a change in the alphabetical order.

I think we ought to accept the majority report, trust the voters to be able to look at two or three names and come up with the best candidate. If there ever was an argument for this bill, it was in the multi-member districts for the House of Representatives where you have six in a column or in Portland maybe 22 in a column, there the advantages might be to the first on the ballot, but we are going into single member districts, we are all going to be running against probably one opponent, so we see, on the Election Laws Committee, no reason to change the law.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I heard my name mentioned as a member of the Election Laws Committee as signing the "ought not to pass" report and I guess I would just like to defend that with a small story, a political story.

When I first ran for the legislature in 1972, there were 23 people on the primary ballot and my name, beginning with T, I was on the bottom of the ballot. We ran in kind of a coalition with my colleague from Portland, Mr. Connolly and another gentleman named Maurice Beasley, who began with a B, and knowing my background and my kind of forceful manner with my tongue in the community, I didn't give myself too much of a chance, but I gave Mr. Beasley, who led the ticket, all the chance in the world. As we know now, Mr. Beasley lost and here I am, which brought me to two conclusions, either I was satisfied because being in the back of the bus for so long I was happy being on the bottom, or the people of Portland would love me where I was, so I checked with the people of Portland and found out that they love me where I am. I have been back here for three years and I have run probably 20th or 19th on the ballot.

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I didn't attend the hearing so I guess I missed all the fun, I was presenting a bill somewhere else.

This bill, I guess, is not one of the most important issues you will face this year, but I do have some problems with it, and to answer some of the remarks that were made here concerning the names on the board, I think if you will look through your telephone directory, this is pretty good representation of the population. It was mentioned that if this was ever needed, it was when we had multi-member districts, from now on, and it might be interesting to know, of the 140 single-member districts, in the last primary election, 78 Democratic house seats were not contested; 79 Republican house seats were not contested, so I think this proves there is no great need for this extra work.

My next question is, does it apply to special elections? I see nothing in the bill concerning that. Also, how about municipal elections? According to Title 21, if the municipal charter does not state the form of the ballot, then they must conduct their elections according to Title 21 and safeguards were mentioned. Even if the Secretary of State does this drawing, if I were in his position, I certainly would want to notify all the candidates of the date of the drawing to protect myself so that they could appear if they wanted to. Then I think my biggest objection is, now we are going to have a half and half ballot. All county officers, according to this, will still

be alphabetical, but your House and Senate and other officers will be by lot. So I do hope you will accept the "ought not to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker and Members of the House: I just want to comment that while the bulk of us may be from the lower half of the alphabet, I just noticed that four persons of leadership are from the top half of the alphabet.

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

Mr. TIERNEY: Mr. Speaker, I just can't let that argument go unanswered from my good friend from Winthrop, Mr. Bagley.

Obviously, I am not speaking here as the Majority Floor Leader, because we Democrats have been quite successful in manipulating the alphabet to arrive at the numbers that are currently existing in this hallway, and I would like to inform those of you who are of the minority party that none of you should rest easy. I had one of my people researching Ward 6 in Bangor this morning to find out if we have anyone who has a better name than Miss Aloupis, and we did find someone who is a Democrat whose last name is Abbott. So for that gentleness, I want her to know that our eyes are open and we are watching very carefully.

This is not a partisan issue at all; this is merely an issue where I sit in this corner as a "T" and come before you; I am not surprised at all that our secretary has stayed a very well-known "G" who had tried to throw some roadblocks in the way of an otherwise excellent piece of legislation, and I think the only serious point I probably want to make is, to answer the good gentleman from Augusta, Mr. Bustin, and that is the question of look at the results of the major races.

The point is, the major races simply can't be used as a good example because they receive intense publicity. And I would pause at the hypothesis to this House that the greater the publicity and the better known the people are, the less important the alphabetical decision and position become; however, as you start to retrace which are less well known, such, unfortunately, as those of us sitting in this body, the alphabetical listing does become more important and I would like to say that.

One final plea, while sitting and listening to this debate, I occasionally lean back in my chair and try to philosophize about those individuals who have sat in this seat before me, and my immediate predecessors are Mr. Harry Richardson, Mr. Neil Rolde, Mr. Larry Simpson and Mr. Roosevelt Susi. As you can see, we have two R's, two S's, and now I am a T. Whereas their initial did not hurt them at all in their manipulations for legislative leadership, I would point out that Mr. Rolde and Mr. Richardson never attained higher office and Mr. Simpson and Mr. Susi couldn't get reelected to this body, so I would ask you please, if you have any compassion at all for the gentleman from Lisbon Falls, Mr. Tierney, that you would vote with Mrs. Nelson this morning.

The SPEAKER: The Chair recognizes the gentleman from Unity, Mr. Tozier.

Mr. TOZIER: Mr. Speaker, Ladies and Gentlemen of the House: I don't know if it was by accident or what happened, but I did end up number ten from the bottom of the list and I think it is a good bill and I would like to have a roll call, please.

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. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Richmond, Mr. Moody.

Mr. MOODY: Mr. Speaker, Ladies and Gentlemen of the House: I feel that this proposal before us is a very well needed election reform. I really hope that you will support Mrs. Mitchell and vote against the motion before us currently.

What Mr. Bustin said and Mr. Tierney said was correct about general elections. But, actually, you look at the primary elections and I know for a fact from a bill about primary elections that I had before the Elections Committee last week, they are very concerned about them. That being so, you look at the results of races where there are primary contests. For example, you can use the same statistics. Barton came first, Monks came first and you will find, going through that booklet published by the Secretary of State, that 80 to 85 percent of the people who win in primary elections, where there is not that much publicity, the person first on the ballot usually wins. Now, let's be fair about this and show your true colors.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I hope maybe I can end this debate to some degree. In the primaries, I was number two on the ballot and I came in number nine. In the general election, I would like to point out that Mr. Joyce, Mrs. Najarian, Mrs. Nelson and Mr. Talbot all came in ahead of me, and again, I was the first name on the ballot.

The decision that has to be made here today is, are we willing to place our trust in the voters, that they vote for the person and not necessarily the name.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I don't think anybody in here has given an example of where this is in authorization already, and it is in the City of Old Town. We draw our names by lot for places on the ballot in municipal elections, and it has worked very well for us and it is not that complicated. I would urge you to adopt this plan.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: Just a brief comment. I think you should also realize there are stats that will show that being first on the ballot is an advantage. There are stats that will show that being last on the ballot is an advantage. There are stats that being an incumbent is an advantage. There are stats that will show that being an attractive female is an advantage. I have personal stats that being a redhead is an advantage.

The thing I want to point out is, where are we going to stop with this? I think when you get one, you have another waiting. I am concerned, as everyone else is, being fair, and I am concerned about where do we stop.

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

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: Some of you may think I am biased — well, you are absolutely right, I am. My name begins with "S" as you know. I look upon this as only being a compromise bill. To the best of my knowledge, it has been done alphabetically for 165 years that this state has been a state. If we really wanted to do it right, what we should do is start from Z to A for the next 165 years. Why not vote for good compromise?

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentlewoman from Portland, Mrs. Boudreau, that the Majority "Ought Not to Pass" Report be accepted. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Ault, Austin, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Bustin, Byers, Carrier, Carter, D.; Chonko, Churchill, Clark, Conners, Cote, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Dow, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gauthier, Gill, Gould, Gray, Green, Hunter, Hutchings, Jackson, Joyce, Lewis, Lizotte, Lougee, Martin, A.; Masterman, Maxwell, McMahon, Nadeau, Palmer, Perkins, Plourde, Rideout, Smith, Sprowl, Talbot, Tarr, Torrey, Truman, Twitchell.

NAY — Bachrach, Brenerman, Burns, Carroll, Connolly, Cox, Drinkwater, Gillis, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Immonen, Jacques, Jensen, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Littlefield, Locke, Lunt, Lynch, MacEachern, Marshall, McBreairey, McHenry, McKean, McPherson, Mills, Mitchell, Moody, Morton, Najarian, Nelson, M.; Nelson, N.; Peakes, Pearson, Pelletier, Peterson, Post, Prescott, Quinn, Raymond, Rollins, Shute, Silsby, Spencer, Stover, Strout, Stubbs, Teague, Theriault, Tierney, Tozier, Trafton, Tyndale, Valentine, Whittemore, Wilfong, Wood, Wyman.

ABSENT — Carey, Carter, P.; Dudley, Jalbert, Mackel, Masterton, Norris, Tarbell. Yes, 69; No, 73; Absent, 8.

The SPEAKER: Sixty-nine having voted in the affirmative and seventy-three in the negative, with eight being absent, the motion does not prevail.

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

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

Bill, "An Act Relating to Description of Recorded Mortgages" (H. P. 590) (L. D. 717) Tabled — April 5, 1977 by Mr. Spencer of Standish.

Pending — Passage to be Engrossed. Mr. Spencer of Standish offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-113) was read by the Clerk and adopted.

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

The Chair laid before the House the fifth 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 5, 1977 by Mr. Quinn of Gorham.

Pending — Passage to be Engrossed. The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: Based on the opinion that we received yesterday from the Attorney General's Office saying that bill violates the 14th Amendment of the United States Constitution, I move that it be indefinitely postponed.

Mrs. Boudreau of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-109) was read by the Clerk.

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

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: I realize that we did receive an opinion from the Attorney General's Office saying this was unconstitutional because it was underinclusive, so I have offered an amendment that will take care of all the con-

stitutional questions and I hope you will accept this amendment and then we can go on and pass this bill.

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

Mr. TALBOT: Mr. Speaker and Members of the House: I would hope that you would indefinitely postpone this amendment. I just had a chance to read it but I think it does exactly what the bill does except it goes a little further and includes a few more people.

The bill is unconstitutional and I think even though the amendment has been made constitutional in its words, it does the same thing which is derogatory to the general public.

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

Mr. DAVIES: Mr. Speaker, I request an opinion from the Chair. Are the contents of the amendment that has been proposed germane to the bill?

The SPEAKER: The Chair would answer in the affirmative. The House Amendment is germane since both the amendment and the bill deal with polling and solicitation around the polling area.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: The Attorney General's opinion, as referred to by the Chairwoman of the Election Laws Committee, said that the reason it was unconstitutional to prohibit the collection of signatures at the polling place upon election day was because we didn't say that you couldn't do other things there — couldn't sell cotton candy, couldn't sell chances on lottery tickets and all the things that you could think about were not prohibited and this was; hence, this is underinclusive. I have a little difficulty following that kind of logic, but don't think that the Attorney General said that to prohibit the collection of petition signatures in and of itself was unconstitutional; he did not say that. And if this amendment is put on the bill and if you really do not want to have the voters bothered with signing petitions on election day, then you ought to adopt the amendment and pass the bill.

I don't have a great deal of energy about the bill; I think I can sum up the reason I signed the "ought to pass" report on the thing is because it is election day, not petition day.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question in reference to the amendment. I don't have Title 21 in front of me, therefore, I do not know what polling places we are talking about in reference to this amendment; however, if this is applicable to town meetings, I am afraid we would be putting aside a lot of history if we passed this, as this would not allow the food sales or suppers and other things that go on at town meeting time.

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

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

Mrs. BOUDREAU: Mr. Speaker, this applies only to Title 21.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote for the indefinite postponement of this amendment for the very reason that is suggested by Mr. Burns. At Standish, we have our elections in the George E. Jack School gymnasium, and it is the one opportunity when almost everybody from the town comes to a single place, and the Women's Fellowship usually has a baked goods sale so that people who are coming out of the voting place can go

and buy brownies and cakes and cupcakes and so on that have been prepared by the Women's Fellowship to raise money for the church. The Red Cross usually has a table where people can contribute to the Red Cross as they come out of the polling place. It creates no disturbance at all. I think the people in my town would be tremendously upset to think that the state has prohibited that kind of activity.

Furthermore, there is absolutely no need for the state to do that, because as the gentleman from Augusta knows, municipal ordinances can regulate the conduct of people at polling places and the City of Augusta has in fact, by municipal ordinance, prohibited the circulating of initiative petitions on election day within 250 feet of the polling place. So if it does become a problem in your town, you can do something about it at the town level. I can't see any reason why to solve a problem that is not a problem in Standish you should prohibit the Women's Fellowship from selling brownies and the Red Cross from raising money.

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

Mr. CAREY: Mr. Speaker, in reply to the gentleman from Standish, Mr. Spencer, I sit as a municipal officer in the City of Waterville, and there is a differentiation between state elections and municipal elections, and state elections are handled under Title 21 and there are no municipal ordinances that govern during state elections.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I know what sparked this piece of legislation. I was approached by it too; gathering petitions at our last election, I guess, did cause problems in different places, but this amendment won't make the bill any more palatable to me. I am not sure whether we should kill the amendment and then kill the bill or pass the amendment and then kill the bill, but I hope it will be disposed of in that manner.

What we are talking about is the right of citizens to petition their government. I don't know what the legal definition of abridge is, but we are not supposed to abridge that right, and submit that when you restrict people to 250 feet away from the polling place in my town, if you haven't abridged their right, you sure have put a crimp in it.

They are bringing the problem to the wrong forum. You have complete authority in your own communities to keep order at the polling place, and if the gathering of signatures presents a problem, I would refer the individual to Title 21, Section 832, the duties of the warden. He shall keep order at all times in and around the polling place and he is empowered to call in the services of a peace officer to see that it is enforced.

So rather than lay this blanket across the whole communities of the State of Maine, anyone who is having this problem merely needs to make that point to the wardens at this local voting place and any inconvenience can immediately be removed.

I wish I had a clear-cut course of action that we should take, but I think if we just follow the philosophy of "kill for a kill," you will come out all right.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to further clarify the issue. Under Title 21, Section 91, sentence four, where it is outside the guardrail. Party workers and others may remain in the voting place outside the guardrail as long as they do not attempt to influence or interfere with the free passage of voters. If any person attempts to influence or interfere with the free passage of voters, the warden shall have him

removed from the voting place. The one under the existing statutes now, under Title 21, he already has that authority so the legislation is not needed. I would move indefinite postponement of House Amendment "A".

Mr. Truman of Biddeford requested a roll call.

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

Mrs. TARR: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would support the amendment and support the bill. We had a lot of problems in Bridgton when we voted. We had a lot of people that slowed down the lines; they didn't really know what they were signing at the petition tables. I think someone spoke to me afterwards and thought they were supposed to go around and vote for me again, but I do really think this is something we need and I would urge that you support the amendment.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker, Members of the House: Particularly to the esteemed gentleman from Cumberland, Mr. Garsoe, I would help him clarify his own processes and I would recommend respectfully that we do pass the amendment simply to allow us to debate the subject of the bill itself. Some people are violating or at least treading on the thin edge, whether we are talking about the amendment or whether we are talking about the bill, and I would urge you, whether you are for the amendment specifically or not, if you want to give a fair chance to this issue, which deserves fair discussion, that you pass the amendment, then we talk about the bill itself. If you do object to the bill, you certainly have ample opportunity to vote against it.

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

Mr. DAVIES: Mr. Speaker, Members of the House: The amendment you have before you has only one minor improvement over the bill which it would be appended to; that is, instead of only partially abridging the rights of the citizenry, it will completely abridge the rights of the citizenry.

I urge you to think back over the last five or six years to the petition drives that have gone around in this state, whether it is on the subject of public power, Bigelow Mountain, nuclear power or the big box or doing away with the Uniform Property Tax. What these petition drives do is they allow the citizenry of this state to have their say in the legislative body, this body. It means that they are going against the status quo, they are not satisfied with the way things are and they are exercising their rights as citizens of this state to take their message directly to the legislature. If we pass this amendment and if we pass this bill, we are making it extremely difficult for the citizenry to carry out this right.

I urge you to think very seriously how many times you have desired to go against the status quo? How many times have you signed these petitions? Think how difficult it is collecting signatures in some place other than the polling places. One thing you will find at the polling places, this is where the citizenry who care will be on election day. The people who don't care are people who don't sign petitions, who are not concerned with what happens to the laws of the State of Maine and are not going to show up there. The only people who will are the people who are sincerely concerned with the direction that this state is going in. They are there in a large number, which makes it easy for other people in the State of Maine who desire to bring a question before the legislature to gather signatures.

If we pass this amendment, not only are we going to be abridging the right of the citizens to sign that petition, we are going to also abridge

the right of the Women's Fellowship in Standish to sell cotton candy or cupcakes to raise money for the church. If we are going to prohibit soliciting signatures on anything else, it could very easily be interpreted to prohibit most activities at all at the polling places except the actual act of voting, so I urge you to think very seriously about the impact.

You may not particularly like any single petition drive. You may be totally opposed to doing away with the Uniform Property Tax, but I think that is an important crucial right that we have to preserve, no matter how much we dislike this particular issue that is being pressed.

I would urge you, and with great pleasure I support my good friend; Mr. Garsoe, from Cumberland. It is unusual that I find myself on the same side with him, but today I am delighted to be on that same side with him and I would urge you to vote with the Assistant Minority Leader of the House of Representatives and indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I don't want you to be misled by the advice of the gentleman from Gorham. The amendment is now the bill because everything that is in the bill is now just dolled up with a little garnish to supposedly erase its constitutional flaw. I, too, have thought and hoped that I would be here long enough to find myself in agreement with the good gentleman from Orono, Mr. Davies, and it is a red letter day for me too, and I hope we will prevail.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: To hear it told here on the floor this morning, you would think that this measure is against the Red Cross and all the church groups that want to sell brownies and everything else. To hear Mr. Davies tell it, what we are really up to here is trying to prevent the collection of signatures and the initiatives to the legislature and, of course, none of that is true.

The issue is not whether or not petitions should be circulated and signatures collected. The issue is where, if you want to have a referendum, initiative, there are church gatherings, there are Red Cross meetings, there are food sales, garages, concerts, lodges, American Legion — think of the places the Maine Mall, in Bangor, Lewiston and there are a lot of places where there are a lot of people that you could ask to sign a petition for whatever it is you are interested in. That is the issue and nothing else.

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

Mr. MARSHALL: Mr. Speaker, Ladies and gentlemen of the House: By going against the Assistant Minority Leader, I guess it makes me a minority for minorities, but I would urge going with the Assistant Majority Leader this time as we consider this bill and pass the amendment.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker and Members of the House: Let me first disallow my position as Assistant Majority Leader. I speak today only as a Representative from District 30, but I do since it seems to be without asking a ruling from the Chair or the general opinion of the legal minds in the place that the amendment is the bill and I shall address the general subject of the amendment as the bill.

It seems to me that the first thing we are talking about is the act of voting, as Mr. Bustin says. The act of voting is one of the most critical times in our entire democracy and it has long been understood that it should be kept inviolate. From 150 years ago when we first went to the Australian ballot, the fact that

voters should not be hassled, confused and intimidated or any way put upon in the last few moments of this voting are true. Harry Truman said that he owed his re-election to decisions made in the last three seconds when people closed the voting curtains and if that were true, then I should deeply have regretted any petitions that would have interfered with the decisions in the last three seconds of those voters who made the wise decision for that eminent American.

We talk about freedoms. We say we should not abridge any freedoms. Now, that, of course, is rhetoric. Freedoms are abridged in the interest of public security. You have a freedom of speech that is guaranteed under the 1st Amendment, but I challenge you to go into a crowded theater and yell fire. We have long agreed that in the public interests and in the interests of the democracy and of government, that certain reins do have to be put upon freedoms. You do not have the freedom to libel me and specifically in this particular kind of freedom, that of voting, I don't have the right to hang a sign up that says, vote for Mr. Garsoe within 250 feet of the polls nor do I have a right to attempt to influence those voters and those decisions were made wisely and they are made consistently, all over the voting process of the United States.

When the initiative procedure was put into our Constitution, there was no consideration made of what might actually occur at a polling place and in fact, if you go back and review the history of recent initiative petitions in the State of Maine, you will discover that few, if any, have been listed at polling places until recently. Only in the last couple of elections have people begun to discover that it is easy to do and this, of course, underlies much of the argument for those people who wish to leave the procedure as it is. I sympathize with them. I am just as concerned as any person in this body with insuring our personal freedoms, with insuring the right to petition or form an initiative to our government but I would suggest to them while being sympathetic to their problem, that what is sauce for the goose is sauce for the gander and if this petition system, which admittedly makes it much easier to get a petition signed with the necessary 35,000 or 37,000 signatures, if this much-easier procedure does well for the guys with the white hats, it can be used just the same by the guys in the black hats.

If I had been approached repeatedly by people representing environmentalists interests representing the Bigelow group from last year, in lobbying in the last week and a half, in trying to turn this bill around, and their argument essentially is that you couldn't do good things like get the Bigelow petition through if you weren't allowed to use the polling places as a collection point for your signatures. My answer to them was this: if I were to be employed by Exxon Oil Company or more correctly by Westinghouse as their chief advisor on how to insure the sale of nuclear plants around the United States and they would say to me, which would you prefer to have in the State of Maine, if you want to make sure that we can get our way — would you like to have the provision where we can hire 50 people at 50 polling places at about \$100 a piece and guarantee that 35,000 signatures or would you rather have to go to shopping centers?

I would say very definitely, in the interests of my nuclear forces, that you allow the present, simple system. To say that this system benefits only the poor, the disadvantaged, those who are not spoken for by money interests, is to talk nonsense. It is to the advantage of any group who wishes to form an initiative. It is in fact a political kind of thing and should be restricted from the voting area fully as much as any other political thing that is an attempt to change persons minds.

If you should put in an initiative petition to change the Constitution of the State of Maine

to provide that no one could be elected to office whose name began below the alphabet in M, which, incidentally, would be perfectly legal to do, a person whose name began with M could not counter your publicity — his signs would be 250 feet from the polls, your petitions could be at the polls.

Let me draw a little scenario. This is becoming increasingly popular. Most large polling places in the state had two of these petitioners at the last election which set some kind of a record in most places. If six organizations decide that they want to have petitions are all fixed to be seated by the town clerk or if the town clerk only has room for two, which two are to be selected. Those two that applied earlier, those with which he is most closely allied philosophically or are we going to assign them seats alphabetically as we just heard in the matter of personal names on the ballots?

The whole issue is essentially one of decent or good government. There are two sides to the questions — it is not only for the good guys, it is also for the bad guys. The very act of signing a petition will intimidate voters.

I can show you places in this state where voters are reluctant to come to the polls. They come quietly, they have to be urged, they have to be convinced and they resent the fact that they have to sign other things, they resent the fact that they are in any degree intimidated or bothered and they tend not to want to come to the polls and that is an observable fact.

Finally, I collected well over a 1,000 signatures on a petition at the polling places in my town this last time. Since I have been subjected to this unusually active lobbying pressure. I went back to my lists. We didn't need the lists or didn't use them and I still have them. I didn't do a full statistical review but I attempted to check every 10th name as I could find the phone numbers readily in the book and I called 39 or 40 people, and I discovered that about half of those people didn't remember what they signed. Of the other half who remembered that they signed something, about half of them said they didn't have the foggiest idea of what it was. They signed it because they thought it had to do with registration; they signed it because they saw me there or they signed it for various reasons. While I wouldn't argue my sample as statistically defensible, I do think it is a reasonable, accurate description of the process. We increase the amount of casual signings, we increase the distance between the voters knowledge and the facts in the matter. It does no harm whatsoever if a person is going to sign an initiative that would have a real effect on the government, such as the current Uniform Property Tax does, he should understand what he is signing and those getting the signatures should have no objections to being restricted to the same political restrictions of 250 feet that all other activities are.

Mr. Garsoe was granted unanimous consent to address the House a third time.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: In his inimitable style, the gentleman from Gorham has set up a few straw men and then proceeded to set fire to them. He moves into the area of whether we like the petitions or not, whether they are being circulated by people with white hats or black hats, I think he carried it far afield. This is in the section dealing with elections so it would seem that we are trying to correct a problem dealing with elections not with whether the petitions are valid, whether people know what they are signing but we are moving now I think into the area of the right of people to be able to perform this function but I don't think the legislation was intended, at that point — I merely point out again that if the problem, the horror story that the gentleman from Gorham points out, six petitions cluttering up the polls, I don't accept that it would intimidate, harass, or



defer the voters but if in case, we had a situation such as this, the statutes are on the books right now that really make it a duty of the warden to see to it that they are removed, all of them, out with every one of them.

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

Mr. DAVIES: Mr. Speaker, I would pose a question to the gentleman from Gorham. Would he inform me as to what color hat the circulators of the Uniform Property Tax Petition were wearing when they were circulating them. Are they white or are they black?

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I think we belittle the voters of the State of Maine. There are three safeguards here, the people who go into the polling place, if the petitioners are unruly and are not handled properly, there is the ability to remove them, to bring in the police if they have to. The people going to the polling place are in a frame of mind to make decisions to consider things and made good decisions. I think that is an excellent time to face them with decisions and I would make the third point that the referendum procedure does not change the law there. It has to come through us or it has to go through a referendum process when they would vote on it again and I can see no reason in a law such as this and I hope we will vote it down or indefinitely postpone it.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House The last election, the City of Old Town, one of the candidates for state-wide office, used a petition as an excuse to stand before the doors that went into the polls to ask people to sign the petition and at the same time, identifying himself, went into the polls, saw his name on the ballot, and I submit that that is an abuse that could be corrected by this bill.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to respond to one point that my good friend from Gorham, Mr. Quinn, made a few moments ago, concerning candidates and as the law applies to candidates within a certain distance of the polls — that law regarding candidates is there for a purpose, the purpose being that the candidates will not influence the voters as they go into the polls to make a decision at that time. People who circulate petitions, usually the question on the petition is not being decided at the polls at that time. For example, I may sign a petition to place a particular question on the ballot in November and yet, vote against that question when it came on the referendum ballot in November or any other date. The second point I would like to make is that I really feel that the problem that has been spoken to here is a local problem and I believe the solution ought to be handled locally. As far as the principle involved, I think 250 feet might as well be 250 miles as far as the personal abridgement, the constitutional right to petition for a redress of grievances against their government so I would ask that you would indefinitely postpone this amendment, the bill.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than 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 obviously more than one fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

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

Mr. LIZOTTE: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill. It is a small bill and I see here this morning that it is a very interesting bill but my only reason for presenting this bill was not for people presenting petitions or nominations or whatever, my only concern was the voter. I only want the voters in the State of Maine to have the privacy when he goes to vote. We have a lot of Maine people who consider voting not a privilege but they consider it a duty, and the only reason they go to vote is to fulfill their duty. They get very upset if they are bothered at the polls.

The only thing this bill does, it encourages the voters to stay home on the next voting day. We keep complaining about people not going out to vote. If we want more voters or keep the voters we now have, then please support this amendment, and I am sure it will be appreciated by the majority of your constituents.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Portland, Mr. Talbot, that House Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Birt, Blodgett, Brenerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Byers, Chonko, Clark, Connolly, Cox, Cunningham, Davies, Devoe, Dexter, Diamond, Dow, Drinkwater, Elias, Fowlie, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Henderson, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Jackson, Kane, Kany, Littlefield, Locke, MacEachern, Martin, A.; Masterman, Mitchell, Moody, Palmer, Peakes, Peterson, Post, Shute, Spencer, Talbot, Tarbell, Tierney, Torrey, Tozier, Trafton, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Berube, Boudreau, A.; Boudreau, P.; Bustin, Carey, Carrier, Carroll, Carter, D.; Churchill, Conners, Curran, Durgin, Dutremble, Fenlason, Flanagan, Gill, Gillis, Green, Hall, Hickey, Higgins, Immonen, Jacques, Jensen, Joyce, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Lizotte, Lougee, Lunt, Lynch, Marshall, Maxwell, McHenry, McKean, McMahan, McPherson, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Pearson, Peltier, Perkins, Plourde, Prescott, Quinn, Raymond, Rideout, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Tarr, Teague, Theriault, Truman, Twitchell.

ABSENT — Ault, Austin, Biron, Carter, F.; Cote, Dudley, Gauthier, Jalbert, Kelleher, Mackel, Mahany, Masterton, McBrearty, Mills, Norris, Rollins, Tyndale.

Yes, 69; No, 65; Absent, 17.

The SPEAKER: Sixty-nine having voted in the affirmative and sixty-five in the negative, with seventeen being absent, the motion does prevail.

The question now before the House is on the motion of the gentleman from Orono, Mr. Davies, that this Bill and all accompanying papers be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

79 having voted in the affirmative and 53 having voted in the negative, the motion did prevail.

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

Mr. DAVIES: Mr. Speaker, having voted on the prevailing side, I now move we reconsider our action on this bill and hope you all vote against me.

The SPEAKER: The gentleman from Orono, Mr. Davies, having voted on the prevailing side, now moves that we reconsider our action whereby this Bill was indefinitely postponed.

All those in favor of reconsideration will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

Sent up for concurrence.

The SPEAKER: The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST Mr. Speaker, and Women of the House: Having voted on the prevailing side whereby we referred L.D. 1301 to the Committee on Marine Resources, I move we reconsider and hope you all vote against me.

The SPEAKER: The gentlewoman from Owls Head, Mrs. Post, moves we reconsider our action of earlier in the day whereby Bill "An Act to Require the Use of Tugboats by Tankers Transiting Hussey Sound in Casco Bay," Senate Paper 388, L.D. 1301, was referred to the Committee on Marine Resources in non-concurrence. All those in favor of reconsideration will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

#### (Off Record Remarks)

On motion of Mr. Dutremble of Biddeford, Adjourned until two o'clock tomorrow afternoon.