

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh  
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Thursday, May 8, 1975

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

Prayer by the Rev. Paul Neff of Hodgdon.

The journal of yesterday was read and approved.

**Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Granting a Property Tax Exemption for Property Leased by Community Mental Health Centers" (H. P. 480) (L. D. 599) ask leave to report: that the Senate recede from its action whereby it indefinitely postponed the bill and concur with the House in passing the Bill to be engrossed.

(Signed)  
 Mrs. BACHRACH of Brunswick  
 Messrs. COX of Brewer  
           SUSI of Pittsfield — of the House.  
 Messrs. GREELEY of Waldo  
           HICHENS of York  
           CYR of Aroostook — of the Senate.

Report was read and accepted and sent up for concurrence.

**Papers from the Senate**

From the Senate: The following Communications:

May 7, 1975

Honorable Edwin H. Pert  
 Clerk of the House  
 107th Legislature  
 Augusta, Maine

Dear Mr. Pert:

The Senate today voted to Insist and Join in a Committee of Conference on RESOLUTION, Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature and to Change the Date of Convening of the Legislature. (H. P. 1510) (L. D. 1827)

Respectfully,  
 s/ HARRY N. STARBRANCH  
 Secretary of the Senate

The Communication was read and ordered placed on file.

**Non-Concurrent Matter**

Bill "An Act Creating the Dickey-Lincoln Power Authority" (S. P. 189) (L. D. 662) which was passed to be enacted in the House on May 2.

Came from the Senate failing passage to be enacted in non-concurrence.

In the House:  
 The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker, I move that we insist.

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

Mr. KELLEHER: Mr. Speaker, I move that the House recede and concur.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that the House recede and concur.

The gentleman may proceed.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This issue that is before us here this morning is one that I think we should look at very, very carefully. It is one that has great emotional concern as well as the concern of trying to turn around and circumvent, in

my opinion, the United States Federal Government.

The Dickey-Lincoln project, and I am a member of the committee and I was one of eleven members who voted against this proposal that is before us, had three disturbing factors that motivated me to sign the "ought not to pass" report.

The first issue is the issue of flooding potentially thousands of acres of Canadian land because of the flood process up there in the control of the dams, which it seems very strange to me that a State Authority in Maine, how would they ever be able to negotiate with a foreign government?

The second thing that bothered me was the presentations by a member of the Natural Resource Council that indicated that there would be somewhere around 30,000 acres, he estimated because of their research, 30,000 acres of mud flats up in that area that would be the result of the dam being built.

The third thing is the potential cost that could involve the State of Maine if and when we could meet all the requirements that were put in the bill and amended over in the other body.

A project such as Dickey-Lincoln should be approached from the federal level and not circumvented from the state level, and I urge the House to recede and concur.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: To debate a few of the arguments the Representative from Bangor, Mr. Kelleher, brought up, as you all know, the bill now carries an amendment to it which says that if the study now going on, the economic feasibility of Dickey-Lincoln or the environmental feasibility is not positive, then the act wouldn't take place anyway. So I would ask you all to defeat the motion to recede and concur so we could then make the motion to insist.

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

Mr. LaPOINTE: Mr. Speaker, Men and Women of the House: This morning I have circulated a copy of some editorials, or an editorial, that appeared in the Maine Sunday Telegram of April 14, 1974. I would hope members of this House would take a good look at that editorial entitled "The Bad Sides of the Dickey-Lincoln Dam." I would like to quote from that editorial if I may: "The only real advantage Dickey-Lincoln would seem to have is that it does not use fuel to generate power; it would use water. But then Dickey wouldn't make much power anyway. It would transmit power only about 3 out of each 24 hours in every day and it would add only seven-tenths of one percent to the electricity now available in New England."

The editorial goes on, it says, "Dickey would cost tremendously to build. It would cost over \$500 million, or twice as much as it would cost to build Maine Yankee at Wiscasset, which produces about eight times the amount of power that Dickey would produce. To build Dickey would mean a dam in the Maine wilderness that would be 340 feet high and two miles long, far bigger than the Aswan Dam which controls the waters of the Nile and the Aswan Dam took eight years to build. If it takes eight years to build Dickey, the cost might be closer to a billion dollars." And the editorial goes on.

Further in my research for this

particular bill, I dug out a copy of an article that appeared in the Maine Sunday Telegram by Bob Cummings, "Dickey Boon of Boondoggle." If you look at the reproduction of this particular article, you can see why I would have difficulty reproducing it for the members of the House this morning, but if you would like to look at this article, it is a reprint from the Maine Sunday Telegram of April 7, 1974. It raises a lot of questions as to the feasibility of the Dickey-Lincoln project.

But I think one of the fundamental questions that has to be raised here with the Dickey-Lincoln project is not the flooding of the wilderness, although I think that is a very important consideration. One of the arguments that seems to be prevalent amongst the supporters of this particular bill in this House is the question of flood control. The problem of flooding on the St. John River Valley and the flood plain, particularly in the Fort Kent area, is quite severe, and I grant you that it is a major problem.

But the question I think has to be addressed not only by this legislature and by the federal government through the Corps of Engineers is how do we deal with the problem of the annual flooding in the St. John River? Do we deal with that flooding by building the Dickey-Lincoln power project or do we deal with that question by coming up with a series of flood control devices, dikes and levees that would be built and constructed and engineered by the Corps to just deal with the question of flooding? I think that is one of the fundamental questions that has to be addressed relative to the flood control problem.

I hope that the House will go along with the motion to recede and concur this morning.

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

Mr. JACKSON: Mr. Speaker, could the Clerk read the committee report on this bill?

Thereupon, the Report was read.  
 The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: As you can see, the majority of the committee was against this particular bill. I personally feel that the bill had new life breathed into it by an amendment from down the hall. The amendment from down the hall moves the decision away from Maine to the Corps of Engineers and out-of-state people.

It has been argued here that the people who oppose this are out-of-state people. I think an equally valid argument is that the people who would be making the decision for the citizens of Maine, whether this money will be spent and this land will be flooded are out-of-state people and the Corps of Engineers, and I feel that this is a jury-rigged situation and covers the fact that this is essentially a bad bill. I hope you will vote to recede and concur.

Thereupon, Mr. Farley of Biddeford requested a roll call vote.

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 pending question is

on the motion of the gentleman from Bangor, Mr. Kelleher, that the House recede and concur with the Senate on Bill "An Act Creating the Dickey-Lincoln Power Authority," Senate Paper 189, L.D. 662. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Bachrach, Bagley, Berry, G. W.; Birt, Bowie, Burns, Byers, Call, Churchill, Clark, Conners, Cooney, Curran, R.; Davies, Doak, Dirgotas, Dudley, Durgin, Farnham, Gauthier, Goodwin, H.; Gould, Gray, Henderson, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Kelleher, Kelley, Kennedy, LaPointe, Laverty, Leonard, Lewin, Littlefield, Lovell, Lynch, Mackel, McMahon, Miskavage, Mitchell, Morton, Mulkern, Najarian, Norris, Palmer, Perkins, S.; Perkins, T.; Peterson, T.; Post, Rollins, Shute, Silverman, Snow, Snowe, Spencer, Sprowl, Stubbs, Talbot, Tarr, Teague, Tierney, Torrey, Twitchell, Walker, Webber, Wilfong.

NAY — Albert, Bennett, Berry, P. P.; Berube, Blodgett, Boudreau, Bustin, Carey, Carpenter, Carroll, Carter, Chonko, Cote, Cox, Curran, P.; Curran, R.; Dam, DeVane, Dow, Dyer, Farley, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, K.; Greenlaw, Hall, Hennessey, Hobbins, Hughes, Jacques, Joyce, Kany, Kauffman, Laffin, LeBlanc, Lizotte, Lunt, MacEachern, Mahany, Martin, A.; Martin, R.; Maxwell, McBreaarty, Mills, Morin, Nadeau, Peakes, Pelosi, Peterson, P.; Pierce, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Smith, Strout, Theriault, Tozier, Truman, Tyndale, Usher, Winship, The Speaker.

ABSENT — Connolly, Jalbert, Jensen, MacLeod, McKernan, Susi, Wagner.

Yes, 74; No, 69; Absent, 7.

The SPEAKER: Seventy-four having voted in the affirmative and sixty-nine in the negative, with seven being absent, the motion does prevail.

The Chair recognizes the gentleman from Portland, Mr. LaPointe.

Mr. LaPOINTE: Mr. Speaker, having voted on the prevailing side, I would ask for reconsideration and I would hope that everyone would vote against me.

The SPEAKER: The gentleman from Portland, Mr. LaPointe, moves that the House reconsider its action whereby it voted to recede and concur.

Thereupon, Mr. Carpenter of Houlton requested a roll call vote.

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 Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I hope we will vote yes on reconsideration and have this bill go back to the other body with Mr. Farley's motion to insist, for the simple reason that I think we are just asking for a study. I had that all here before me, but I thought this bill was settled. I could have made a longer speech, but I don't want to anyway, but I hope this morning that we will move to reconsider and change our

position and send this back to the other body with insist.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Carpenter.

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: I, as the gentleman from Bridgewater, Mr. Finemore, thought we had settled this issue and didn't intend to speak on it this morning. However, seeing the way that the vote has gone, I feel it is necessary to stand up both as a Representative from Aroostook County and also as a Representative of the State of Maine.

A lot of people are getting a false impression by this bill. They think that if this bill passes, I believe some people think if this bill passes we are going to go up there and build a dam. This bill is asking for a standby authority in case we need it.

As somebody pointed out in the debate prior, if this bill dies and we find out that we need this authority later on because of something the federal government tells us, we are going to be left in a very tough situation, a very bad situation, because we are not going to have anything to fall back on.

The sponsor of the bill thought that by building in the amendment that says that if the environmental impact was unfavorable or the economic impact was unfavorable, then the authority would not be activated. We thought we had taken care of most of the problems. I would just like to implore the members of this House not to leave us high and dry without anything. In the midst of the energy crisis, we may need Dickey-Lincoln very badly; we may need it sooner than we think. In order to implement anything that we need, we are going to need this authority, so I would urge the members of this body to please consider voting for reconsideration.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I urge this House not to vote for reconsideration, and if you take in light the remarks made by the gentleman from Houlton concerning the energy situation, in my opinion, Dickey-Lincoln, because of the cost and what would be generated out of there is a complete farce. So don't be sold on that argument at all.

If you want to talk about generating some electrical power in the real sense, you can talk about Passamaquoddy, but Dickey-Lincoln, in my opinion, is not the right route for us to take. This House and the State Legislature is not leaving northern Aroostook County high and dry, as the gentleman from central Aroostook has so tried to indicate. I urge you not to reconsider.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I don't know why the gentleman from Bangor, Mr. Kelleher, is so hepped up on this. How many news items do we believe? You pick them up every morning and you read a piece on something you spoke on in committee the day before, and they have got your words and your message all mixed up. This paper isn't worth the paper it is written on. We are wasting our time to pick them up, because someone has just picked these figures out of the air, the same as we give figures out here on the Governor's budget. One day it is \$12

million short, the next day \$20 million short, the next day \$30 million short.

As the gentleman from Houlton has said, there are only three things we are asking for. And to sum it all up, he read almost the exact words, this amendment, as sure as the bill, would create a standby authority. I am sure today, with the shortage on oil and fuel that a hydro system is much better than any other, and I hope this morning you will vote and not listen to these wild items or read these wild things in the paper. I know I have spoken in committee, spoken on the floor, the next day pick up the newspaper and it is almost reverse of what I had to say. So I hope this morning you will reverse your position and vote for reconsideration.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I admire and love the gentleman from Bridgewater, Mr. Finemore. He is really a very, very clever rascal and I think I have learned some tricks from him since I have been down here.

I might indicate that the article that I had circulated was for your consideration, but I sat at the hearing with thirteen other members of the committee, and if you look at the Energy Committee, it is made up of what they call arch conservatives, screaming liberals and moderates from either side, and I might tell that gentleman, after two hours of listening to testimony, that eleven people from various positions on the political spectrum voted together against Dickey-Lincoln, and we didn't do it in a casual manner, we did it after listening to some very intelligent people present some very good arguments.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I hope for the sake of expediency that we don't vote to reconsider this morning. I think this has been thoroughly aired and I said my little piece on it several days ago. I don't intend to talk much and hold it up this morning. With the nice sunshine coming out and farming coming up and the like, I don't want to be here until after the Fourth either for something that I know is a dead issue. I think the people, by referendum, made it quite plain how they felt about the state getting in the public power business and getting involved in Dickey-Lincoln. We just had a recent referendum and I thought that decided, in my opinion. I am not against Dickey-Lincoln project, if it is done on federal funds, and I have said so before, but I am against reconsidering this morning and talking for another couple of days about Dickey-Lincoln, so I hope you don't reconsider.

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

Mr. LaPOINTE: Mr. Speaker, Men and Women of the House: I hope that you will all go along with the motion not to reconsider this morning by voting no. What I am trying to point out at this particular point is what this bill intends to do.

As a freshman legislator up here one time someone referred to me that "don't worry, we are using the belt and suspender approach" with this particular issue. I would suggest that what we are doing here with this particular bill that is before us is utilizing the belt and suspender approach. By that, I mean the federal government is

the belt and the pants of the Dickey-Lincoln project. If the federal government doesn't tighten up on its belt and the Dickey-Lincoln project through the federal mechanism fails, then we have the suspenders, that is, we have the suspenders with this particular standby legislation. I think that is a very good idea, strategically that is, I just happen to disagree with it. I think there is ample time for us as a legislature, because we do convene every two years and if the constitutional amendment goes through, we will be convening every year, we happen to convene every year anyway, so we will have ample time to develop necessary standby legislation that is called for in this particular bill.

So, I would hope that you would vote against reconsideration so that this standby legislation wouldn't go on the books and we could deal with the merits of the question viz-a-viz the federal government.

I think the other concern that I have and I would be very, very frank with you all this morning is that we would be sending down an advisory opinion to the U.S. Congress on how the Maine Legislature feels about the Dickey-Lincoln project. I, for one, would like to see the U.S. Congress and a Corp of Engineers and all the other people who are involved in that decision-making process make it in an unbiased way without any support or political pressure, either informal or formal, from this legislature. I hope that this morning that you will vote against reconsideration so that U.S. Congress can make this decision without any sort of pressure from us.

Now, in previous discussions on this matter, we talked about the 200-mile limit. I support the 200-mile limit and I did want to send down an advisory to them. I did want to exercise my bit of influence, but I hope this morning that we will not use that tack, we will not use that strategy relative to this rather significant project and we will let the federal government make its decision by itself, as it has a better capability to deal with the decision-making process.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Carpenter.

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly, to answer a point made by the Representative from Portland, Mr. LaPointe, how many people in here voted yes to sending a memorial to the U.S. Congress in reference to food stamps? How many people in this House, in this body, have ever memorialized or voted to memorialize the U.S. Congress to do anything? I submit to you that everybody in this House has. How many bills have we had through this House or through this legislature and past legislatures when the only purpose of that legislation was legislative intent, to show Congress that here is the way the Legislature of the State of Maine feels regarding food stamps, regarding unemployment benefits, anything? We have a Resolution being prepared at this moment to send to the U.S. Congress, a Memorial, to indicate our feelings and I think that not only do we need this standby authority, as many people have said and my friend from Bridgewater, Mr. Finmore, has pointed out, we also need to show that the people of the State of Maine care enough about this to pass on this Resolution, pass on this bill, and to be ready if we're needed.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: There have been a few references to newspaper articles, and for those who have not yet had a chance to look at this morning's KJ, I just want to read one paragraph from it. "The Government drops Oil Reserve Estimates" is the headline, and the federal government sharply revises downward Wednesday its estimates of how much undiscovered oil and natural gas the United States can count on in its drive for energy self-sufficiency. The estimates are roughly half the size of those made by the agency one year ago.

I urge you to vote for reconsideration.

The SPEAKER: The Chair recognizes the gentleman from Danforth, Mr. Fenlason.

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: I think we forget too quickly. It was a very short time ago that we were faced with an energy crisis. Perhaps it has gone away a little but it is really still there, and this country and this world needs to increase our sources of energy, and water power is one of our great means of accomplishing this thing.

Now, you will find that the people who live in the northern part of Maine are familiar with this situation, you will find that they are almost universally in favor of Dickey-Lincoln and I assure you that we can't afford not to take advantage of every possible source of energy. I urge you to vote for reconsideration.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I have sat here and listened in amazement to the testimony being offered to the representatives here. Everybody knows that Dickey-Lincoln and the Passamaquoddy Tidal Power project are tied together. There is a very strong movement across the country now to build the Passamaquoddy Tidal Power Project, which can be done. I could go on and talk for another hour, if you wanted to listen that long but I don't think you do, so I will simply tell you that this authority is the vehicle to receive the federal funds in the State of Maine for Passamaquoddy and for Dickey-Lincoln. If you want to vote that out and go on paying your high taxes, your fuel costs on public electricity, go right ahead and do it.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: The two projects, we had testimony, are not tied together. A pumping station, a gravity pumping station, would probably serve just as well in the Dickey-Lincoln site, if needed at all. As far as potentials for energy in New England and particularly in Maine, I would like to read very briefly from the OCS Oil and Gas and Environmental Assessment Study, which came out in April of 1974. "Estimates of undiscovered, economically recoverable crude and natural gas production from the Atlantic OCS range from five to twenty million barrels and thirty-five to one hundred ten trillion cubic feet respectively," that last would be gas and I would also say that exploratory drilling is required to confirm whether oil or gas is present. I would use this to point out that we have absolutely tremendous energy potential sitting off the

coast which also may turn the state upside down. The need for Dickey-Lincoln has not been proven and I think if we are going to worry about energy, we should worry about Passamaquoddy and we should worry about the OCS, our outer continental shelf, and not get sidetracked into worrying about an unproven, and I would say most of the testimony showing it is not a valid source of energy.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Several points I would like to make. As the gentleman from Eastport pointed out, the Passamaquoddy and Dickey-Lincoln projects were originally tied together. In fact, I guess the Dickey-Lincoln project was really created in order to work with the Passamaquoddy Project. This was back into about 1963 when it received initial approval from the Kennedy Administration. However, after a study by the Army Corp of Engineers, it was found that the Passamaquoddy Project, at that time, did not have a favorable cost benefit ratio. The Dickey-Lincoln Project did, and that is a point I would make again, that this state mechanism could not operate until this Army Corp of Engineers had done that kind of economic study to see whether there was a cost-benefit ratio for Dickey-Lincoln.

What we really have is a sort of state's right question here, who is going to do it? Are we going to let Washington take all the responsibility or will there be a possibility for some state responsibility if Washington does not see this?

We also have a bill that will be coming before us for a State Passamaquoddy Power Authority, and I would wonder if the opponents today of a possible State Dickey-Lincoln Authority, who now say we are for Passamaquoddy but we are not for Dickey-Lincoln, when they have the choice of should we have a State Power Authority for Passamaquoddy are also going to say, let Washington do it? I would just make those points to you and say that if we hear a great deal of argument about the state giving up their rights, letting Washington take over all this power, here is a chance, if this project is found feasible, that we may be able to build it ourselves.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: A couple of points that I would like to make, one is in respect to the comment about the memorials that we have sent to Washington. I think that when we do that we are expressing an intent, something that we want to see done, general principle, so we are not necessarily specifying the technical details by which that can be taken care of.

Now, the very first paragraph of this is the important one for me, a section under policy — "Legislature declares a critical need for expanding electric generating capacity in Maine." Right now we have a surplus of energy in Maine, that is, we are exporting it. The question is, what is the need for generating capacity in Maine? It is primarily to export it to other areas. For that reason, it seems to me, we ought to keep very tight control on it. But even if we assume that we do need some additional generating capacity, whether it is Passamaquoddy or nuclear or hydro-electric, we have another part of this first paragraph that is the most

concern to me and that is this need for electric energy. It says, we are saying today, if we pass this, it can best be met by construction of hydro-electric dams at Dickey-Lincoln on the St. John River, that is what this bill says, that the best way of meeting this need, the best, is by constructing a dam at Dickey-Lincoln.

I am certainly not going to be in a position to say that that is the best way. We may have a need, we may find that that is the best way, but for us, on the basis of the information available, today, to say that, I think is going a bit further than memorializing Congress about a general principle.

Therefore, I hope you defeat the motion to reconsider.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: To correct one statement that the gentleman from Bangor, Mr. Henderson, stated, that at the present time we are importing electrical power from Canada but we are not. We don't have an abundance of electrical energy right now.

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

Mr. FLANAGAN: Mr. Speaker, Ladies and Gentlemen of the House: This bill, as I understand it, will only become effective after a determination is made by the powers-that-be in Washington, who will send a team of specialists to the State of Maine here and will give us an honest determination about Dickey-Lincoln and not have us in this House here make a determination that will notify Washington we are not interested in this any longer. We could be making the greatest mistake of our lives if we don't hold this bill and vote yes for reconsideration on this motion.

The SPEAKER: The Chair recognizes the gentleman from Van Buren, Mr. LeBlanc.

Mr. LeBLANC: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Bangor, Mr. Kelleher, mentioned about an agreement with the Canadian Government. We have had an agreement with the Canadian Government since 1965. They have approved the flooding of the area of Big and Small Black, which is on the Canadian side. All that is being mentioned here is about peaking power or the power that would be generated from Dickey-Lincoln. We lose sight of the fact that there are three generating plants on the Canadian side. I visited two of them last summer, Beechwood and Mactaquac, and these two plants (it was late in July) were operating to about one-third capacity. They had five generators each and two were working, one was being repaired, the two others were stopped, and I asked the question, how come, when there was a need for power? They said they couldn't because the river bed and tide was too low. Then I brought up the fact that there was a possibility of building Dickey-Lincoln and I asked them what effect it would be and they said, if Dickey-Lincoln was now in effect and the even flow was on the St. John River, we could operate all five generating units, plus we could put in two more units in the inter-tubes, and they pointed those out to me where they would be put. So, we are not talking about just what you would be generated through Dickey-Lincoln but we are talking also what would be generated through Canada, which would

be available, which one-half of it would be available to the United States.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to correct an impression without correcting the gentleman from Biddeford, Mr. Farley. It is true that we do import power from Canada and we imported it sometimes from Nepal but we are a net exporters of energy, of electric energy in the state, net. We do import but we do export. We export more — we generate more than we can use, basically. I am not saying that we don't need alternative sources but that we also have to consider the question of whether this is the best way to do it.

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that we are missing the basic issue, which is a very simple thing. I keep a little record, a voting record, in which I try to analyze the voting performance and then I categorize the various members by one group known as liberal or slash reform, it is a rather difficult category to arrive at, but I find that I would have a good deal of trouble in putting this particular question to the test.

It seems to me that we are talking about something here that would be good eventually for the poor people. The poor people have to buy fuel oil now and they have to pay some 30-some cents a gallon for it and in another five years, if present trends continue, they will be paying double or triple that amount for fuel oil, and whether the poor people pay it from their wages or whether they pay from their SSI, or whether they pay it from their Aid to Dependent Mothers or whether they fail to pay it, someone has to pick it up. We are talking about something that is good for the environment. There is no denying that the burning of fuel oil is depleting very rapidly a natural resource, that it is expensive, that it is disadvantageous to our nation abroad. A year and a half ago or two and a half years ago, it seems to me that the people of this state would have done almost anything to have had some electrical power available as an alternative to the use of fossil resources which come from the Far East.

It seems to me that we talk about the chance to get a large investment again from money outside the state for one of our unique natural resources. It seems to me from those who specifically address the question of Passamaquoddy, that this Dickey-Lincoln was originally designed as adjunct to Passamaquoddy, the only tidal generating station in the world which is large enough to be or whose figures can be reliable is in France. It is very expensive to operate. There is no reason to believe that we can build Passamaquoddy without a large expense, and that expense is affected very significantly during peak periods of tidal change.

One of the real reasons that tidal hydro-electric power has not been able to compete in the market is because of the huge holding tanks that must be built in order to provide a constant source of flow of power, and Dickey-Lincoln would be ideal for this peaking complementary activity.

Finally, addressing the basic question itself, it seems to me that we are denying something that should be good, that we are

denying something that is of advantage in the long range to our overall environment; 20,000 or 30,000 acres of mudflats to the contrary, it seems to me that we are, in effect, closing the door on something that should be examined toward which we should enthusiastically proceed and which could result in nothing but a net benefit to the State of Maine and to the poor people with whom we are concerned every morning at prayer.

The SPEAKER: The Chair recognizes the gentleman from St. Agatha, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to belabor this point and I don't want to go into the technicalities of Dickey-Lincoln, because I honestly feel that some of you were in here debating Dickey-Lincoln and Grand Rapids and Passamaquoddy a long time before I was even considering occupying a seat here. But I would just like to impress one thing on you ladies and gentlemen, I wish you would have seen the flood in 1973 in Fort Kent, Maine, and could think that this project could save a family's home, I really think it deserves every vote in this House, and I am sincere when I say that.

Ladies and gentlemen, I would honestly hope that you would vote yes to the next question and keep this bill alive.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Portland, Mr. LaPointe, that the House reconsider its action whereby it voted to recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Bagley, Bennett, Berry, P. P.; Berube, Blodgett, Boudreau, Bustin, Carey, Carpenter, Carroll, Carter, Chonko, Clark, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, DeVane, Dow, Drigotas, Dyer, Farley, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Hennessey, Hobbins, Hughes, Jacques, Joyce, Kany, Kauffman, Kennedy, Laffin, LeBlanc, Leonard, Lizotte, Lovell, Lunt, MacEachern, Mahany, Martin, A.; Martin, R.; Maxwell, McBrearty, Mills, Miskavage, Mitchell, Morin, Nadeau, Najarian, Norris, Pelosi, Peterson, P.; Peterson, T.; Pierce, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Silverman, Smith, Snow, Strout, Theriault, Tozier, Truman, Tyndale, Usher, Wagner, Winship, The Speaker.

NAY — Ault, Bachrach, Berry, G. W.; Birt, Bowie, Burns, Byers, Call, Churchill, Conners, Davies, Doak, Dudley, Durgin, Farnham, Gould, Gray, Henderson, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Kelleher, Kelley, LaPointe, Lavery, Lewin, Lewis, Littlefield, Lynch, Mackel, McKernan, McMahan, Morton, Mulhern, Palmer, Peakes, Perkins, S.; Perkins, T.; Post, Rollins, Shute, Snowe, Spencer, Sprowl, Stubbs, Susi, Talbot, Tarr, Teague, Tierney, Torrey, Twitchell, Walker, Wilfong.

ABSENT — Connolly, Jalbert, Jensen, MacLeod, Webber.

Yes, 86; No, 59; Absent, 5.

The SPEAKER: Eighty-six having voted in the affirmative and fifty-nine in the negative, with five being absent, the motion does prevail.

The Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker, I now move that we insist.

The SPEAKER: The pending question before the House is to recede and concur.

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

Mr. CAREY: Mr. Speaker, it is at this point that I would think we would do what Mr. Farley wants. If we could defeat the motion to recede and concur, then we could insist.

Thereupon, Mr. Kelleher of Bangor requested a roll call vote.

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 now before the House is to recede and concur. All in favor of the motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Bachrach, Berry, G. W.; Birt, Bowie, Burns, Byers, Call, Conners, Connolly, Davies, Doak, Dudley, Durgin, Farnham, Gould, Gray, Henderson, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Kelleher, Kelley, LaPointe, Laverty, Lewin, Lewis, Littlefield, Lynch, Mackel, McKernan, McMahon, Morton, Mulkern, Palmer, Perkins, S.; Perkins, T.; Post, Rollins, Shute, Snow, Snowe, Spencer, Sprowl, Stubbs, Susi, Talbot, Tarr, Teague, Tierney, Torrey, Twitchell, Webber.

NAY — Albert, Bagley, Bennett, Berry, P. P.; Berube, Blodgett, Boudreau, Bustin, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, DeVane, Dow, Drigotas, Dyer, Farley, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Hennessey, Hobbins, Hughes, Jacques, Joyce, Kany, Kauffman, Kennedy, Laffin, LeBlanc, Leonard, Lizotte, Lovell, Lunt, MacEachern, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, Mills, Miskavage, Mitchell, Morin, Nadeau, Norris, Peakes, Pelosi, Peterson, P.; Peterson, T.; Pierce, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Silverman, Smith, Strout, Theriault, Tozier, Truman, Tyndale, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

ABSENT — Faucher, Jalbert, Jensen, MacLeod, Najarian.

Yes, 58; No, 87; Absent, 5.

The SPEAKER: Fifty-eight having voted in the affirmative and eighty-seven in the negative, with five being absent, the motion does not prevail.

Thereupon, on motion of Mr. Farley of Biddeford, the House voted to insist.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, having voted on the prevailing side, I now move we reconsider whereby we voted to insist.

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

Mr. DAVIES: Mr. Speaker, I move this matter be tabled for one legislative day.

Mr. Rolde of York requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Orono, Mr. Davies, that this matter be tabled pending the motion of Mr. Finemore of Bridgewater to reconsider

and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

29 having voted in the affirmative and 102 having voted in the negative, the motion did not prevail.

Mr. Talbot of Portland requested a roll call on reconsideration.

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 pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that the House reconsider its action whereby it voted to insist. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Bachrach, Birt, Bowie, Byers, Call, Conners, Connolly, Curtis, Davies, Dudley, Durgin, Farnham, Gould, Gray, Henderson, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Kelleher, Kelley, LaPointe, Laverty, Lewin, Lewis, Littlefield, Mackel, McMahon, Palmer, Perkins, T.; Post, Rollins, Shute, Spencer, Sprowl, Stubbs, Susi, Talbot, Tarr, Teague, Tierney, Torrey, Twitchell, Walker, Webber.

NAY — Albert, Bagley, Bennett, Berry, P. P.; Berube, Blodgett, Boudreau, Burns, Bustin, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Cooney, Cote, Cox, Curran, P.; Curran, R.; Dam, DeVane, Doak, Dow, Drigotas, Dyer, Farley, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Hennessey, Hobbins, Hughes, Jacques, Joyce, Kany, Kauffman, Kennedy, LeBlanc, Leonard, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, Mills, Mitchell, Morin, Mulkern, Nadeau, Norris, Peakes, Pelosi, Perkins, S.; Peterson, P.; Peterson, T.; Pierce, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Silverman, Smith, Snow, Snowe, Strout, Theriault, Tozier, Truman, Tyndale, Usher, Wagner, Wilfong, Winship, The Speaker.

ABSENT — Berry, G. W.; Faucher, Jalbert, Jensen, Laffin, MacLeod, McKernan, Miskavage, Morton, Najarian.

Yes, 50; No, 90; Absent, 10.

The SPEAKER: Fifty having voted in the affirmative and ninety in the negative, with ten being absent, the motion does not prevail.

#### Non-Concurrent Matter

Bill "An Act Concerning Listing of Tax Exempt Real Property for Town Reports" (S. P. 496) (L. D. 1843) which was passed to be engrossed as amended by House Amendment "A" (H-248) in the House on May 6.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed in non-concurrence.

In the House: On motion of Mr. Burns, of Anson, the House voted to insist and ask for a committee of conference.

#### Non-Concurrent Matter

##### Tabled and Assigned

Bill "An Act Relating to Compensation for Minors Delivering Newspaper

Supplements" (H. P. 910) (L. D. 1109) on which the Minority "Ought to Pass" Report of the Committee on Business Legislation was read and accepted and the Bill passed to be engrossed in the House on May 6.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Business Legislation read and accepted in non-concurrence.

In the House:

Mr. Dam of Skowhegan moved this matter lie on the table two legislative days.

Subsequently, the same gentleman withdrew his motion.

Mrs. Clark of Freeport moved that the House recede and concur.

On motion of Mr. Dam of Skowhegan, tabled pending the motion of Mrs. Clark of Freeport that the House recede and concur and specially assigned for Monday, May 12.

#### Non-Concurrent Matter

##### Tabled and Assigned

Bill "An Act to Restrict Liquor Control Commission Records of Liquor Violations to Violations which are Less than 5 Years Old" (H. P. 981) (L. D. 1244) which was passed to be engrossed in the House on May 2.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-125) in non-concurrence.

In the House: On motion of Mr. Talbot of Portland, tabled pending further consideration and specially assigned for Monday, May 12.

#### Messages and Documents

The following Communication: (S. P. 512)

May 6, 1975

To Governor James B. Longley and Members of the One Hundred and Seventh Legislature

In compliance with statutory requirements, I submit herewith the 55th Annual Report of the State Auditor for the fiscal year ended June 30, 1974. The financial data presented are based on the accounting records maintained in the Bureau of Accounts and Control.

We have made extensive examination of major pertinent transactions. We do not make a detailed examination of all recorded transactions on the general books of the State for the year. We did, however, make a detailed examination of accounting records, procedures and internal controls, and verified financial transactions on a selective basis in our post audits of the activities of the various State Departments, Agencies, Boards, etc., during the year. The results of these audits, together with comments, observations and audit findings and recommendations are contained in our individual audit reports submitted to the respective State Departments, Agencies, Boards, etc.

Based on the scope of our examination, it is our opinion that, except for the exclusion of certain trust and operating fund transactions and balances recorded and controlled locally by State agencies and not reflected herein, the commentary and statistical information present fairly the financial position and operating results of the various State Departments, Agencies, Boards, etc., of the State of Maine for the fiscal year ended June 30, 1974 in conformity and with generally accepted

governmental accounting principles applied on a consistent basis.

This report has been reduced to commentary and statistical information in order to implement recommendations from the Maine Management Cost Survey Commission. Statements and schedules pertaining to the financial position of the various operating funds of the State of Maine at June 30, 1974 may be found in the Annual Report of the State Controller.

I would like to express my special appreciation to the Staff of the Department of Audit for their continued loyalty and devotion to duty and to the State officials for their cooperation with this department.

Respectfully submitted,  
s/ R. M. RIDEOUT, JR.  
State Auditor

Came from the Senate read and ordered placed on file.

In the House the Communication was read and ordered placed on file in concurrence.

The following Communication: (S. P. 513)

State of Maine  
Executive Department  
STATE PLANNING OFFICE  
Augusta

March 10, 1975

To the Governor,  
the Legislature and  
the People of Maine:

I am pleased to transmit this Report on the Management of Water and Related Land Resources in the State of Maine. The Report is a product of the Maine Guide Plan Program, a jointly funded planning partnership of the State Planning Office and the New England River Basins Commission initiated by formal agreement on December 2, 1971. The broad objectives of the Guide Plan Program are to provide a preliminary plan for the wise management of water and related land resources designed to achieve broad social goals through balancing economic development and environmental conservation. We believe that the Report will aid significantly in our gaining a better perspective of Maine's vital natural resources.

The results of our efforts to date serve to bring to the attention of all concerned the need for:

- a formal organizational mechanism for the development and coordination of overall land and water resource policies;
- the adoption of comprehensive planning processes relating to water and land resources;
- cooperation with neighboring states and other jurisdictions concerning regional issues; and
- a unified and positive influence on the future course of national water and related land resources policies.

The reason why State institutional arrangements are so important is the pervasive nature of the water and land resources issues. The State's economy hinges on the allocation and conservation of these resources. To insure a continued pattern of well-being, we need to improve the coordination of all the State functions related to water and land resources. Grand and sweeping schemes are not only costly but unnecessary. We simply need to integrate the specific expertise the State already possesses and focus on the solution of today's complex problems.

Sincerely,  
s/ ALAND. GOODWIN  
Acting Director

Came from the Senate read and ordered placed on file.

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

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

Mr. Faucher from the Committee on Legal Affairs on Bill "An Act Concerning Transcripts of Hearings held before the Land Damage Board" (H. P. 1304) (L. D. 1586) reporting "Ought Not to Pass"

Mr. Gould from the Committee on Legal Affairs on Bill "An Act Concerning Chainsaw Repairman" (H. P. 1292) (L. D. 1599) reporting same.

Mrs. Snowe from the Committee on State Government on Bill "An Act Relating to Vacation and Employment of State Employees who are Members of Volunteer Fire Departments" (H. P. 1314) (L. D. 1632) reporting same.

Were placed in the Legislative Files without further action pursuant to Joint Rule 17-A.

**Indefinitely Postponed**

Mr. Faucher from the Committee on Legal Affairs on Bill "An Act Relating to Public Rest Room Facilities in Department Stores and Supermarkets" (H. P. 1312) (L. D. 1593) reporting Leave to Withdraw.

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

Mr. WAGNER: Mr. Speaker, Ladies and Gentlemen of the House: I move that we substitute the bill for the report.

The SPEAKER: The gentleman from Orono, Mr. Wagner, moves that the Bill be substituted for the Report.

Mr. WAGNER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to give you a little background on this. I would like to make clear my thinking on this, which this bill is a bill to require that supermarkets and department stores with a square footage, exclusive of storage facilities, of over 10,000 square feet, that is a building a hundred by a hundred square feet or greater would have to have a public restroom facility. It does not concern itself with pay toilets; well, it does in a sense. This would require a free public restroom for such facilities.

I was not present at the hearing on this bill. I was out of state that day. I did not know about the hearing until I was on my way out of state. I asked the House Chairman of this committee, as I was leaving and explained to him that I would not be present at the hearing and asked him to present the bill for me. I understand he was unable to do so.

I did not sign a leave to withdraw report on this bill. I was surprised this morning to come in and find this on the calendar as leave to withdraw when I had not been contacted by the committee. So I just wanted to make a few remarks for the ladies and gentlemen of the House to understand the reasons for presenting this bill.

There have been two or three bills on this matter presented this session. One of them deals with prohibition of pay toilets. I think that bill would have the effect of eliminating a lot of public restroom facilities, either pay or private, whereas I think this bill is really a mother's bill.

This bill would consider the mothers who are shopping in Christmas rush in large malls and shopping centers who may have to go from one end of a large shopping center to another in order to take three or

four small children to find a restroom facility. They may not have change in their pocket. They may get to such a facility and not be able to get in without going and making change. They may have to leave, go out in snow and slush, drive to the nearest gas station where small, independent gasoline station operators are in effect subsidizing huge supermarkets, department stores, by providing public restroom facilities, which they have to do because of tradition to that effect in order to maintain a competitive position.

I don't think it is right for these small people, operating on small margins, to have to subsidize large multi-million dollar ventures which should, just out of consideration to the public, which makes their profits possible, extend this common courtesy of restroom facilities.

I hope that the House will consider the mothers of Maine three days before Mother's Day and vote to accept the bill as it was put forth.

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

Mr. CAREY: Mr. Speaker and Members of the House: As a member of the Legal Affairs Committee having heard this bill, we deliberated on this matter and the gentleman from Orono, Mr. Wagner, has somewhat of a small misconception in that he did not sign the leave to withdraw report. Not being a member of the Legal Affairs Committee, he would not have signed that report anyway.

The problem that we had with the bill was one that came at the very same time when we were discussing restroom facilities in shopping centers. We had a hard time to decide where the shopping center started and where the shopping district in downtown started. Some of them are, in fact, calling themselves shopping centers. But we were very concerned about those department stores and those supermarkets that are already constructed. There are no provisions whatsoever, for instance, to protect them in having to try to get to a septic system if they happen to be outside the municipal sewerage system. It created a fantastic amount of problems for those people who would have to try to now design somewhere within their store confines the type of facilities that we are discussing here.

We have had three bills like this, and the committee reported all of them "ought not to pass". Those supermarkets or big department stores that have restaurants, for instance, do have restroom facilities. So I would now move, Mr. Speaker, that we indefinitely postpone this bill and all accompanying papers.

The SPEAKER: The gentleman from Waterville, Mr. Carey, moves that this bill and all its accompanying papers be indefinitely postponed. The Chair will order a vote. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Wagner of Orono requested a roll call vote.

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 Orono, Mr. Wagner.

Mr. WAGNER: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would defeat the motion to indefinitely postpone this bill.

I appreciate the remarks of the gentleman from Waterville, Mr. Carey in regard to his concern for small retail outlets and I would ask that you vote to keep this bill alive so that he or any other member of this Body could place an amendment, to which I would have no objection, adjusting the size of the retail outlet or taking care of anyone this might place a hardship on.

I am concerned with the large shopping-center-type department stores which are well able to maintain this kind of facility which presently in most cases do maintain a pay facility, which I think is an unnecessary hardship and somewhat of an insult to their customers. There is no reason why they couldn't handle this. If there are problems with this in adjusting the size of the establishment, it could certainly be amended if we keep it alive and take care of that in a second reading.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that this Bill and all its accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

**ROLL CALL**

YEA — Ault, Berry, G. W.; Berry, P. P.; Bowie, Burns, Bustin, Byers, Call, Carey, Carter, Connors, Cote, Curran, P.; Curran, R.; DeVane, Doak, Dow, Drigotas, Durgin, Farley, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gould, Gray, Hewes, Hinds, Hunter, Hutchings, Immonen, Ingegneri, Jacques, Joyce, Kauffman, Kelleher, Kelley, Kennedy, Laffin, LeBlanc, Leonard, Lizotte, Lovell, Lunt, Lynch, Martin, A.; Maxwell, McBreaarty, McKernan, Mills, Miskavage, Morton, Palmer, Perkins, S.; Peterson, P.; Pierce, Raymond, Rideout, Shute, Silverman, Stubbs, Theriault, Twitchell, Usher, Walker, Webber.

NAY — Albert, Bachrach, Bagley, Bennett, Berube, Blodgett, Boudreau, Carpenter, Carroll, Chonko, Churchill, Clark, Connolly, Cooney, Cox, Curtis, Dam, Davies, Dyer, Farnham, Gauthier, Goodwin, K.; Greenlaw, Henderson, Hennessey, Higgins, Hobbins, Hughes, Jackson, Jensen, LaPointe, Laverty, Lewis, MacEachern, Mahany, Martin, R.; McMahon, Mitchell, Morin, Mulkern, Nadeau, Peakes, Pelosi, Post, Powell, Rolde, Rollins, Saunders, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Talbot, Tarr, Tierney, Torrey, Truman, Tyndale, Wagner, Wilfong, Winship.

ABSENT — Birt, Dudley, Faucher, Goodwin, H.; Hall, Jalbert, Kany, Lewin, Littlefield, Mackel, MacLeod, Najarian, Norris, Perkins, T.; Peterson, T.; Quinn, Susi, Teague, Tozier.

Yes, 67; No, 63; Absent, 19.

The SPEAKER: Sixty-seven having voted in the affirmative and sixty-three in the negative, with nineteen being absent, the motion does prevail.

Sent up for concurrence.

**Leave to Withdraw**

Mr. Perkins from the Committee on Legal Affairs on Bill "An Act Establishing Criminal Penalties for the Owners of Dogs who Attack Minors" (H. P. 1414) (L. D. 1689) reporting same.

Mr. Theriault from the Committee on Veterans and Retirement on Bill "An Act Relating to Retirement Benefits for

Spouses of Deceased State Wardens" (H. P. 206) (L. D. 251) reporting same.

Mrs. Saunders from the Committee on Public Utilities on Bill "An Act Relating to the Regulation of Dams and Reservoirs by the Bureau of Civil Emergency Preparedness" (H. P. 1107) (L. D. 1396) reporting same.

Mr. Cooney from the Committee on State Government on Bill "An Act to Amend the Law Relating to the Maine Guarantee Authority" (H. P. 1268) (L. D. 1569) reporting same.

Mr. Cooney from the Committee on State Government on Bill "An Act Establishing the Office of Resource Conservation and Development" (H. P. 1233) (L. D. 1809) reporting same.

Mrs. Durgin from the Committee on Election Laws on Bill "An Act Increasing Compensation to Members of the Campaign Reports Committee" (H. P. 328) (L. D. 400) reporting same.

Mrs. Boudreau from the Committee on Election Laws on Bill "An Act Relating to Form of Referendum Question to be Voted on by the People" (H. P. 1449) (L. D. 1723) reporting same.

Reports were read and accepted and sent up for concurrence.

**Ought to Pass with Committee Amendment**

Mr. LeBlanc from the Committee on Appropriations and Financial Affairs on Bill "An Act to Redirect the Use of Plumbing Permit Fees" (H. P. 1092) (L. D. 1371) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-261)

Report was read and accepted and the Bill read once. Committee Amendment "A" (H-261) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

**Tabled and Assigned**

Mr. Faucher from the Committee on Legal Affairs on Bill "An Act Relating to Licensing and Fee Requirements for Private Detective, Watch, Guard or Patrol Agencies" (H. P. 788) (L. D. 1575), reporting "Ought to Pass" as amended by Committee Amendment "A" (H-266)

Reports were read and accepted and the Bills read once. Committee Amendment "A" was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: Concerning this amendment and the L. D. 1575, I would like to read briefly from the book concerning the laws on watch, guard and patrol agencies. It clearly states that "no person, firm, corporation or legal entity shall engage in, advertise or hold himself out as being engaged in, or solicit private detective of the business of Watchguard and Patrol Agency, notwithstanding the name or title used in describing such business unless licensed for such person as provided in Section 3806." This amendment is contrary to the present law as defined in the book regulating the business of watchguard and patrol agency work. It is not fair and I doubt if it is even constitutional for this legislature to exempt any segment of our group from being licensed to engage in a business that is presently required by law to be licensed and bonded.

Present law requires that plumbers be licensed, that electricians be licensed, that beauticians be licensed and the law clearly

states that those engaged in the business of watchguard and patrol agency work be licensed and bonded. It is not fair to ask some 44 licensed and bonded agencies in this state to pay \$200, plus the expense of a bond, and then allow police officers to engage in this business without being licensed and bonded. Essentially, you are asking the licensed agencies to contribute towards their own competition by allowing police officers to use their tax-bought uniforms and equipment to engage in this business. I would ask that L. D. 1575 and its amendment be indefinitely postponed.

The SPEAKER: The gentleman from Rockland, Mr. Gray moves that item 13, L. D. 1575 be indefinitely postponed.

On motion of Mr. Palmer of Nobleboro, tabled pending the motion of Mr. Gray of Rockland to indefinitely postpone and tomorrow assigned.

**Divided Report**

Majority Report of the Committee on Veterans and Retirement reporting "Ought Not to Pass" on Bill "An Act Providing Minimum Retirement Benefits for Certain Teachers" (Emergency) (H. P. 991) (L. D. 1255)

Report was signed by the following members:

Messrs. COLLINS of Knox  
O'LEARY of Oxford

— of the Senate.

Messrs. MORTON of Farmington  
THERIAULT of Rumford  
LEONARD of Woolwich  
NADEAU of Sanford  
MacEACHERN of Lincoln

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-265) on the same Bill.

Report was signed by the following members:

Mrs. LAVERTY of Millinocket  
Messrs. CURTIS of Rockland  
POWELL of Wallagrass Pkt.

USHER of Westbrook  
Mrs. KELLEY of Machias

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker and Members of the House: I move that we accept the "ought not to pass" report.

The SPEAKER: The gentleman from Rumford, Mr. Theriault moves that the House accept the Majority "ought not to pass" report.

The Chair recognizes the gentlewoman from Millinocket, Mrs. Laverty.

Mrs. LAVERTY: Mr. Speaker, Ladies and Gentlemen of the House: I oppose this motion and I would like to speak about this bill. The bill, if you remember, I am sure many of you recognize this bill, because I understand it comes to the House frequently. It concerns teachers who taught before retirement and social security came into being. On the original bill that you are looking at, there are three names, and I would like to explain the amendment. The amendment, House Paper 991, adds three more names and I would like to explain that those six ladies range in age from 80 to 89, so you see, they are certainly in the area of retirement payments; and I would also like to point out that the figure in the bill, \$36,000 is erroneous, Thank Heavens, it's \$7200. I would like to ask for a division on this motion.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker and Members of the House: I guess I am a dirty old man again. I have to speak against this and there's a lot more to the background of this bill than appears in the bill itself. This, as has been said, is a recurring bill. In the last session, 106th, a similar bill came in in the regular session and a number of retired teachers were included in the bill and we asked the representative of the retired teachers to go out and get everyone that could be included in this bill so that we wouldn't have any more of these come up at a later session. They did this, and they brought back more names. They actually got them coming out of the woodwork, I guess, there were so many of them; so they agreed that this would be last of them and there would be no more — that they would bring no more in. Therefore, we passed that bill and gave them the hundred dollars minimum on their retirement.

On this particular group, it is true, they range in age from 82, I believe, to 88 years of age; and the part that wasn't mentioned was that they were school teachers and started in 1912 to 1920, or thereabouts. We certainly feel that the state of Maine does not owe these people anything and, therefore, we continue to move "ought not to pass".

The SPEAKER: The Chair recognizes the gentlewoman from Machias, Mrs. Kelley.

Mrs. KELLEY: Mr. Speaker and Members of the House: Mrs. Laverty said practically what I was going to say, but I was on this committee when the bill came in for these elderly teachers and I will admit, as Mr. Theriault has just said, that probably this is a never-ending thing. But I have a paper that is put out for the Maine Teachers' Association of Retired Teachers and very quickly, counting up the number here, there are about 40 of these teachers who have died within this past year. So if we were to pick up these six teachers, which are ranging in ages from 80 to 89 years old and pay them a minimum of a hundred dollars a month, I do not think it would break the retirement system. I hope that you will vote against the "ought not to pass" so that we can vote on the "ought to pass." Thank you.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: For me to get up and support the "ought not to pass" is like voting against my own grandmother but, as mentioned, this would only cost \$7200 and this is just for one year. Granted, these women or teachers have taught many years ago, but I don't see why we have to afford to keep on paying for them and what really got to me was that none of these people testified at the hearing. We do not know them, or I don't know them. I don't know what their need is and I don't know if we owe them anything at all. If we keep doing this, we are going to have more and more teachers coming up and its going to cost the state more money.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: My main point in supporting this bill and opposing the "ought not to pass" report is that just as Mr. Theriault said earlier, we have had these bills. Last time, it was determined

that we should try to find all the people who qualified. Well, now with a million people scattered around over Maine and with many of these retired people outside of Maine, it is obviously impossible to find them all in any one year. Now, I don't think it is fair, the fact that we have done this year after year, that we suddenly decide that these people who were not found, through no fault of their own, last time, are not going to get the same benefits that this group voted for the teachers who were found two years ago and four years ago.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I object to this on the principle that you are granting a retirement to a person or persons. You're obligating future legislatures to raise this money. You are not providing the money to fulfill or to fund this retirement grant, and I think this is where you are going to get into trouble with the retirement fund. If you don't fund what you legislate, then the burden is going to increase and be faced by future legislatures.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I was a member of the past legislature that voted for a hundred-odd people to be put on the retirement rolls that are in similar positions to these six or seven individuals today; and I think we have an obligation to these very people as we did to those in the past that we put on the retirement rolls. I think Mr. Bagley spoke very well when he said it was impossible because of the large number of people in this state and over the years many of them have moved out, considering there are a million of us, and you want to call that a large number of people, they qualify just as those in the past have qualified for the other bill that was passed by the 106th Legislature. I believe that we owe them this obligation and we would be remiss if we didn't include them on the retirement system and if I am back here again another session and if there are other people who qualify, I certainly will vote to put them on as I have in the past.

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

Mr. MORTON: Mr. Speaker and Ladies and Gentlemen of the House: I rise to support the Chairman of the Veterans and Retirement Committee, and I call your attention to the remarks of the gentleman from Livermore Falls, Mr. Lynch, this is a matter of principle. There was no expression of need for these particular people. In fact, one of these elderly teachers was reported to be living in Canada and on a Canadian pension. It does seem unreal to me that we should be asked to contribute to this lady's living.

These teachers taught many, many years ago, they did not contribute to the retirement system and, in fact, the years that they worked, it is quite likely that the \$1,200 a year stipend would equal what they were making as teachers, perhaps a full salary for some of them in those days.

I realize this has a great deal of humanitarian appeal, but it seems to me that we are going at this in the wrong way and somewhere, ladies and gentlemen, we have got to stop. This retirement fund just cannot be used for these purposes; it is unfair to the rest of the people who are paying into it.

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

Mr. LYNCH: Mr. Speaker and Members of the House: I would direct a question to those who are in support of the bill. What happens if the 108th Legislature does not appropriate money to pay this retirement to these people? You are legislating that a minimum of \$100 a month will be paid to them. Now, if the money is not appropriated in the 108th and succeeding legislatures, are you going to take that from the dividends and interest that the fund is generating?

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I might say I feel that question is a smoke-screen question and I believe that the legislature, whoever it may be in the 108th, will fund it if the money is needed to be funded, Mr. Lynch.

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

Mr. DAVIES: Mr. Speaker and Members of the House: I wasn't going to say anything on this bill today, it really didn't seem to be a significant matter, until I looked at the first name on the list and it turned out to be the lovely old lady who used to own the house that I now live in in Orono. She is now living in New York State with her son because she could no longer afford to maintain her own home. She is about 85 years old, she is starting to go blind, but she's a lovely old lady, and I think its only fair that a woman who has devoted a large portion of her life teaching the younger people of this state, some of whom may very well be in this House right now, deserves the compassion of this legislature to provide her with a fair minimum of subsistence so that she can carry out the few remaining years of her life in a small amount of dignity.

The six women who were listed on this bill in the amendment are between the ages of 82 and 88, I guess, and what that says to me is that most of them are not going to be around much longer, two or three years, maybe a little bit longer, and the expenditure of a few dollars by this legislature and ensuing legislatures is the least we can do for all the work they contributed to us.

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

Mr. MULKERN: Mr. Speaker, I have a question for any one of the members of the Committee that might care to answer. I am wondering how many people at the present time are being paid by the state under the Retirement System who were not under the Retirement System, who never contributed any money into it — at present?

The SPEAKER: The gentleman from Portland, Mr. Mulkern has posed a question through the Chair to any member who may answer.

The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker, in answer to Mr. Mulkern, I don't think anybody here can answer that question. It has been asked before and would need considerable research by Mr. Blodgett who is the Executive Director of the System.

I would like to say just a few things, being a member of the committee and having signed the "ought not to pass" Report, that I probably, seeing this bill, if it goes through, will probably ask to be

taken off the Veteran's Retirement Committee because it doesn't matter what we suggest, it seems to come on to the floor of the House and people they forget they have a committee.

These teachers, they all were teachers, were not full-time and always full-time employees of the State of Maine or full-time teachers. Some of them were substitute teachers or they went in for a short period of time so they didn't work a full year, yet they receive credit for a full year. All of them come very close to not qualifying under the ten year clause. There was no consideration of need, there was no testimony given to us that would show there was a need and that has been the rule of thumb of allowing most of the teachers that were not under the retirement system in the past, it was used as the rule of thumb for admission of those teachers.

I would like to point out one thing in this House right now, it was a question brought up at that time, at the time of the hearing, of how many state employees are now or former employees would qualify, such as what we are considering today?

I would like to point out that all of the ones that have been put on the retirement roll thus far have been teachers, which shows that MTA and various others, whoever is responsible for this, are doing a very fine job in rounding up teachers in the State of Maine and bringing them to sponsoring bills or having bills sponsored to get them on the retirement roll.

Very, very few of your state employees, just regular state employees have requested or have been granted this same courtesy or whatever you want to call it, that we are now trying to extend or have extended in the past, to former teachers. It just shows that you have a pretty effective lobby or a pretty effective group and it shows that because of that effective group, the unjust or unfair way this legislature acts when they wrote up the retirement laws and the retirement system, when they originally drew it up, they put in guidelines, they put in the effective date, they put in the amount that would have to be contributed and they spelled it out in detail as to when this would become effective and who would be eligible. This legislature and former legislatures have taken it upon themselves to disregard the original intent of that legislation which setup the original Maine Retirement System. I think we are undermining it. I don't even think it should be under legislative control because there is an unfunded liability that will go on beyond this \$7,200 that you are looking at for this year. For as long as these people live, somebody is going to be committed in the State of Maine to come up with the necessary funds to insure that they get \$100 per month for the rest of their lives. I think it is wrong. I don't think the Retirement System was ever meant to do that, and I think it is a very, very unwise thing of this legislature to treat things on a level of — I don't know what level you would call it, but it certainly isn't good business practice.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make two brief comments. One in response to a statement that this amount of money might not be as much as those teachers earned at full pay. Actually, the average salary between 1912 and 1920, the period we are talking, was such that they

probably earned \$300 a year, and they probably didn't save too much of that.

I would also like to remark particularly for the benefit of the younger people who don't remember much about the beginning of this retirement system, that all state employees up to 1947 paid nothing, the state assumed the full amount for their back time. Teachers, on the other hand, have been paying in from 1929 and all of them by compulsion from 1942 so the teachers had paid quite a lot more and that money was put into the fund without any restrictions to more than pay the share of the teachers toward that whole retirement system.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to reply to a question that was asked a few minutes ago. How many of these individuals are being paid a retirement? As of June 30, 1974, there were 2,416 individuals in this category of retired teachers being paid benefits from the system. Benefits paid to those retired teachers who first started teaching prior to July 1, 1924 and did not start contributing to a retirement fund until 1945, if any.

At this time practically all of this group of teachers are retired and the funding has been decreasing in recent years in proportion to those who were active. From the annual report of the board, the board has given this matter to its consulting actuary for review to determine costs and possible funding methods. If you approve this funding, then I think you ought to approve any bill that comes forward with a recommendation from the actuary that benefits that have been given by the legislature are underfunded and need additional appropriations.

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

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: I think this bill could be called a great-grandmother bill and we are only talking here of a half of a dozen elderly people who, at best, are going to last just a couple of more years and we are worrying about a couple of thousand dollars and whether or not we are committing the State of Maine for generations to these funds. Yet, a week or two ago, we granted a business, an industry, the railroad industry, a half a million dollar tax break, a business which was already making a profit and we are worried about a couple of thousand dollars?

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: Could I pose a question please. Earlier in the session, I introduced a Resolve for a Mrs. Rogers. She differed from these people only in her occupation. Would it be germane to add her name to this list?

The SPEAKER: The Chair would advise the gentlewoman that it would be germane, if the bill gets to the second reading.

Mrs. Clark of Freeport requested a roll call vote.

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 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 Rumford, Mr. Theriault, that the House accept the Majority "Ought not to pass" Report on Bill, "An Act Providing Minimum Retirement Benefits for Certain Teachers" House Paper 991, L.D. 1255. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Berry, P. P.; Call, Carey, Conners, Cote, Doak, Drigotas, Dudley, Dyer, Fraser, Hennessey, Hewes, Hunter, Hutchings, Immonen, Jackson, Leonard, Lewis, Littlefield, Lizotte, Lynch, Martin, A.; Maxwell, McMahon, Morton, Nadeau, Norris, Quinn, Raymond, Sprowl, Tarr, Theriault, Truman, Webber.

NAY — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. F. W.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Carpenter, Carroll, Chonko, Clark, Connolly, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, DeVane, Durgin, Farley, Farnham, Faucher, Fenlason, Finmore, Flanagan, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Higgins, Hinds, Hobbins, Hughes, Igegneri, Joyce, Kauffman, Kelleher, Kelley, Kennedy, LaPointe, Laverty, LeBlanc, Lovell, Lunt, MacEachern, Mackel, Mahany, Martin, R.; McBreairty, McKernan, Mills, Mitchell, Morin, Mulhern, Najarian, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Snowe, Spencer, Strout, Stubbs, Talbot, Tierney, Torrey, Tozier, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong, Winship.

ABSENT — Carter, Churchill, Cooney, Gray, Jacques, Jalbert, Jensen, Kany, Laffin, Lewin, MacLeod, Miskavage, Palmer, Susi, Teague.

Yes, 35; No, 99; Absent, 16.

The SPEAKER: Thirty-five having voted in the affirmative and ninety-nine in the negative, with sixteen being absent, the motion does not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-265) was read by the Clerk and adopted, and the Bill assigned for second reading tomorrow.

(Off Record Remarks)

#### Consent Calendar

##### First Day

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

(H. P. 1093) (L. D. 1434) Bill "An Act to Redefine the Political Activity Rights of Classified Employees of the State" — Committee on State Government reporting "Ought to Pass"

(H. P. 1052) (L. D. 1326) Bill "An Act Relating to Programs for Retarded Individuals in Boarding and Nursing Homes" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-262)

No objections having been noted, were ordered to appear on the Consent Calendar of May 9 under listing of Second Day.

(H. P. 1037) (L. D. 1323) Bill "An Act Appropriating Funds for the Osteopathic Student Loan Fund" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-263)

Objection having been noted, was removed from the Consent Calendar.

Thereupon, the Report was read and accepted and the Bill read once. Committee Amendment "A" (H-263) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 1061) (L. D. 1341) Bill "An Act to Authorize Bond Issue in the Amount of \$6,500,000 for the Construction and Renovations of Higher Education Facilities at the University of Maine" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-264)

Objection having been noted, was removed from the Consent Calendar.

Thereupon, the Report was read and accepted and the Bill read once. Committee Amendment "A" (H-264) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 1020) (L. D. 1299) Bill "An Act Concerning the Furnishing of Updated Voting Lists by Registrars" — Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (H-268)

Objection having been noted, was removed from the Consent Calendar.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I am not entirely sure that I know just how to proceed as far as the pending motion goes. What I hope to be able to do is ask for the indefinite postponement and I guess I would ask the Speaker if that would be in order?

The SPEAKER: The motion to indefinitely postpone the bill and all of its reports at this time would be in order.

The gentleman may proceed.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: Committee Amendment "A", under filing number H-268, and I think if you are going to follow along with my remarks, you are going to have to find the amendment. There is nothing left of the bill, the bill is gone, and the amendment takes the bill's place. This amendment deals with the updating of voting lists. Section one of the amendment says, that if I purchased a voting list on May 1st of 1976, this is what it says, in effect, I can have furnished to me automatically an updated list of all deletions and additions for a period of one year, if that municipality regularly and periodically updates its voting list. If they don't regularly and periodically update the list, then I can request that list from the municipal clerk or registrar, and that person has ten days to make up and furnish that list to me.

My municipality is served by a combination town clerk and registrar of voters as are many other small towns in Maine. She is paid a small salary and receives fees from recording documents, selling licenses, etc.

Over the last few years, the legislature has told these registrars that now they must put the complete address of every registered voter on the voting list. This has been done. A short while later, the registrars were told by the legislature to

put the zip codes on the voting lists. This too was done, all at no increase in pay to the registrars. In fact, the legislature did just the opposite. They took the UCC fees away from the clerks at a substantial reduction in fees to them. The UCC fees were a substantial portion of the town clerk's pay.

Now we have a few more additional duties for them to perform at no additional pay. There is another bill on today's calendar that would make the clerks responsible for supervising the elections. My clerk informed me that if we keep up this type of action, that probably nobody will want to serve as town clerk in these small towns. It is becoming too much work for the very small pay that they receive.

Section two of the amendment says, in effect, that if I purchase a voting list on the 1st of May, 1976, I can request an update of this list as many times as I want to for one year, and the registrar of voters has 10 days each time I make a request to furnish this list free of charge. Now if my town printed an entirely new, updated voting lists on the last day of April, 1977, which is just one day short of the year, would I then be entitled to the complete new list free of charge?

Imagine if you will what could happen in 1976. I live in the first district and I guess anybody down there can tell you that we anticipate that there will probably be nine Democratic candidates running in the primary for the 1st Congressional District. I don't know how many Republicans might be running for that same seat, but in addition to that, you have legislative candidates from both parties, you will have U.S. Senate candidates. Some years you will have candidates for governor, you will have State Senate candidates, and when you add up all of these candidates, you will come up somewhere probably close to the number of 25. These 25 people will be purchasing voting lists from the town I live in and probably a good many other towns around the state will experience the same thing.

How many of these 25 people are going to be needing an updated voting list one day after the primary? Not many of them, because the rest of them aren't going to be around. They will have no need for it. So the question is, should my town clerk have to automatically send an updated voting list to the defeated people? I don't think she should.

Consider the voting lists that are purchased from my town by commercial firms who use them for advertising purposes and for the purposes of making a profit. Should the town of Buxton provide these firms with free updated lists at the expense of the taxpayers or at the expense of the clerk? No, I don't think they should.

We are already providing a free voting list to jury commissioners which, by the way, is and has to be by law updated annually. We also provide a free voting list to the school district, and we provide free voting lists to both political parties.

The intent of this bill, I am sure, was to provide a candidate with a voting list before a primary election and then update it so that he or she would not have to purchase an additional list before the general election. The intent is fine, but the result will be to force towns such as mine to drastically increase the price of the original list to cover the additional incurred costs.

I have a letter from my town clerk, registrar, I will read you part of it. "If this bill becomes law, it will increase the cost

to purchase voting lists from the towns and cities. To defray the additional costs involved, we would have to at least double if not triple the present price charged to purchase a voting list."

Instead of demanding that clerks automatically or upon request furnish us with an updated list, why not just simply establish a very modest, uniform cost for a voting list, based perhaps on the number of voters on that list and lists all over the state and then every candidate could afford to purchase the updated list whenever he or she chose to do so.

If any of you are candidates for the 1st Congressional District or whatever race you choose to run in, please don't come to my town and ask that we subsidize part of your campaign by furnishing you with an updated list free of charge.

You know, one other thing that bothers me about the amendment is, and this is in the second paragraph, and it is that part that mentions I can get an updated list anytime I want to. I could go to several towns around the State of Maine and purchase a voting list. When I do that, those clerks and registrars are obligated to send me a list upon request. I can assure you that there are several town clerks in the State of Maine that I would gladly go purchase a list just so I could go back home and type a stack of letters a foot high and send them one every week so that they could send me an updated list, and I don't even want the list.

What this bill really boils down to basically is one issue, it is an issue that will save a candidate a few dollars at the expense of the registrar.

Mr. Speaker, I now move the indefinite postponement of this bill and all of its accompanying papers.

The SPEAKER: Mr. Berry of Buxton moves that this Bill and all accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Portland, Mr. Jensen.

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill, and it is an amendment which was prepared by the committee, which changed the intent of the bill somewhat, and I suspect I should have looked at it more carefully before it came.

The problem involved is that right now if you go on January 1, when you take out your filing papers, when you begin to run for office, you take out your papers January 1 and between the time that you first take out your papers and you first begin your campaign and you first buy a voter registration list, and November 6 or 7, provided you make it through the primary, there is a tremendous number of people who register to vote, who change their addresses, who die, who are deleted from the list, whose names are changed, all sorts of things occur. Presently there is no way in the law that you can get a copy of this list. What you are going to do is take the list that you have and go down and check every name, every single name, with whatever changes have been made with the new list.

Now, the way this was drafted, the intent was if the Board of Registration in towns such as my own, the City of Portland, were to update their voter lists on a regular basis, okay, I buy a voter list in January, they update it every month, they have a computer printout, that is taken care of. There is no way I can get a copy of that list unless I go down and copy it by hand or photo copy it or something of that sort, at substantial cost. What this bill would

require is that I would automatically get a copy of that update. That list is 40,000 names. Now, to go down and check it one by one is darn near impossible.

The way the bill was originally worded, this only applied to candidates; it did not apply to anyone else. Specifically I had not intended to include commercial mailing firms or anything of that sort that may come and get the list.

Now it seems to me that because a town clerk doesn't happen to want to take the extra time and effort involved in allowing candidates to know who the people are that are going to elect him or her, that shouldn't be a reason for refusing to give him or her those names.

The second part, the current updated list, part two, talks about ten days after the request is made. That is put in there in that language so as to be in conformity with the way you would normally get a voter registration list now. You go in, you pay the fee, whatever it is, and within ten days you get that list.

This bill does not, as I think Mr. Berry implied, require that anyone who gets a list for free be required to get this, only those who pay.

I would request that someone table this for a legislative day. It seems there are a number of things that the gentleman from Buxton objects to, and I wonder if we might not be able to change part of it. If something is very much needed right now, the number of changes that occur between the time you originally get a list and the time you are done with it are very large and very substantial. I am not worried about the money. If you would like, I would be happy to tack on some sort of an amendment so the town clerk would get a little bit more fee increase or something of that sort to take care of this.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for getting up so soon. I really don't see any need to have this bill tabled. I think all of you quite well understand what it is all about. If you do table it, I can assure you that I can't think of very much that you can do to it that is going to make it a good bill. So I would suggest that we don't table it and go ahead and dispense with it right now.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I concur wholeheartedly with Representative Berry, and I will explain to Representative Jensen what a small town clerk's office has to do each time someone requests a new voting list. They have to type it out on an old fashioned typewriter usually, 600 names with the addresses and zip codes on there, and if he or anyone else wishes to pay for it, why I can assure you that it would come to three or four hours work, probably, to update this every time they want to come in, and they get something like \$50 a year for being registrar in a town my size. In some of those towns, only \$25 a year, and if they think they are going to do this for nothing, they are crazy.

There are a few more things that could be added to this. Maybe where it is computerized, if he wants to amend this to say cities of 25,000 or more, that is all right, 15,000, where they have computers, but not in the small towns.

You hear about Freedom Fighters and so forth. The municipal officers are fighting these things, mandating these

little things all the time, we are over here, and they are about fed up with it in these small towns of us telling them what they must do in these small areas.

Mr. Berry has given a very good presentation and examples of what happens in these small areas, and I wish we would go ahead and kill this bill once and for all.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker and Members of the House: I simply have a question on this bill. It says that this would be to any person who had purchased a voting list, he would be allowed an update. I know in my district, I have to buy the list at so many names, so much per name on it. I wondered whether there could be an amendment to this that would make the update to be able to be sold at so much per name? I wonder if the committee considered that as a possibility?

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, I move this lie on the table for one legislative day.

Mr. Mills of Eastport requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Skowhegan, Mr. Dam, that this matter be tabled pending the motion of Mr. Berry of Buxton to indefinitely postpone and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was aken.

42 having voted in the affirmative and 60 having voted in the negative, the motion did not prevail.

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

Mr. JENSEN: Mr. Speaker and Members of the House: Apparently, inadvertently, and apparently more so with the amendment than with the originally, I have raised the irate of a couple of town clerks in the state. It was certainly not my intent.

One of the gentlemen a few moments ago suggested that he had had no objections at all if this were amended so as to handle only towns that perhaps had them on computer printouts that had no massive, great problems involved in getting a candidate the additional copies, and if someone would table it for two legislative days, I will try and prepare an amendment to do something to that effect so that it will get around the objections of all the town clerks in these small towns where they only work part time and work on a fee basis. In a city such as my own, when you are talking about a large number of names, you run into major problems. The Board of Voter Registration is full time. It can prepare this with no problem at all. I can understand and sympathize with what happens in the smaller towns. I suspect that is not nearly the problem in a town say of a couple of thousand as it is in a town of say 65,000, and I would ask that someone table it for two legislative days to allow me to do something to that effect.

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

Mr. TALBOT: Mr. Speaker, I request that this be tabled for two legislative days.

Whereupon, Mr. Mills of Eastport requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Talbot, that this matter be tabled pending the motion of Mr. Berry of Buxton to indefinitely postpone and

specially assigned for Monday, May 12. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

62 having voted in the affirmative and 49 having voted in the affirmative, the motion did prevail.

(H. P. 1452) (L. D. 1725) Bill "An Act to Permit Individuals to Pay Fines for Minor Traffic Violations without having to Appear in Court" — Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-267)

No objection being noted, was ordered to appear on the Consent Calendar of May 9, under listing of the Second Day.

#### Consent Calendar Second Day

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

(S. P. 342) (L. D. 1144) Bill "An Act Relating to the Osteopathic Student Loan Fund"

On the request of Mr. McMahon of Kennebunk, was removed from the Consent Calendar.

Thereupon, the Report was read and accepted, the Bill read once and assigned for second reading tomorrow.

(S. P. 467) (L. D. 1562) Bill "An Act to Amend the Charter of the Aroostook-Prestile Treatment District" (Emergency)

(S. P. 385) (L. D. 1240) Bill "An Act to Clarify Provisions Concerning Travel Expenses of Members of Boards and Commissions" (Emergency)

(S. P. 162) (L. D. 536) Bill "An Act Concerning the Definition of Monthly Billing Cycle under the Maine Consumer Code" (C. "A" S-115)

(S. P. 409) (L. D. 1291) Bill "An Act to Establish Compensation for District Court Bailiffs for Work at Other Than Regular Hours" (C. "A" S-116)

(S. P. 428) (L. D. 1394) Bill "An Act Redesignating the Department of Health and Welfare as the Department of Human Services and the Bureau of Human Services as the Bureau of Resource Development" (C. "A" S-117)

(H. P. 702) (L. D. 882) Bill "An Act Appropriating Funds to the Attorney General for the Purpose of Participating in Proceedings before the Public Utilities Commission" (Emergency) (C. "A" H-254)

(H. P. 758) (L. D. 932) Bill "An Act to Enable the State to Recover 100% of the Cost of Extended Benefits under Certain Conditions as Provided by Federal Legislation" (Emergency) (C. "A" H-256)

(H. P. 573) (L. D. 708) Bill "An Act Relating to Playing Card Games for Prizes" (C. "A" H-260)

No objection having been noted at the end of the Second Legislative day, were passed to be engrossed and sent to the Senate.

#### Tabled and Assigned

(H. P. 1277) (L. D. 1755) Bill "An Act Relating to the Games of 'Beano' and 'Bingo'" (C. "A" H-259)

On the request of Mr. Perkins of Blue Hill, was removed from the Consent Calendar.

(On motion of the same gentleman, tabled pending acceptance of the Committee Report and tomorrow assigned).

**Passed to Be Engrossed**

Bill "An Act Concerning the Fee for a First-time Real Estate Broker's License" (S. P. 404) (L. D. 1289)

Resolve, to Reimburse Norman Call of Levant for Loss of Cattle Destroyed by Bear (H. P. 959) (L. D. 1207)

Were reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent to the Senate.

**Second Reader****Tabled and Assigned**

Bill, "An Act Relating to Motor Vehicle Excise Tax" (S. P. 293) (L. D. 1018)

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

(On motion of Mr. Higgins of Scarborough, tabled pending passage to be engrossed and specially assigned for Monday, May 12.)

**Amended Bills**

Bill, "An Act to Provide for the Appointment of Deputy District Attorneys" (S. P. 321) (L. D. 1098) (S. "A" S-120)

Bill "An Act Concerning Candidates for Public Office Who are Running as Independents" (H. P. 953) (L. D. 1192) (C. "A" H-230)

Were reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

**Passed to Be Enacted  
Emergency Measure**

An Act to Validate the Election of Municipal Officials in the City of Hallowell in 1971 through 1974 (H. P. 1310) (L. D. 1592)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker, I would like to ask a question to anyone who would care to answer. Has the City of Hallowell changed its charter, that the municipal election from now on would be held the same day as the state elections and if they haven't, if we fail to enact this bill, is it possible that the city shall have another election to get a mayor that might take that initiative to change their charter?

The SPEAKER: The gentleman from Wayne, Mr. Ault, has posed a question through the Chair to anyone who may care to answer if they so desire.

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

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I will attempt to answer the gentleman from Wayne. We currently have a study committee underway to change this matter so that the municipal elections and the state elections coincide on the exact same day.

The SPEAKER: This being an emergency measure, under the terms of the Constitution it requires for its enactment the affirmative vote of two-thirds of the entire elected membership of this House. If you are in favor of enactment, you will vote yes; those opposed will vote no.

A vote of the House was taken.

117 having voted in the affirmative and one in the negative, the bill was passed to

be enacted, signed by the Speaker and sent to the Senate.

**Passed to Be Enacted**

An Act Relating to Ballots Containing Improper Write-in Votes (S. P. 84) (L. D. 255)

An Act Relating to Filing Requirements for Perfecting a Security Interest in Mobile Homes under the Uniform Commercial Code (S. P. 297) (L. D. 1023)

An Act Relating to Application of Payments under the Maine Consumer Credit Code (H. P. 1065) (L. D. 1345)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

**Orders of the Day**

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

An Act Relating to Contracts of Teachers with Municipalities (H. P. 1033) (L. D. 1339). In the Senate — Passed to Be Engrossed. In the House — Passed to Be Enacted on April 25.

Tabled — May 6, by Mr. Rolde of York.  
Pending — Motion of Mr. Gauthier of Sanford to reconsider Enactment.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Carpenter.

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: What I want to do, and this is my bill, and we will get to this later, but what I want to do is back the bill up and offer an amendment to it, so I hope that you would vote for reconsideration.

Thereupon, the House reconsidered its action whereby this Bill was passed to be enacted.

On motion of Mr. Carpenter of Houlton, under suspension of the rules, the House reconsidered its action whereby this Bill was passed to be engrossed.

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

House Amendment "A" (H-253) was read by the Clerk.

The SPEAKER: The Chair recognizes that same gentleman.

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: I will be brief, it is getting late and I have a lot of things to do. This bill has been lying around the table now for a week or more. This bill, when I put the bill in, I very simply wanted to stop what I consider is a bit of discrimination against a group of people, a profession if you will, school teachers. The law was unclear as to what the status of a school teacher was in regard to their running for public office in a municipality, and I emphasize municipal office. This does not include school boards.

I know there is going to be considerable debate on this bill this morning. Some people are nervous about school teachers running for office — excuse me, running for municipal office, looking around the House and seeing the number of teachers and ex-teachers, I wouldn't say there was anybody too concerned about teachers in the legislature.

We took this bill down and the gentleman from Sanford, Mr. Gauthier, went to the Attorney General and through my fault, this bill had gone too far, it did have some problems with it. Very simply, the last part of this amendment, the first part repeals everything that is on L.D. 1339, as it is in your book, so it doesn't do any good to look at that, but what it says is that a

teacher may run for municipal office but a teacher will also fall under the same laws and regulations that now exist if they hold municipal office. In other words, they will not be able to vote on any matter where they have a direct or indirect pecuniary interest, such as teachers' salaries, school budgets, etc.

I think we need to get this law clarified. I will give you an example. There is a town or city in the State of Maine that says in its charter that no school teacher or convicted felon may run for office. I don't think this is really correct, that we should group school teachers with convicted felons.

This bill, as I said, and I will say it again, it is very simple. It will allow a school teacher to run for municipal office without penalty, not school board. The conflict of interest problems have been taken care of with the Attorney General; the Attorney General is satisfied with this amendment as it now stands, and I would hope that you would vote against the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Just one thing comes to my mind on this. We have a law now on the books that stops school teachers and their spouses from serving on school boards within their districts. They can be outside the district and serve.

Now, you are coming up with something here. I am not going to go against this bill but I would like to have someone answer this question. When you say municipal, all right you get in a school union and the school board is part of the municipal offices in a union but not in an SAD or a community school district, either one, but they are in a municipality. I am wondering if the big towns, where they still aren't in the SAD, whether these are municipal offices or not? I think this should be checked up and make sure of it, or someone be able to answer it now. Until now, I have yet to hear them speak on this, I began to wonder about it because they are municipal offices where there is a school union.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: In what may be an answer to the gentleman from Bridgewater, Mr. Finemore, I would point out that the city charter for our community, and we are not in an SAD, for instance, does not spell out teachers as such. However, it does spell out specifically that no municipal officer will hold any other position in a municipality, the salary of which is paid by the municipality, and, therefore, the teachers are allowed to run. If you are going to do that that would mean you are excluding a different group. You are discriminating against group. You are discriminating against a group of people. Well, you have to include the police department, the fire department, the public works people, the people who work inside city hall, within the group with the teachers. If they are municipal employees, they are municipal employees. If they want to serve the municipality in an elected capacity, then they should not be municipal employees.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I think in reference to the gentleman from Bridgewater, Mr. Finemore's question pertaining to small towns and towns that do not have charters, a municipal officer, under Title 30, are and only selectmen. Under a town manager form of government, they would be councilmen, they could be selectmen too. In a city, they would be aldermen mayor, etc.

School board members are not municipal officers, they are municipal officials, as well as the dog catcher, plumbing inspector, road commissioner, or a town clerk or a treasurer, these are municipal officials, but the word municipal officer limits it strictly to the board of selectmen.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I urge the House this morning to adopt the gentleman from Houlton's amendment, and knowing this House and its great Democratic manner in the way it operates, I would hope that after we do accept the gentleman's amendment, that someone would table the bill and then we would include all the municipal employees.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a question through the Chair, what if there are two cases that are elected in a community where there are three selectmen voted in, who is going to vote the money?

The SPEAKER: The gentleman from Sanford, Mr. Gauthier, has posed a question through the Chair to any member who may care to answer if they so desire.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: This bill first came to my attention when Mr. Hewes, several weeks ago, addressed Mr. Carpenter when this bill was being enacted and asked him to explain the bill. Since that time, there are quite a few members of the House that came to me and asked me what the bill was all about and they felt that they voiced their opinions, that they didn't think this was a very good bill.

It is my feeling — I want to give you my expression and then it is up to you people what you want to do with it, one way or the other. It is my feeling that after 25 years as a past school board member that the mere fact if teachers were given the right to run for office of selectman or council in your towns or cities, it could create many problems. They could sway the votes of other members when school matters or budget came up for a vote and, ladies and gentlemen, I feel that this certainly is a conflict of interest.

This bill was presented in the past sessions and did not pass when presented. I hope that you will vote nay, when the vote is taken, for the best interest of your town or city and I ask for a roll call.

I would like to add that when I was on the school board, I was told that I could not be a member of my town meeting body because I had an interest in the school department because I was a member of the school board in Sanford. So, certainly, if I have an interest as a school board member, I think that the teachers, teaching in the same municipality, would

have much more of an interest than their elected selectmen or council.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I guess probably most of you know that I am a school teacher and I want to address myself to the point that has been raised by the previous speaker, Representative Gauthier, to the effect that if you get a teacher on the city council or selectman, he might sway the vote in the direction of the teachers. I would say that you could raise this same objection to having a farmer on the board, because he might sway the vote in the favor of the farmers, or you could object to having automobile owners on the board because he might sway the vote in favor of the having better roads built. You could object to the gentleman who lives out on the end of a certain road running for office because he might want that particular road built. So, I don't think you can exclude someone from a board simply because he might sway a vote in the direction that might benefit people of a particular group he belongs to, because everyone belongs to a group. In this sense, anyone has a conflict of interest. What we have got to avoid in conflict of interest is a person voting on an item which specifically will affect his or her financial situation.

I gather the amendment that is being proposed here would forbid teachers, if they were serving on one of these boards, to vote for the budget which would be paying for the teachers' salary, so I cannot see where there is or would be a conflict of interest in a teacher being on a municipal board or city council or board of selectmen. The teacher, it is true in a sense, is an employee of the city but he or she does not directly contract with the city council or the board of selectmen. The teachers contract with the school department or SAD or whatever the governing body of the school is.

I feel that the state at the present time is losing the input of one of its best educated segments. I hope I do not sound immodest since I do belong to this group, but I think the fact remains that with the education that is required to be a school teacher now, it should be self evident that by excluding this group we are excluding one of the groups that is probably as well qualified to serve on these boards as are the members of any other group.

I would hope that this motion to table while we wait for amendments would be passed and that this body would not go on record as opposing school teachers from serving on boards of selectmen or city councils.

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

Mr. CAREY: Mr. Speaker, I would like to pose a series of questions to the gentleman from Brewer, Mr. Cox, and basically they are that he has hit on some of the problems that we have but he has not hit on the problem that the gentlemen from Sanford, Mr. Gauthier, mentioned, the possibility that a majority of the board would be school teachers and, therefore, how could you get action on a budget? Obviously, the real possibility that we do now have, this legislature granted municipalities home rule, so that the municipalities can decide their own charters, and I would like to have some

answer from Mr. Cox, if at all possible, on what do we do with those municipalities, that have spelled out specifically in their charters that if you are on the city council of a municipality, you will only draw the salary of the councilmen? Are those teachers willing to sacrifice their year's pay as teachers? They cannot give up the salary of the councilman to accept the salary of a teacher.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I think probably that the gentleman from Waterville is well aware that state law supersedes municipal ordinances and probably municipal charters, just as federal laws supersede state laws, when they are in conflict.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: In answer to Mr. Cox, when he talked about the farmer being the selectman of a town, the selectman is not deriving his livelihood from that town but the teacher is, if she is teaching in that town. I am not talking about a teacher that is teaching outside of the community. We are talking about a teacher that is teaching on the system if they want to be a councilman or a selectman.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Carpenter.

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: Again, I will try to be brief. I would like to rebut a point that was just raised by the gentleman from Sanford, Mr. Gauthier. The city or town in question that I just mentioned says that no school teacher or convicted felon, that is flat — it says no school teacher, whether they teach in that community or any other. This is one of the aspects of the law that I am trying to get at. If I live in Winthrop and teach at the University of Maine at Augusta, I may not be able to serve on the Winthrop Board of Selectmen.

The other point that has been raised and I knew this was coming up this morning and there is no real answer to this. What if you get two out of three that are teachers? I would throw the question back this way. What if you get 2 out of 3 of any particular group of people, say building contractors. How are you ever going to have zoning ordinances passed? Because as the law now stands, they would have to exempt themselves from voting. Again, you would have the one person making the decision. The law, as it now stands, says that a person having direct or indirect pecuniary interests will have to excuse themselves. Perhaps I shouldn't say this, but I think it is a bit of a scare tactic to say that what happens if you get a majority of people on your particular municipal body that are school teachers. I don't think it is going to happen. I don't think it is something we have to be concerned with, and if it does, then there are provisions to take care of that. These people will not be allowed to vote, — very simple.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I, too, am a teacher, although I have not hesitated to disagree with leadership of my profession at times. When this amendment was first

presented to this body yesterday, I sought out Mr. Carpenter and spoke to him about it, because I had some serious concerns about how the public might view this amendment and thusly how our profession might be damaged. Mr. Carpenter and several others with whom I talked, did answer my reservations about the amendment. I would only pose them to you now for the purpose of your thinking about them and so they can be put out in the open before we vote on this.

I guess the first one is, are there any situations where a teacher who is also a municipal official, such as a selectman, votes on other teacher salaries or takes part in collective bargaining negotiations? If there are such situations in the state, then clearly this amendment does not solve the problem, in my opinion, of conflicts. Because, although a person must abstain when indirect or direct pecuniary interests, it would be my feeling that a teacher should not participate in labor negotiations on behalf of the municipality, while he is also a teacher.

The second point I raise, which is the one that Mr. Carey referred to is, is there a conflict when a teacher who is a municipal official votes on accepting a total budget, a part of which is a school appropriation? I suppose the possible answer to that is, that if the school committee or the town meeting makes the decision on the schools part of the budget, that the municipal officials do not have the right to change it in any way. However, if they do have that right, under a city charter, then again, an area of conflict would exist, in my opinion.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to bring you back to the testimony of the gentleman from Waterville, Mr. Carey. It has been taken somewhat afieid from the points I think he made to us very well, is that we're speaking of municipal employees and that indeed you would have to give consideration to just where and how far this privilege would spread. I think the remarks of the gentleman from Kennebunk, Mr. McMahon, have illustrated the wisdom that is carried in the remarks of the gentleman from Waterville.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I think there is only one very simple thing that hasn't been brought out yet. If anyone is going to serve on the selectmen or city council, they are going to be elected. All we are doing is suggesting that the people in the particular town be given a privilege of voting for the person for whom they wish to vote.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: While the gentleman from Houlton, Mr. Carpenter, was speaking about a couple of contractors serving on the council, you and I were glancing across him at each other and you were saying, yes, his comments were true, that these contractors, because of the class of contractors would be affected, then they couldn't vote, so I would pose a question, not through the Chair but to the Chair, if those comments of Mr. Carpenter were correct as far as the Chair is concerned.

The SPEAKER: The Chair has a conflict.

The gentleman may proceed.

Mr. CAREY: Mr. Speaker and Members of the House: Then, obviously, the second question would be then, if that question that Mr. Carpenter raised is true, then that should also be true of every teacher in here, whether they be classified as a class or as individual teachers?

The SPEAKER: The Chair would answer as he has answered in the past under previous requests on other conflicts of issue dealing with this profession or any other. In the past the Committee on Legislative Ethics has ruled, that unless it singularly affects the individual where there is a pecuniary or direct interest, then there is a conflict. If it does not and it affects a class then there is no conflict and, as a result, the Chair would rule in light of other decisions, that there is no conflict.

The gentleman may proceed.

Mr. CAREY: Mr. Speaker and Members of the House: Let me pose a theoretical case which happened, for instance, in the city of Waterville, where the councilmen get involved with setting the salaries of the members of the union and the police department, the fire department, the public works department, and the salaries of the municipal employees. Those items are bargained and we bargain for those things and usually cost of living plus fringes and other matters. I am concerned that teachers, who may be in the city council, may possibly bargain away many of the rights when it refers to the municipality and get the cost of living and the increases for municipal employees up, in such a position, that then the school board would be forced in trying to keep the standards of the teachers up with the rest of the municipal employees, forced to bargain positions for teachers in such a way that they might equal those salaries that our granted to the municipal employees. In that effect, the teachers would be gaining a pecuniary interest.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I think somewhere we have gone into an awful lot of confusion with this bill. Number one, the only thing that we are changing here, by changing the language as it stands, is that if a teacher were a selectman in a town and the town had a school board and the contracts came back, that teacher would not be denied the right to have that contract renewed, because they would be serving so that changes that section.

We are not doing anything in regard to allowing teachers to serve as municipal officers. Under the present law, they can, they will, and they do, serve as selectmen. Last year, we had two in my town. There are hundreds across this state, teachers serving as selectmen today, but this merely takes care of a technicality in the law, that is all it does and nothing more, so we are not granting any more rights than what they have now, excepting to spell out that they can if they have a teachers contract, which is subject to renewal by the municipal officers, they can have their contract renewed and that is all it does. The only hangup that I have with this bill and I do have a little hangup, is that we granted the people home rule. Now, this does not affect my town, but it does affect the cities. I don't think it is right for us to sit here and pass legislation to over-ride town charters or city charters. I think there should be language in here, that if this is contrary to the city charter or the

town charter, that this shall not take effect. That I dislike over-riding municipal home rule, but other than that, we are not giving the teachers any additional rights. They have that right today.

Mr. Carpenter of Houlton was granted permission to address the House a third time.

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: I do agree with several of the speakers. I do think we are being taken afieid here. I think that the gentleman from Waterville, Mr. Carey, brought up a very good point. I was just asked a few minutes ago, when I went out, if I would support putting firemen, policemen, etc.; amending this bill to include them, and I said, no. Very simply, I would say no for the very reasons that Mr. Carey from Waterville pointed out. The town council, city council, in Waterville's case, sets the salaries and negotiates with these individuals for their salaries. School board negotiates with the teachers. If the firemen, policemen, garbage collector, etc. wanted to run for school board, fine, they should not be allowed to run for municipal office, no more than a teacher should be allowed to run for school board. I am not a teacher, actually. I have done some teaching, so I am not standing up here arguing something — I just don't think it is right — it doesn't affect my particular town because my town allows teachers to run without penalty. It is just that some towns do say that you cannot run. If you win you have to give up your teaching contract. Other towns say that if you win, you cannot receive any increase in pay or benefits in your teaching position while you hold that office. I think we are being led astray from what the basic point is here.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I think that Mr. Dam brought out one of the best points that I have heard here this morning and, for that reason, I move that we indefinitely postpone this bill. What we have at the present time, we have home rule and some of the towns have this written in their charters and I don't think we should override these home rules and the charters. I hope you go along with indefinite postponement.

The SPEAKER: The pending question is adoption of House Amendment "A". The motion to indefinitely postpone the bill at this time is not in order but can be made once we dispose of the amendment.

Thereupon House Amendment "A" was adopted.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: I move that this bill and all accompanying papers be indefinitely postponed.

Mr. Carpenter of Houlton requested a roll call vote.

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, you 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 Sanford, Mr. Gauthier, that the House indefinitely postpone Bill, "An Act Relating to Contracts of Teachers with Municipalities" House Paper 1033, L. D. 1339 and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

**ROLL CALL**

**YEA** — Ault, Bachrach, Berry, P. P.; Burns, Call, Carey, Carter, Connors, Cote, Doak, Durgin, Dyer, Fraser, Gauthier, Gray, Hennessey, Hewes, Hinds, Hunter, Hutchings, Jackson, Jacques, Joyce, Kauffman, Kelley, Laffin, Lovell, Lynch, Mackel, Martin, A.; Maxwell, Nadeau, Perkins, T.; Peterson, P.; Raymond, Silverman, Sprowl, Twitchell, Webber.

**NAY** — Albert, Bagley, Bennett, Berry, G. W.; Berube, Birt, Blodgett, Boudreau, Bustin, Byers, Carpenter, Carroll, Chonko, Churchill, Clark, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, DeVane, Dow, Drigotas, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Higgins, Hobbins, Hughes, Ingegneri, Jensen, Kany, Kelleher, Kennedy, Laverty, LeBlanc, Lewin, Lewis, Lizotte, Lunt, MacEachern, MacLeod, Mahany, Martin, R.; McBrearty, McKernan, McMahon, Mills, Mitchell, Morin, Morton, Mulkern, Najarian, Norris, Peakes, Pelosi, Perkins, T.; Peterson, T.; Pierce, Post, Powell, Rideout, Rolde, Rollins, Saunders, Shute, Smith, Snow, Snowe, Spencer, Strout, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Tyndale, Usher, Wagner, Walker, Wilfong, Winship.

**ABSENT** — Dudley, Garsoe, Immonen, Jalbert, LaPointe, Leonard, Littlefield, Miskavage, Palmer, Quinn.

Yes, 89; No, 100; Absent, 11.

The **SPEAKER**: Thirty-nine having voted in the affirmative and one hundred in the negative with eleven being absent, the motion does not prevail.

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

Mr. **KELLEHER**: Mr. Speaker, Ladies and Gentlemen of the House: I would like to have some kind member of this House table this bill so I can get an amendment to put on it where it is in the posture to be amended to include all municipal employees. I agree wholeheartedly with the good gentleman from Houlton, Mr. Carpenter, but I think we, in the fair democratic way, and not talk about class legislation, and I really mean this, that we should include all municipal employees. So, would some kind member please table this bill for me?

The **SPEAKER**: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. **DAM**: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to make the tabling motion but I, too, would like to see it tabled but not for that reason. I would like to see the bill tabled. In fact, if such an amendment as previously mentioned came before the House, I would vote against it but I would like to see it tabled so we could take care of the problem we have right now with the bill of eroding home rule. I would like to see a saving provision put in here so that those municipalities, the towns and cities that have charters, can go by their charters, and don't have to have us sit down here and over-ride their charters. I don't think this is a duty that we should take. I think if the towns and municipalities have adopted

their charters that they should have the right to live with those charters and we shouldn't come down here and erode their municipal home rule. That is the reason I would like to see it tabled so an amendment could be put out for that reason.

The **SPEAKER**: The Chair recognizes the gentleman from Houlton, Mr. Carpenter.

Mr. **CARPENTER**: Mr. Speaker, Ladies and Gentlemen of the House: I hate to keep popping up here but I do feel I should say a couple of things. I oppose the motion to table or the thought of tabling because I think we should keep this separate from what the gentleman from Bangor, Mr. Kelleher, would like to see done. If that is his desire, then I think that should come in as a separate piece of legislation. I will have to disagree with my friend from Skowhegan, Mr. Dam. I don't think we are necessarily opposing home rule by this bill. I don't see any way we can get around what he is concerned with. We either do this or we don't do it.

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

Mr. **CAREY**: Mr. Speaker, Ladies and Gentlemen of the House: Many of the people who voted not to indefinitely postpone, I think, listened to the gentleman from Houlton, Mr. Carpenter, say that he thought policemen, firemen, public works employees should have the like privilege a teacher should have of serving on a council, these people should be allowed to serve on a school board. I don't doubt that he got some of his support for killing of the indefinite motion that way. I think Mr. Dam's thought on home rule is excellent because the home rule charters, if you will recall, were voted on by those people in those municipalities and this is what they decided upon. Those people in those municipalities should have the chance to vote again on amendments to those charters to see if in effect they do want their own municipal employees serving on these boards, commissions and the elected officers. I certainly would hope that there is no opposition to tabling so that if you do oppose at least Mr. Kelleher's motion, you might consider the amendment that Mr. Dam might put on.

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

Mr. **McKERNAN**: Mr. Speaker and Members of the House: I move that this item lay on the table one legislative day.

The **SPEAKER**: The gentleman from Bangor, Mr. McKernan, moves that this be tabled for one day.

The Chair recognizes the gentleman from Houlton, Mr. Carpenter.

Mr. **CARPENTER**: Mr. Speaker and Members of the House: I request a division.

The **SPEAKER**: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. **DAM**: Mr. Speaker and Members of the House: I request a roll call.

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 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

Bangor, Mr. McKernan, that this matter be tabled one legislative day. All in favor of that motion will vote yes; those opposed will vote no.

**ROLL CALL**

**YEA** — Ault, Bachrach, Bagley, Berry, G. W.; Berry, P. P.; Berube, Boudreau, Bowie, Burns, Byers, Carey, Carroll, Carter, Churchill, Connors, Cote, Curran, R.; Curtis, Dam, Davies, DeVane, Doak, Dow, Drigotas, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Fraser, Goodwin, H.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Hinds, Hobbins, Hunter, Hutchings, Immonen, Jackson, Jacques, Jensen, Joyce, Kany, Kauffman, Kelleher, Kennedy, Laffin, LaPointe, Lewin, Lewis, Lizotte, Lovell, Lunt, Lynch, Mackel, MacLeod, Martin, A.; Maxwell, McKernan, McMahon, Mills, Mitchell, Morin, Mulkern, Nadeau, Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Raymond, Saunders, Shute, Silverman, Snow, Snowe, Sprowl, Strout, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Twitchell, Tyndale, Wagner, Walker, Webber, Wilfong, Winship.

**NAY** — Albert, Bennett, Birt, Blodgett, Bustin, Call, Carpenter, Chonko, Clark, Cooney, Cox, Curran, P.; Flanagan, Goodwin, K.; Higgins, Hughes, Ingegneri, Laverty, MacEachern, Mahany, Martin, R.; McBrearty, Powell, Rideout, Rolde, Rollins, Smith, Spencer, Stubbs, Susi, Tozier, Truman, Usher.

**ABSENT** — Connolly, Dudley, Garsoe, Gauthier, Jalbert, Kelley, LeBlanc, Leonard, Littlefield, Miskavage, Morton, Post, Quinn.

Yes, 103; No, 33; Absent, 14.

The **SPEAKER**: One hundred and three having voted in the affirmative and thirty-three in the negative, with fourteen being absent, the motion did prevail.

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

Bill "An Act to Provide for Supervision of Elections by Municipal Clerks" (H. P. 907) (L. D. 1106) (C. "A" H-191)

Tabled — May 6, by Mr. Carter of Winslow.

Pending — Passage to be Engrossed.

On motion of Mrs. Boudreau of Portland, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentleman offered House Amendment "C" to Committee Amendment "A" and moved its adoption.

House Amendment "C" to Committee Amendment "A" (H-274) was read by the Clerk.

The **SPEAKER**: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. **FINEMORE**: Mr. Speaker, I don't seem to have House Amendment "C". Would you read the first paragraph to House Amendment "C".

Thereupon, the Amendment was read by the Clerk.

The **SPEAKER**: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. **FINEMORE**: Mr. Speaker, I'm sorry, just a question, does it say 'his' or 'her'? Himself or Herself?

The **CLERK**: "The Clerk may designate himself or herself."

The **SPEAKER**: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. **CHURCHILL**: Mr. Speaker, Ladies and Gentlemen of the House: I have no

objection to this but this is an awful waste of time to put this in, because all they do in a case like this is submit a letter of resignation for one day or a week and they can get back in their political parties, so it's just a waste of legislation.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: What this Bill does is just what the title allows, allows the clerks to be election clerks to supervise the elections.

This is a bill that is backed by the Maine Town Clerks Association and the reason for it is that under the present law, the selectmen of towns serve as wardens. In the last election, there were many cases where after a warden was appointed, he stayed around the polls for maybe five or ten minutes, then took off for the rest of the day with no deputy warden being appointed and no one there to supervise the elections; and the clerks felt that since they are deeply involved in the election process, that maybe we could get a little better election, a little better results and not so much confusion and recounts if they could be supervisors of elections. So this is backed by the clerks and I don't have any thoughts at all or any qualms about a clerk resigning one day and going back on the committee another.

There is nothing in this bill that says a clerk cannot be a member of a political party, Republican or Democrat or unenrolled voter. What it says only is that they may not serve on the local committee; that's all it says. It does not say they have to be an unenrolled voter or anything else because in that case, with this question of independence and everything I just don't know what we would label a clerk, whether we would start a fourth party, but it doesn't say that at all so there would be no resigning one day and going back the next.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I agree completely with the previous speaker. The town clerk now has the responsibilities of the election but lacks the tools with which to fulfill that obligation.

I do have a question that I wish to pose to the gentlelady from Portland, however, and perhaps there is no answer to it, but knowing how personalities sometimes creep into town halls, I suspect the issue will come up if this is passed. The clerk must have approval of the selectmen to appoint a warden or if she wishes, deputy wardens. In the next sentence it says, the clerk may designate himself or herself as warden. Does the clerk need approval of the selectman to designate himself or herself?

The SPEAKER: The gentleman from Kennebunk Mr. McMahon has posed a question through the Chair to anyone who may answer this, if they so desire.

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

Mrs. BOUDREAU: Mr. Speaker, yes, she would, she would be acting deputy or deputy warden, so she would have to have the approval.

Thereupon, House Amendment "C" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "C" thereto was adopted.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I have been

troubled with this bill for several weeks now. We have tabled it and tabled it and tried to find an answer satisfactory to everybody concerned and the amendment that was offered, I think, goes a long way, but it still doesn't solve the problem that we face in Winslow.

We in Winslow operate under a Charter and when we adopted our Charter, we made no provisions other than use of a state law because we are still a municipality; we are not a city. We don't run partisan elections. All of our elections are non-partisan, but the problem is, in every community with the amendment, the clerk is going to be elected, but in our community, the clerk is appointed. And I don't have to tell you what you can do when you control the appointment of a person to a particular office if you wish to exercise that. This rather puts us in a rather very awkward position. Now, we'll have to go back and change our Charter and we've had previous speakers speak about Home Rule and I submit to you that you are indeed toying with Home Rule when you pass this bill.

Now, I can sympathize with the gentleman from Skowhegan in the problems that occur at the polls, but I would suggest that the law on the books now is adequate to control this situation and if a warden does not perform his duties, then I submit to you, that the Secretary of State's Office downstairs is available to anybody. All one needs to do is put in a phone call, and that, I am sure, will be corrected. I would move, Mr. Chairman, that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Winslow, Mr. Carter moves that this Bill and all of its accompanying papers be indefinitely postponed.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: To reply to the good gentleman, I believe that most of what he is concerned about is covered in the first sentence of the amendment, unless otherwise determined by charter. Now, if your charter does not determine the method of appointment of the clerk or the wardens, then he is correct, it would be governed by state law which, in effect, would be this if it is passed.

I hope you do not indefinitely postpone this. Presently, the selectmen in non-charter towns, and I suppose in charter towns that make no provision for this, are required to serve as wardens; in fact the Chairman of the Board is specifically charged with the duty of designating who shall be wardens at what time, and so on. Yet, the town clerks have the responsibility of caring for the ballots and all the other duties that go with preparing for the election.

I sincerely believe that this amendment is a good one and that we ought to concentrate all the responsibility in one place, so I hope you do not indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House, if I am not mistaken, under your election laws, it requires the warden or deputy warden is present at all times while that election is taking place, so that what Mr. Carter has told us previously is correct. I fully concur with his motion, because this is absolutely unnecessary unless someone is having trouble in the large cities. The small

towns, there is a deputy there at all times, or the warden himself.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker and Members of the House: I would first off like to respond to the gentleman who just spoke, Mr. Churchill. The problem I would like to tell him is not in the cities, because the cities are governed by a charter. The problems are in the small towns.

I said previously that this was a bill that was backed by the Maine Clerks Association. The Maine Clerks Association is comprised of 413 towns; the rest being cities in the state, so this does affect the small towns.

What you have in some of your small towns is selectmen that work for \$100 a year, they have a full-time job, they are part-time selectmen. This is not a problem that I have in my town. I have had no problems with the elections on the municipal level, it is a problem of the smaller towns where the warden comes in being a selectman, he is appointed as a warden, he comes in, he gets the polls opened, then he goes to his job and he leaves unsupervised elections. There is nothing in the law today that allows a clerk to take over those duties. This does give the clerk the vehicle to handle the elections. It also gives the selectmen the rights in the appointment. It will be in conjunction with the clerk. Now, if a town in the state of Maine has a problem because one party does not trust the clerk because she is a member of the opposition party, again, I don't think that is a burden that should be put on 412 other towns. I think that since that town has a charter, it should be up to those people to revise that charter, and it surprises me that a situation like this would exist, because I am a Democrat and we have a Democratic Committee, and three years ago we posted the name of the town clerk of my town who happens to be a Republican with Governor Curtis, who happened to be a Democrat at that time, to be nominated for the Chairman of the Board of Registration, so we have a good relationship. We trust our town clerk. Our town clerk today is a Republican and she is just as trustworthy to the Democrats as she would be to the Republicans. So I don't think that this problem (it may exist in one town) but I would suggest that they change their charter then and maybe they get rid of the town clerk if the Democratic party is that strong.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker and Members of the House: Just one quick point. In my community, I suppose we are different than many of the other communities in the state, we are a municipality, a town, we chose not to change to a city because we wanted to retain the distinction of being one of the oldest communities in the state and we are. Our town clerk has very many duties on election day. We are a community approaching closely the size of 10,000 people. The town clerk is responsible for absentee ballots coming in on election day and even going out and obtaining absentee ballots in old age homes and in hospitals when no one else is available to do this and our clerk is overloaded with work at the present. Now, I submit maybe in some smaller communities, the clerk doesn't have that much to do, but in my community, it's going to impose a hardship and probably cause more problems than this bill is going to solve.

I would submit to you that if

communities have a problem now, they should should just pick up the phone and call the Secretary of State's Office. The law is adequate to handle the current situation, and changing the law is not going to solve it one iota. I can recall when some of the town clerks were so busy they couldn't even find absentee ballots or ballots that were cast and I don't think this is going to solve it. I would hope that you would go along with the indefinite postponement.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Winslow, Mr. Carter that this Bill and all of its accompanying papers be Indefinitely Postponed. If you are in favor of the motion to Indefinitely Postpone you will vote yes. If you are opposed you will vote no.

A vote of the House was taken. Thereupon, Mr. Jacques of Lewiston requested a roll call vote.

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 East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I hope you don't indefinitely postpone this bill. I think the testimony you heard before the Election Laws Committee was reasonably good, that the clerks generally do have a good deal of supervision of the elections anyway, they have to look after the ballots anyway and they assume many of the other duties. We discussed this quite a bit afterward in committee and I fail to see anything wrong with the bill; in fact, I think it does many of the things that they want, as has been pointed out on the floor this morning. It was supported by the Clerks Association. I hope you do not indefinitely postpone.

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I also hope you do not indefinitely postpone this amendment. We hear many complaints that on Election Day this happened and that happened. Well, in many cases, it is because there is no one that is responsible for the conduction of that election. The selectmen, many times, are not familiar with the rules and regulations. There is no continuity. A selectman will come in and stay a couple of hours, then go home and another selectman will come in. There is no one that you can put your finger on and not hold responsible. The clerks now are doing most of the work; they want this, they came in and asked for this legislation and I think it will benefit everyone.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Winslow, Mr. Carter, that this Bill and all its accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

**ROLL CALL**

YEA — Ault, Carey, Carter, Churchill, Conners, Dow, Fraser, Gauthier, Hunter, Jacques, MacEachern, MacLeod, Mahany, Maxwell, McBreairty, Perkins, T., Stubbs, Torrey, Tozier, Usher, Walker.

NAY — Albert, Bachrach, Berry, G. W.; Berry, P. P.; Berube, Birt, Boudreau,

Bowie, Burns, Bustin, Byers, Call, Carroll, Chonko, Clark, Connolly, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, DeVane, Doak, Drigotas, Durgin, Dyer, Farnham, Faucher, Fenlason, Finemore, Flanagan, Goodwin, H.; Goodwin, K.; Gould, Henderson, Hennessey, Hewes, Higgins, Hinds, Hobbins, Hutchings, Immonen, Jackson, Jensen, Joyce, Kauffman, Kelleher, Kennedy, Laverty, Lewin, Lewis, Lizotte, Lovell, Lunt, Lynch, Mackel, Martin, A.; Martin, R.; McKernan, McMahan, Mitchell, Mulkern, Nadeau, Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, S.; Peterson, P.; Peterson, T.; Pierce, Post, Raymond, Rollins, Saunders, Shute, Silverman, Snowe, Spencer, Sprowl, Strout, Talbot, Tarr, Teague, Theriault, Tierney, Truman, Twitchell, Tyndale, Wagner, Webber, Wilfong, Winship.

ABSENT — Bagley, Bennett, Blodgett, Carpenter, Cooney, Dudley, Farley, Garsoe, Gray, Greenlaw, Hall, Hughes, Ingegneri, Jalbert, Kany, Kelley, Laffin, LaPointe, LeBlanc, Leonard, Littlefield, Mills, Miskavage, Morin, Morton, Powell, Quinn, Rideout, Rolde, Smith, Snow, Susi.

Yes, 21; No, 96; Absent, 32.  
The SPEAKER: Thirty-one having voted in the affirmative and ninety-six in the negative, with thirty-two being absent, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "C" thereto and sent up for concurrence.

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

An Act to Amend the Protection and Improvement of Air Statutes (H. P. 694) (L. D. 881)

Tabled — May 7, by Mr. Conners of Franklin.

Pending — Passage to be Enacted.  
Mr. Ault of Wayne moved the Bill be passed to be enacted.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I have looked at this and there seems to be questions both pro and con on the bill. But I have been bothered a good deal by whether any piece of road construction on and this would apply to the Interstate system, which has four lanes, is this going to have the approval of the Environmental Improvement Commission before any further construction can be done on it? If this is the intent of it and it appears that it might be in Section 6 then I have some serious reservations on the bill.

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

Mr. PETERSON: Mr. Speaker, Men and Women of the House: The gentleman is correct, but that section of this bill was drawn with the assistance of the Department of Transportation and to my knowledge, they do not object to it. They were not in opposition at the hearing and it was conveyed to us that the Department of Transportation agreed with it, and the only time that this would occur would be if there was a serious question of whether or not the equality standards would be violated, such as highway passing through an urban area. It wouldn't mean that this would have to be done in open rural areas. So as far as I know, the Department of Transportation assisted with the drawing up of this section and they approve of it.

The SPEAKER: The pending question is on passage to be enacted. The Chair will order a vote. All in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken. 86 having voted in the affirmative and 13 having voted in the negative, the motion did prevail.

Signed by the Speaker and sent to the Senate.

The following Papers were taken up out of order by unanimous Consent:

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on RESOLVE, to Reimburse Briana Hinkley of Wilton for Injuries Received in the State Forestry Building at Weld (H. P. 1481) (L. D. 1772)

Report was signed by the following members:

Mr. CIANCHETTE of Somerset  
— of the Senate.

Messrs. GOULD of Old Town  
PERKINS of Blue Hill  
SHUTE of Stockton Springs  
JOYCE of Portland  
BURNS of Anson  
CAREY of Waterville  
COTE of Lewiston

— of the House.

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

Report was signed by the following members:

Mr. CORSON of Somerset  
— of the Senate.

Messrs. HUNTER of Benton  
FAUCHER of Solon  
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Solon, Mr. Faucher.

Mr. FAUCHER: Mr. Speaker and Members of the House: I move we accept the Minority "Ought to Pass" Report.

Thereupon, on motion of Mr. Finemore of Bridgewater, tabled pending the motion of the gentleman from Solon, Mr. Faucher, to accept the Minority "Ought to Pass" Report and specially assigned for Monday, May 12.

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Deter Trespass in Forest Practices" (H. P. 1333) (L. D. 1764)

Report was signed by the following members:

Mr. CORSON of Somerset  
— of the Senate.

Messrs. PERKINS of Blue Hill  
HUNTER of Benton  
SHUTE of Stockton Springs  
JOYCE of Portland  
COTE of Lewiston  
FAUCHER of Solon

— of the House.

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

Report was signed by the following members:

Mr. CIANCHETTE of Somerset  
— of the Senate.

Messrs. GOULD of Old Town  
BURNS of Anson  
CAREY of Waterville

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Solon, Mr. Faucher.

Mr. FAUCHER: Mr. Speaker, Ladies and Gentlemen of the House: I move the

House accept the Majority "Ought to Pass" Report.

Thereupon, on motion of Mr. Palmer of Nobleboro, tabled pending the motion of Mr. Faucher of Solon to accept the Majority "Ought to Pass" Report and specially assigned for Monday, May 12.

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act Relating to State, County and Municipal Procurement of Engineering, Architectural and Construction Consultant Services" (H. P. 1342) (L. D. 1770)

Report was signed by the following members:

Messrs. GOULD of Old Town  
PERKINS of Blue Hill  
HUNTER of Benton  
SHUTE of Stockton Springs  
BURNS of Anson  
COTE of Lewiston

—of the House.

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

Report was signed by the following members:

Messrs. CORSON of Somerset  
CIANCHETTE of Somerset

Messrs. CAREY of Waterville  
JOYCE of Portland  
FAUCHER of Solon

—of the House.

Reports were read.

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

Mr. CAREY: Mr. Speaker and Members of the House: That was a very close race. I move the acceptance of the Minority "Ought to Pass" Report.

On motion of Mr. Talbot of Portland, tabled pending the motion of the gentleman from Waterville, Mr. Carey to accept the Minority "Ought to Pass" Report, specially assigned for Monday, May 12.

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" on Bill "An Act Concerning Pay Toilets" (H. P. 663) (L. D. 837)

Report was signed by the following members:

Mr. CORSON of Somerset

Messrs. BURNS of Anson  
SHUTE of Stockton Springs  
HUNTER of Benton  
JOYCE of Portland  
CAREY of Waterville  
FAUCHER of Solon  
PERKINS of Blue Hill  
GOULD of Old Town  
DUDLEY of Enfield  
COTE of Lewiston

—of the House.

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

Report was signed by the following member:

Mr. CIANCHETTE of Somerset

—of the Senate.

Reports were read.

On motion of Mr. Faucher of Solon, Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-271) on RESOLVE, to Reimburse Michael Forrester of Arundel for Loss of Livestock Destroyed by Dogs (H. P. 1508) (L. D. 1839)

Report was signed by the following members:

Messrs. CORSON of Somerset  
CIANCHETTE of Somerset

Messrs. GOULD of Old Town  
PERKINS of Blue Hill  
HUNTER of Benton  
SHUTE of Stockton Springs  
JOYCE of Portland  
COTE of Lewiston  
FAUCHER of Solon

—of the House.

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

Report was signed by the following members:

Messrs. CAREY of Waterville  
BURNS of Anson

—of the House.

Reports were read.

On motion of Mr. Tyndale of Kennebunkport the Majority "Ought to Pass" Report was accepted and the Resolve read once. Committee Amendment "A" (H-271) was read by the Clerk and adopted and the Resolve assigned for second reading tomorrow.

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Legalize Gambling" (H. P. 1388) (L. D. 1773)

Report was signed by the following members:

Mr. DANTON of York

Messrs. PERKINS of Blue Hill  
HUNTER of Benton  
SHUTE of Stockton Springs  
JOYCE of Portland  
BURNS of Anson  
COTE of Lewiston

—of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-272) on same Bill.

Report was signed by the following members:

Messrs. CORSON of Somerset  
CIANCHETTE of Somerset

Messrs. GOULD of Old Town  
FAUCHER of Solon  
CAREY of Waterville

—of the House.

Reports were read.

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

Mr. CAREY: Mr. Speaker and Members of the House: I move that the House accept the Minority "Ought to Pass" Report.

Thereupon, on motion of Mr. Strout of Corinth, tabled pending the motion of Mr. Carey of Waterville to accept the Minority "Ought to Pass" Report and specially assigned for Monday, May 12.

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-269) on Bill "An Act to Allow Nonprofit Volunteer and Educational Organizations to Operate Games of Chance Without a License from the Maine State Police" (H. P. 316) (L. D. 394)

Report was signed by the following members:

Messrs. CORSON of Somerset  
CIANCHETTE of Somerset  
DANTON of York

—of the Senate.

Messrs. GOULD of Old Town  
PERKINS of Blue Hill  
HUNTER of Benton  
SHUTE of Stockton Springs

FAUCHER of Solon  
COTE of Lewiston  
CAREY of Waterville

—of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-270) on same Bill.

Report as signed by the following members:

Messrs. BURNS of Anson  
JOYCE of Portland

—of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Solon, Mr. Faucher.

Mr. FAUCHER: Mr. Speaker and Members of the House: I move that we accept the Majority "Ought to Pass" Report.

Thereupon, on motion of Mr. Burns of Anson, tabled pending the motion of the gentleman from Solon, Mr. Faucher, to accept the Majority "Ought to Pass" Report and specially assigned for Monday, May 12.

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Restrict Armed Forces Preferences in State Employment to Veterans Who Were Not Career Officers or Career Enlisted Personnel and to Remove a Barrier to Affirmative Action Programs" (H. P. 1491) (L. D. 1739) ask leave to report: that the House recede from passage to be engrossed; adopt Senate Amendment "A" (S-74) as amended by Conference Committee Amendment "A" (H-273) submitted herewith and pass the bill to be engrossed as amended by Senate Amendment "A" as amended by Conference Committee Amendment "A" thereto; that the Senate recede from passage to be engrossed; recede from adoption of Senate Amendment "A"; adopt Conference Committee Amendment "A" (H-273) to Senate Amendment "A" (S-74); adopt Senate Amendment "A" as amended by Conference Committee Amendment "A" submitted herewith and pass the bill to be engrossed as amended by Senate Amendment "A" as amended by Conference Committee Amendment "A" thereto in concurrence.

(Signed)

Mr. QUINN of Gorham  
Mrs. SNOWE of Auburn  
Mr. COONEY of Sabattus

—of the House.

Messrs. COLLINS of Knox,  
CONLEY of Cumberland  
KATZ of Kennebec

—of the Senate.

The Report was read.

On motion of Mrs. Najarian of Portland, tabled pending acceptance of the Conference Committee Report and specially assigned for Monday, May 8.

On the disagreeing action of the legislature on Resolution Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature and to Change the Date of Convening of the Legislature, House Paper 1510, L. D. 1827, the Speaker appointed the following Conferees on the part of the House:

Messrs. COONEY of Sabattus  
GREENLAW of Stonington  
SUSI of Pittsfield

(Off Record Remarks)

On motion of Mr. Drigotas of Auburn, Adjourned until one o'clock tomorrow afternoon.