

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 3, 1980 to May 1, 1981

KJ PRINTING
AUGUSTA, MAINE

STATE OF MAINE
One Hundred and Tenth Legislature
First Regular Session
JOURNAL OF THE SENATE

March 6, 1981

Senate called to order by the President.

Prayer by Father Rudolph LeVeille of Sacred Heart Church in Hallowell.

Father LeVEILLE: Let us pray. Almighty God, loving and merciful Father of mankind, how forgetful we often are that You are the source of all that is good, especially the gifts of life, joy and peace. May we always be proud to be what You have made us, images of Your true self, equal in Your sight.

We lift our eyes and hearts to You this day, Father, and place all our trust and confidence in You. May we never forget the stubborn love You show on our behalf, the love that watches over us even when we ourselves do not care. Father, You have given us freedom to say "yes" or "no" to the love which You show us. Teach and guide us always to choose wisely in matters that come before us this day. Help us to respect the ideas and opinions of those we might disagree with, though voting our convictions in those matters that concern the welfare and good of all our fellow citizens. May our every concern not in any way jeopardize anyone's right to the justice that is due by God's law of love.

Father, help each of us to be effective instruments of representation, enable us to be shepherds like You, and mirror in our lives the example of Your zeal and loving kindness, ministering comfort, light, and hope to a people who live without understanding, in darkness and despair.

Yes, Father, continue to breathe Your Spirit upon our State and Nation, that we may know a new and better spring where everyone and everything around us is truly alive and open to You.

Blessed are You in all that Your Spirit makes new, and grant our every prayer, now and forever. Amen.

Reading of the Journal of yesterday.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Second Readers

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

Bill, "An Act to Revise the Van Buren Light and Power District Charter." (S. P. 20) (L. D. 18)

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

Sent down forthwith for concurrence.

Papers from the House

Joint Resolution

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Raymond J. Curran, of Bangor, Member of the House of Representatives, 102nd through 107th Legislatures. (H. P. 958)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

House Papers

Bill, "An Act Concerning Television Receiving Equipment." (H. P. 933) (L. D. 1103)

Comes from the House, referred to the Committee on Business Legislation and Ordered Printed.

Which was referred to the Committee on Business Legislation and Ordered Printed, in concurrence.

Bill, "An Act to Enable a Town within a School Administrative District to Withdraw or Change their Participation to a More Limited

Community School District." (H. P. 934) (L. D. 1104)

Comes from the House, referred to the Committee on Education and Ordered Printed.

Which was referred to the Committee on Education and Ordered Printed, in concurrence.

Bill, "An Act to Amend the Site Location Law." (H. P. 935) (L. D. 1105)

Bill, "An Act to Establish a Hazardous Waste Exchange." (H. P. 936) (L. D. 1106)

Come from the House, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Which were referred to the Committee on Energy and Natural Resources and Ordered Printed, in concurrence.

Bill, "An Act to Establish an Agricultural Exemption from Workers' Compensation for Certain Wood Lot Operations." (H. P. 937) (L. D. 1107)

Comes from the House, referred to the Committee on Labor and Ordered Printed.

Which was referred to the Committee on Labor and Ordered Printed, in concurrence.

Bill, "An Act to Amend the Law Prohibiting Law Enforcement Officers from Soliciting Funds." (H. P. 938) (L. D. 1108)

Reference to the Committee on Legal Affairs suggested.

Comes from the House, referred to the Committee on Business Legislation and Ordered Printed.

Which was referred to the Committee on Business Legislation, and Ordered Printed, in concurrence.

Bill, "An Act to Create a Fund to Pay for the Eventual Decommissioning of Any Nuclear Power Plant." (H. P. 928) (L. D. 1099)

Bill, "An Act to Establish a Municipal Power District Enabling Act." (H. P. 929) (L. D. 1100)

Come from the House, referred to the Committee on Public Utilities and Ordered Printed.

Which were referred to the Committee on Public Utilities and Ordered Printed, in concurrence.

Bill, "An Act to Exempt State and Federal Retirement Pensions from State Income Tax on the First \$10,000." (H. P. 930) (L. D. 1101)

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory. (H. P. 931) (L. D. 1102)

Bill, "An Act to Eliminate the Sales Tax on Clothing." (H. P. 939) (L. D. 1109)

Bill, "An Act to Replace the Inheritance Act with a Maine Estate Tax." (H. P. 940) (L. D. 1110)

Come from the House, referred to the Committee on Taxation and Ordered Printed.

Which were referred to the Committee on Taxation and Ordered Printed, in concurrence.

Bill, "An Act to Provide for Sound Crossing Signals for the Blind." (H. P. 941) (L. D. 1111)

Comes from the House, referred to the Committee on Transportation and Ordered Printed.

Which was referred to the Committee on Transportation and Ordered Printed, in concurrence.

Senate Papers

Senator NAJARIAN of Cumberland presented, Bill, "An Act to Make Revenue Losses, Due to Tax Credits, Exemptions and Deductions, Part of the Budget Document." (S. P. 390)

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

Senator NAJARIAN of Cumberland (Cosponsor: Representative BROWN of Bethel) pre-

sented, Bill, "An Act to Repeal the Prohibition Against Transfer of Birth Control Prescriptions between Pharmacies." (S. P. 391)

Senator DUTREMBLE of York presented, Bill, "An Act to Permit the Use of the Drug Dimethyl sulfoxide for Human Consumption." (S. P. 389)

Which were referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

Senator NAJARIAN of Cumberland presented, Bill, "An Act to Authorize Special Development Districts." (S. P. 388)

Which was referred to the Committee on Taxation and Ordered Printed.

Sent down for concurrence.

Committee Reports

House

Leave to Withdraw

The Committee on Fisheries and Wildlife on, Bill, "An Act to Require the Use of Hunter Orange Clothing While Hunting." (H. P. 375) (L. D. 413)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Fisheries and Wildlife on, Bill, "An Act to Permit Hunting of Wild Game upon Certain Lands on Sunday." (H. P. 374) (L. D. 412)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Fisheries and Wildlife on, Bill, "An Act to Permit Deer Hunting with Muzzle-loading Rifles." (H. P. 231) (L. D. 268)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Fisheries and Wildlife on, Bill, "An Act to Permit Deer Hunting with Muzzle-loading Rifles." (H. P. 105) (L. D. 156)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Health and Institutional Services on, Bill, "An Act to Provide for the Development of Mental Health Services." (H. P. 661) (L. D. 765)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

On motion by Senator Conley of Cumberland the Reports were Read and Accepted, in concurrence.

Ought to Pass

The Committee on Business Legislation on, Bill, "An Act to Provide for Reciprocity with other States under the Cosmetology Statutes." (H. P. 370) (L. D. 408)

Reported that the same Ought to Pass.

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

The Committee on Judiciary on, Bill, "An Act Concerning Intestate Estates." (H. P. 557) (L. D. 632)

Reported that the same Ought to Pass.

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

The Committee on Labor on, Bill, "An Act to Abolish the Panel of Physicians under the Workers' Compensation Act." (H. P. 525) (L. D. 591)

Reported that the same Ought to Pass.

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

The Committee on Marine Resources on, Bill, "An Act to Limit Scallop Dragging." (H. P. 328) (L. D. 355)

Reported that the same Ought to Pass.
Comes from the House, the Bill Passed to be Engrossed.

Which Reports were Read and Accepted, in concurrence, and the Bills Read Once and Tomorrow Assigned for Second Reading.

The Committee on Marine Resources on, Bill, "An Act Relating to the Size of Scallop Drags in Certain Coastal Waters." (H. P. 329) (L. D. 356)

Reported that the same Ought to Pass.
(Senator Brown of Washington abstained)
Comes from the House, the Bill Passed to be Engrossed.

Which Report was Read.

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

Senator PRAY: Mr. President, and Members of the Senate, to correct the Record, I just conferred with Senator Brown in reference to this matter and he had not abstained on that Bill. He was not present when the Bill was signed out. The Report should have read that he was absent.

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

The Committee on Taxation on, Bill, "An Act to Include Industrial and Medical Gas Installations as Personal Property Employed in Trade under Exceptions for Purposes of Personal Property Taxes." (H. P. 403) (L. D. 446)

Reported that the same Ought to Pass.

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

The Committee on Taxation on, Bill, "An Act Relating to the Excise Tax Transfer Fee and Excise Tax Maximum." (H. P. 533) (L. D. 599)

Reported that the same Ought to Pass.

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

Which Reports were Read and Accepted, in concurrence, and the Bills Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Labor on, Bill, "An Act Relating to Boilers and Pressure Vessels and their Operation." (H. P. 325) (L. D. 353)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-68).

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

The Committee on Transportation on, Bill, "An Act to Amend Current Law to Limit Additional Fees Charged to Handicapped Persons for Special Motor Vehicle License Plates that Display Handicapped Symbols." (H. P. 297) (L. D. 327)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-69).

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

The Committee on Transportation on, Bill, "An Act to Modify Certain Rules of the Road to Conform with the Uniform Vehicle Code." (H. P. 32) (L. D. 37)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-70).

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

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

Divided Report

The Majority of the Committee on Transpor-

tation on, Bill, "An Act to Prescribe when a Caboose shall be Attached to a Locomotive and Freight Cars." (H. P. 338) (L. D. 377)

Reported that the same Ought Not to Pass.

Signed:

Senator:

EMERSON of Penobscot

Representatives:

McKEAN of Limestone

MOHOLLAND of Princeton

HUTCHINGS of Lincolnville

McPHERSON of Eliot

STROUT of Corinth

HUNTER of Benton

FOWLIE of Rockland

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "A" (H-67).

Sensors:

O'LEARY of Oxford

USHER of Cumberland

Representatives:

CARROLL of Limerick

REEVES of Pittston

MACOMBER of So. Portland

Comes from the House, Bill and Papers Indefinitely Postponed.

Which Reports were Read.

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

Senator EMERSON: Mr. President, I move we Accept the Majority Ought Not to Pass Report.

The PRESIDENT: The Senator from Penobscot, Senator Emerson, moves that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I move that this time be Tabled for 1 Legislative Day, pending the Acceptance of the Ought Not to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Tabling L.D. 377 for 1 Legislative Day, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

13 Senators having voted in the affirmative, and 14 Senators having voted in the negative, the motion to Table for 1 Legislative Day does not prevail.

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

Senate

Leave to Withdraw

Senator MCBREAIRTY for the Committee on Energy and Natural Resources on, Bill, "An Act to Establish an Experimental Test for Control of Black Flies." (S. P. 118) (L. D. 285)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

Senator SHUTE for the Committee on Legal Affairs on, Bill, "An Act Pertaining to the Retention of Records for Closing-out Sales." (S. P. 151) (L. D. 359)

Reported that the same Ought to Pass.

Senator AULT for the Committee on State Government on, Bill, "An Act to Amend the Law Concerning Cremation of Old State Bonds." (S. P. 182) (L. D. 460)

Reported that the same Ought to Pass.

Senator AULT for the Committee on State Government on, Bill, "An Act to Establish a Revolving Fund for the Maine State Library." (S. P. 185) (L. D. 463)

Reported that the same Ought to Pass.

Which Reports were Read and Accepted and

the Bills Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass as Amended

Senator EMERSON for the Committee on Transportation on, Bill, "An Act to Establish a Sign on the Maine Turnpike for the University of Southern Maine." (S. P. 212) (L. D. 577)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-34).

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

Second Readers

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

House

Bill, "An Act to Require a Certificate of Salvage for Certain Motor Vehicles." (H. P. 534) (L. D. 600)

Bill, "An Act to Authorize Municipal Agents to Renew Operator Licenses." (H. P. 584) (L. D. 664)

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

House — As Amended

Bill, "An Act Pertaining to Public Safety on Public Ways." (H. P. 193) (L. D. 233)

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

Senate — As Amended

Bill, "An Act Requiring the Reporting of Reyes Syndrome by Persons Examining or Treating the Disease." (S. P. 88) (L. D. 185)

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

Sent down for concurrence.

Enactor

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

Emergency

AN ACT to Require School Districts to Account for Federally Subsidized Pupils as Residents of the District. (H. P. 100) (L. D. 130)

This being an emergency measure and having received the affirmative votes of 27 members of the Senate, with No Senators having voted in the negative, was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I move that all matters acted upon today be sent forthwith.

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

Senator USHER: Mr. President, in regard to L. D. 233, I would like to Reconsider our action.

The PRESIDENT: The Chair would advise the Senator from Cumberland, Senator Usher, that there is a pending motion. If he would defer his until we've disposed of it.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, I move that L. D. 233 be set aside.

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

Senator PRAY: It is my understanding that L. D. 233 has been Assigned for Second Reading tomorrow. Is that correct?

The PRESIDENT: The Chair would advise, L. D. 233 has been Passed to be Engrossed, in concurrence, and it had its Second Reading today.

The pending question before the Senate is whether or not all matters acted upon by the Senate be sent forthwith.

Is this the pleasure of the Senate?
It is a vote.

Orders of the Day

The President laid before the Senate the Tabled and specially assigned matter:

Bill, "An Act to Prohibit Voter Registration on Election Day with Certain Exceptions." (H. P. 35) (L. D. 40)

Tabled—March, 5 1981 by Senator CONLEY of Cumberland

Pending—Motion of Senator PIERCE of Kennebec to Reconsider

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

Senator PIERCE: Mr. President, I would ask Leave of the Senate to Withdraw my motion.

The PRESIDENT: Senator Pierce of Kennebec now requests Leave of the Senate to Withdraw his motion to Reconsider.

Is it the pleasure of the Senate to Grant this Leave?

It is a vote.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I would make the motion that the Senate Reconsider its action whereby this Bill was Passed to be Engrossed, and I'd like to speak to my motion.

On motion by Senator Conley of Cumberland, the Senate voted to reconsider its action whereby Bill, An Act to Prohibit Voter Registration on Election Day with Certain Exceptions, was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor.

Senator CONLEY: Mr. President and Members of the Senate, I did not speak on this Bill initially when it came before this Senate, primarily because of the fact that there was not a very full Chamber the day this Bill first came to us. There was a Divided Report with respect to this Bill. I want to speak, not as the Democratic Floor Leader of the Maine Senate, I want to speak as Senator Gerry Conley from District 9, and speak to how important this Bill is to the people who can only, apparently, get to register to vote on Election Day.

This Bill should be killed. It should be burned. It should be put in a bottle and sent on the next outgoing tide. If there is one thing that we hold sacred in this country, it is having the right to vote. The Legislature, in years gone by, exercised great wisdom in the judgement of allowing individuals that opportunity, when they were unable in the past to get to the Board of Registration, to be able to register on Election Day. We've made that a little bit more accessible. We've made it just a little bit easier for some people, who, because of their employment, or because of the fact that they are tied up, either going to school, or other things. Election Day has made it an opportunity for them to register.

Why, then, the need for this particular Bill? Let's call it what it is. The Bill before us is nothing more than an outright Republican Bill to stop people from being able to register on Election Day. I would ask this Senate, and the good chairman of the Election Laws Committee to point out to the members of this Senate where there has been an infraction of somebody going down to register on Election Day, that has been brought to court and prosecuted.

The problem is, that most Boards of Registration only have to work one week in a year. One week in a year, and they feel they're a little put out when all of a sudden it's election time, and they become a little more active, a little more active, that they have been throughout the other 360-odd days.

The law, as it now stands on the books, is a law that makes it available to everyone growing up, that right a basic Constitutional Right. Few, and very few, register on Election Day.

I would hope that the Senate would eventually give this piece of Legislation the proper death that it requires.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President and Members of the Senate, I'm not on the Election Laws Committee, but I was a few years ago, when this Bill was before that committee at that time. The remarks made from the good gentleman from Cumberland, Senator Conley, sound a lot like the remarks made from the chairman of the Democratic Party, in their House Caucus here just a couple of days ago. I think the chairman of that Party, at that time, said: it would be in the best interests of the Democratic Party if this Bill didn't pass. I don't think that came from the Republican Party, that came from the Democratic Party.

I think, along with your right to vote, you also have some responsibility to make an effort to get there and register, enroll, and vote. If it wasn't that way, why wouldn't everybody vote by absentee? You have an obligation. You have a responsibility.

I think the good gentleman of the Democratic Party, the chairman of the Democratic Party, said: this was nothing more than a Republican Bill. I think all the town clerks in the State would like to have this Bill. All the registrars of voters would like to have this Bill. I don't think you have to wait until the day election to go and register to vote. We have 364 other days you can go and register to vote. So why do you have to wait until that last day to register?

I would hope the Senate would not Reconsider its action on this Bill.

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

Senator PIERCE: Mr. President and Members of the Senate, I am glad that it is a Friday afternoon because I think that we are going to have to send our good friend the Senator from Cumberland home for a little rest over the weekend. He is getting a little excitable and a little off base with his facts.

First of all, if he had noted the Bill, and there are two of them in this Session, this a bipartisan sponsorship and the other bill is sponsored by a Democrat. The overwhelming number of people testifying for this Bill, at the public hearing, were Democrats.

I do not think that it is a Republican or Democrat issue. There is a difference of opinion on whether or not you should register on Election Day, and I think that there are some pros and cons. The Senator pointed out some of the pros of registering on Election Day. You may miss a few people by not doing that.

I think that many of us on the committee weighed the overwhelming cons of this present law, the confusion that it causes, the confusion that it creates. When the Senator says, very few register on Election Day, he is very misinformed. There are thousands of people who register on Election Day, causing this confusion. If we did not have registration on Election Day, 99% of those people would register before that, I am sure.

The cost, already there are bills in here to allow Boards of Registration to hire more and more deputy registrars for Election Day, because they can't handle them. So it is going to cost municipalities more money.

Many of the people pointed out the chances of fraud. Why do hundreds of people go the day after the election and remove their names as quick as they can from the list. There are various reasons, but I suspect that all of them aren't legitimate.

We weighed the pros and cons on this Bill, and I think that it is in the best interest of the citizens of Maine that we vote and we vote in a orderly process and the way to do it is to pass this piece of Legislation. I would urge the Senate to vote against Reconsideration.

The PRESIDENT: The Chair would advise the Senate that the motion to Reconsider has already been approved by the Senate.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, and inquiry through the Chair, what is the posture of this piece of Legislation at the present time.

The PRESIDENT: The posture at the present time, is Passage to be Engrossed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, to clear up any complications, I would now move that this Bill and all of its accompanying papers be Indefinitely Postponed. I would state that years gone by, most of the smaller communities in the State, you could walk in and register and vote on Election Day, absolutely no problem at all. All of a sudden we got a little more aggressive and we recognized the fact that people living in cities, people who lived in cities should be given the same opportunities as those citizens living in the towns. Why shouldn't Gerry Conley's son, who is paying the same taxes as anyone else is in the community and might be out of town most of the time, and wants to go in and register on Election Day but he couldn't do it under the old law. If he lived in Naples, Maine or Harrison, Maine or if he might have ever lived in the good town of the Senator from Kennebec, he might have been able to register. All of a sudden we make it possible for those Democratic bastion cities, those bastions of democracy where people think, and think progressively, are all of a sudden going to be denied the right to register and vote. Even the good Senator from Penobscot, Senator Troitzky, who 2 years ago wanted to be able to walk into the voting booth to make sure that people had the right to check the name off of the candidate that they wanted. He wanted to wear buttons right there so that they could see who they wanted to vote for.

My lord, now we want to strike down the rights of those individuals who can't register and vote on Election Day.

What problems, I point to my friend from Waldo, Senator Shute. Three hundred and sixty-four days he said, excluding Saturday's, and Sunday's and holidays and holy obligation father. What problems do they create now, lets just eliminate Election Day. Does it mean that there is going to be less fraud or appearance of fraud? Don't the registrars have to check out, when John Jones walks in off Taylor Street and says, I reside at 29 Taylor Street. My name is John Jones and I was born on such a date. I put down my drivers license I put down a receipt from the telephone company, a bill I have paid. You have to offer some type of evidence that shows some legal proof or some proof of the fact that you reside where you say that you are living.

Now this is nothing, but what I would call spring fever in November for the town clerks, and the registration board. They do not like to work. They do not like to work! In fact, several years ago, I can recall a Presidential Election at the City Hall in Portland, they were lining up right down the corridor 3 thick, 3 deep. We had Justices of the Peace, Notary Publics in there. We had workers all registering the people. It worked very very well. Took everything right down to the registrar and these people were certified. There was no problem I did not see the FBI walk in the next day or the Portland Police Department out running around trying to bring people into court.

Let's not make this thing a big thing. Let's not try to read into it what it's not. We can have as much fraud any day in the week, when someone goes in to register.

I would hope that the Senate would vote to Indefinitely Postpone.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, I was thinking back of the remarks the good Senator from Kennebec, Senator Pierce, as to who testified on this Bill. If he calls, having the same town clerk, I think from the Town of Sanford,

testifying three times, an overwhelming number of Democrats, I guess I would have to agree with him on that aspect of it.

I don't want to see this Bill repealed. I've talked to my town clerks, rather my town clerks have called me. Obviously, this causes them some problems. It causes them some extra work. I'm sorry about that. You know, probably the 184 people who work on this floor of the State House are the only people in the State, plus the Governor, perhaps, who think and drink and sleep and breathe politics 365 days a year. The rest of the people out there don't. They have other things going on. As the good Senator from Cumberland, Senator Usher, just pointed out to me, think back to the lines we used to have when we all had to register our car on the same day. When was the line? Last day, because we had other things going on. We had other things on our minds.

We have a lot of people, as the good Senator from Kennebec, Senator Pierce, has already pointed out, a lot of people register on Election Day. I think that's good, and I don't understand why some of my colleagues in this Chamber are fearful of that. They don't all vote for me. I'm sure they don't all vote for you. But they have the opportunity, at 5 o'clock, or 6 o'clock in the evening, when they get off their job, and they say: "By gosh, that's right, too. It is Election Day, isn't it?" to do down and register and vote. That's a right that we should not take away from them.

The good Senator from Cumberland, Senator Conley, has expressed it much more eloquently than I can. This is a right. Senator Shute talks about the obligation of the people to register two weeks in advance, or three weeks in advance, or four weeks in advance. I say to you that there is at least a chance of fraud, as much a chance of fraud there, if they register two weeks in advance, as there is if they wait and register on Election Day.

A lot of people register on Election Day. There has been no fraud shown. I am not aware, I would be glad to discuss this with any Senator, but I am not aware of any municipality in my district, where there's a huge influx of people the next morning to un-enroll themselves. This may happen, as the good Senator from Kennebec, Senator Pierce, has said. I was not aware of that. I was under the impression that most of the people who register on Election Day stay registered. We do have a lot of people registering on Election Day. We have seen no fraud. You look at where there might be fraud in the election laws, or in the environmental laws, or in the traffic laws. There could be fraud in a lot of areas. We don't normally legislate as regards that.

I hope that you will give this Bill its timely burial this afternoon. Thank you.

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

Senator GILL: I might just relate a little story that happened in the voting district I happen to live in. A gentleman came in there, with a piece of paper in his hand with his name on it, and requested to vote, the people working at the polls said: "Where do you live?" He said: "Well I've been down and I've got my name right here on this piece of paper." They said: "Well we're sorry. There's no address listed. Do you have identification?" He didn't have any identification. They gave him a hard time, he thought. He responded as he was leaving not allowed to vote, "Well, the last town I came from, I didn't get this hard a time." That's what can happen.

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

Senator TROTZKY: Mr. President and Members of the Senate, I'm going to vote against registration on Election Day, even though I think I win my election on Election Day. The Democrats bring all people to the polls, but I meet them over there when they're registering and they vote for Trotzky for Senate.

Anyway, let me tell you some of the problems. Some of the problems that take place in registration on Election Day are that come 8 o'clock, at least in my City of Bangor, you have hundreds of people sitting there in lines, that have been waiting there for two hours or more. All of a sudden, they close the registration up, and these two or three hundred people, or however many, don't get a chance to vote. It's extremely frustrating for them.

A second thing that takes place, is, in these close elections, each party has people at the polls, poll watchers, or I'm not sure what they are called. What takes place, is when people come in with slips from City Hall, at City Hall they register. Then they go out to ten different polling places, and they come in with these slips. A person walks up gives the name, and somebody stands up, a Republican or a Democrat gets up and says: "I challenge his right to vote." During Election Day, I had someone coming in, and the reason the voter is challenged is because of the possibility of fraud. I had a person, for example, come to me during Election Day. He was furious. He said: "What right did someone have to challenge my right to vote?" I'm a citizen as well as anybody else, but someone got up and challenged the right to vote."

I think that there has to be a deadline, but my feelings is that it should be before Election Day. I think registration on Election Day does create quite a few problems.

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

Senator CONLEY: Mr. President, I appreciate the remarks made by the good Senator from Penobscot, Senator Trotzky, but I want to clarify one thing that he stated. People who stand in line, and when the polls close at 8 o'clock, if there's two hundred, if there's five hundred, if there's a thousand out there. As long as they're inside the building, they're in that line, they have to be given the right to vote. They vote absentee. They vote absentee right there in City Hall and their votes are counted.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, before I start my oration on this particular subject, let me emphasize one particular point. It came from my good Minority Floor Leader a few days back, and his opening statement was: "I've been a Democrat all my life, and I'm going to continue to be a Democrat, and the day I die, I'm still going to be a Democrat."

Well, brother Conley and I have been here almost as long as many other people in the Legislature, but, I feel very strongly, in this particular matter. By the way, I'm the sponsor of the second bill that the chairman of the Election Laws Committee was talking of. That bill originated with my city clerk, whom I classify as one of the best Democrats I've known in the State of Maine, one of the most conscientious people I've known. He could see the multitude of problems materializing in a large municipality like Lewiston.

To clarify one more particular point, this gentleman is so vigilant, that we do have a case of fraud. He brought it to the attention of the attorney general. Now it has been referred back to our district attorney. The gentleman voted in the city of Lewiston, gave his proper name on Election Day, then voted in the town of West Minot, and gave the same proper name. He was the one person that did it this way, and was caught. The city clerk has many other people who will not be prosecuted, who voted in the city of Lewiston, giving their proper name, but voted in other town in Androscoggin County with fictitious names. If you want further statistics on how many people come back two or three days after the election, who then decide should disenroll, I'd be very happy to provide those figures and names to

anybody in my party who would be interested in them.

This business of the city clerks being overworked, or only working one week out of the year, I think, is a malicious statement to make. I believe the city clerks in the State of Maine who are of my party, the Democratic Party, are just as concerned with the abuse of this particular law, as the people who are members of the Republican Party.

I think it is basically incorrect to use this type of subterfuge in trying to cast a very serious problem against one particular party, or against particular sponsors of the Bill, who may not agree with my particular philosophy as a Democrat.

The Bill will not, statistically, allow more people to vote. If you would just check the statistics for the Presidential Election, for the Gubernatorial Election, or the Senatorial Elections, or any one of the referendum question we've had, you'll find that the majority of the people stay home. If you want to draw the analogy that many years ago, when people stood in line with the cars for registration, and went there for that particular purpose, and had to wait a long length of time, that may be true. That is mandatory. That is for their own particular use. You can not compel them, nor entice them, to stand in line more than ten or fifteen minutes. I have brought many people to the polls, especially senior citizens. If they can't get in right off to vote, they'll tell you very frankly, I want to go back home. If they happen to see a line when they get to the polling place, they want out. If they see a large crowd accumulating, they don't want to bother. Now these are good Democratic people I know of, and these are from personal experiences that I've had.

Yes, I am prone to change, if something that has been in present existence does not work. By all indications, this so-called Constitutional Right, which has been legislated, not by our founding fathers, but by various Congresses of the United States, and Sessions of Legislature, needs to be revised. Times have changed, social thinking has been revised, and the only way we're going to address every single person, now only the students of the University of Maine in Orono, or any one of our major campuses where there's an influx on Election Day. I'm more concerned with the rank and file people of the State of Maine who are being denied the right to vote because of these people who are accumulated out there Election Day, not necessarily in the interest of the State of Maine or its people, or even on referendum questions, or local issues which I consider are of paramount importance.

Today I disagree with my party. That's the reason why I'm standing up and more or less, not more or less, definitely, putting it on the Record. If the case, in the future, is questioned, you people all know exactly where I stand because I do not count my hens or anything else on the next election. I'm concerning myself at the present time, what I consider is right and proper on behalf of my constituents. The poll that I conducted personally in my Senatorial District, amongst the town clerks of both parties, make it very, very clear, the massive job that they actually have to cope with, and the abuse that they sometimes have to go through, and more or less, trying to make an identification of an individual on a particular day is virtually impossible. You get into large apartment house areas in my Senatorial District, what they call "Little Canada" through the Lincoln Street area, where people, there is 20 or 30 families in one house, and everybody rushes down to District Ward 6 Precinct 1 on that particular day. It's the most atrocious thing that I think you ever could see happen, even amongst our Democratic workers who just can not cope with the workload they have before them. Thank you very much, Mr. President.

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

Senator PRAY: Mr. President and Members of the Senate, you seem a little confused as to the issue that is before us at this time, as to whether or not, we are talking about the abuses of the present law, or as to whether or not, we are talking about just eliminating the law to start with. That right for individuals to vote, and it is necessary for some individuals to vote, and it is necessary for some individuals they would have to register on that day to do such.

As I try to relate it to other laws, that we sit here and pass and which are clearly abused, many of us this afternoon will be travelling home, and a number cars will pass us, while we follow the speed limits, but we don't do away with the speeding laws because other people abuse it. We do not stop selling alcohol because somebody abuses it. Those are not necessarily matters in line with this one. I think that this far more important.

The Senator from Penobscot, perhaps worked it the greatest, to the best analysis that I could see, when one of his constituents came to him at how outraged that he was that somebody would challenge his right to vote. Well it is my belief that the action that is taking place here today, the Senator from Penobscot, Senator Trotzky is virtually doing that, because he is saying to someone, who for some reason has failed to register before that day, that he isn't going to have the right to vote, period, because you failed to register in advance.

Now, 1980 was a census year, the results have come in. The State of Maine had a population increase of around 13.2%, I believe, many of it not into the urban areas but into the rural areas. Many people relocating from within Maine from out of Maine, coming into the State.

I do not think that it has all happened over a 10 year period. A lot of it has happened in the last several years, 3 or 4 years, some of it since the last Presidential Election, or the majority of that.

Many of these individuals did not go to register to vote until there is a statewide election set or a national election such as the presidential, the governorship. Those are the ones that usually turn out more people.

I would think that if we do not kill this bill, we will be challenging that individual. His right to come down and vote on that day.

When we are talking about the difference of registering on Election Day, we are not talking about one day, we are talking about the time period that municipalities have to close off registration prior to an election. If we eliminate Election Day registration we are adding another 5, 7 or 10 days on to that prior which is now closed off because boards of registrars update their voting lists. I would think if we added in the days that the Senator from Cumberland, Senator Conley added on Saturday's, Sunday's, and holiday's and other days we would quickly not have 364 days, the figure that Senator Shute mentioned, but we would be pretty much down to around 200 days.

I think the underlying factor here is not the abuse, perhaps it is the enforcement of those that you feel abuse the law. I would say to you that the correct way to address that abuse is to give the Attorney General the hours to enforce the law, the personnel and the manpower to do it. Give the registrars, the deputies to allow this basic right to everyone of these individuals so that there would not be long lines. Take care of the abuses that way. Require, and some of the town clerks and registrars fail to require, the proper identification at the time. That is not the fault of the Law, as it is, it is already there providing the protection, it is the failure to use what is in the Law.

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

Senator CLARK: Thank you, Mr. President, Men and Women of the Senate. I take strong ex-

ception this afternoon to the partisan taint, if you will, which has colored the issue before us. Town clerks across the state of both major political persuasions maybe even unenrolled in a political party, have for the past 4 or 5 years expressed their concern with the process which has allowed Maine citizens to register to vote on Election Day.

I acknowledge that there has been massive burden and pressure placed upon them, as a result of this modernization of the Law. At the same time, I commend them for their competency, their capability, efficiency, dedication, responsibility, and the manner in which they perform their duties. They are outstanding civil and public servants.

I am supporting the motion before us of Indefinite Postponement this afternoon, not because of any partisan pressure but because I embrace the concept that the purpose of election laws is to encourage citizens of our state to participate in the political process, exhibited in its ultimate, by the right, the privilege, and yes, the duty to vote.

I am offended by my colleague, the Senator from Androscoggin, Senator Minkowsky, when he suggests that those who are cluttering up the lines on Election Day at the polls should be denied, or even discourage, from their right to participate in this inalienable right to vote. And that maybe they even should step aside so those who have registered prior to Election Day, and who are not cluttering up the line, (cluttering up, by the way, is my own paraphrase), and allow those who have registered prior to Election Day to vote. Perhaps we ought to have a process of preference.

The right to vote, and the right to register to vote, should be granted our citizens right up to the moment the polls are closed. The right to vote should not be marred by a barrier system, which varies across the state, according to the needs of the municipalities involved.

Representatives of one of the towns in my Senatorial District testified in support of this measure without authorization of the legislative body, the town council of that municipality. In fact, they took it upon themselves to travel to Augusta without endorsement or authorization, from the town council, to speak for the town. I take exception to that activity.

Regardless of the outcome of the issue this afternoon, I will continue to endorse the concept that the right to vote should not be discouraged or denied. That indeed, the election laws as described by this and past Maine Legislatures, is in fact, not a barrier system, but a system to encourage citizenship participation. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I request a Roll Call.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is the motion to Indefinitely Postpone, L. D. 40.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

YEA — Brown, Bustin, Carpenter, Charette, Clark, Conley, Dutremble, Kerry, Najarian, O'Leary, Pray, Usher, Wood.

NAY — Ault, Collins, Devoe, Emerson, Gill, Hickens, Huber, McBreaity, Minkowsky, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky.

ABSENT — Perkins, Trafton, Violette.

A Roll Call was had.

13 Senators having voted in the affirmative and 16 Senators in the negative, with 3 Senators being absent, the motion to Indefinitely Postpone L. D. 40 does not prevail.

On motion by Senator Collins of Knox, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

Senator Hichens of York was granted unanimous consent to address the Senate, On the Record.

Senator HICHENS: Mr. President and Members of the Senate, Birthdays are coming thick and fast, where the first week of March is past. From the busy session of the week, I know what respite you all seek. But I ask that you will give an ear to words that I will utter here in recognition of a man who has shown in many ways he can do well the job elected to. Though he seldom shares his view on many problems that we face, amongst us here he's found his place. As Chairman of State Government, on many bills long hours are spent, and domineered by the fair sex, they find it difficult to vex our Senator who shrugs it off. But never do you hear him scoff at those who differ with his views. Live and let live. "Let each each one choose the way they go," I've heard him say. And so with pleasure here today, Let's all join in without fault, in wishing Senator David Ault the very best of birthday cheer, and happy days throughout the year.

Senator Pray of Penobscot was granted unanimous consent to address the Senate, On the Record.

Senator PRAY: Thank you, Mr. President, Mr. President and Members of the Senate, I don't mean to carry out the debate on voter day registration any further, but when the good Senator from York, Senator Hichens, stood up and referred to Senator Ault's birthday, I became a little aware of something that didn't come up in the Bill, and I'd just like to leave you with this thought to those of you that have birthdays on election days, or the day before, or two days before, or three days before, or four days before, up ten days before in some municipalities, come Election Day, you can't vote.

On motion by Senator Pierce of Kennebec, Adjourned until Monday, March 9, at 5 o'clock in the afternoon.