

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 3, 1980 to May 1, 1981

KJ PRINTING
AUGUSTA, MAINE

HOUSE

Monday, March 9, 1981
The House met according to adjournment and was called to order by the Speaker.

Prayer by the Reverend Daniel D. Arnold of the Congregational Church of Rockland.

The members stood at attention during the playing of the National Anthem by the Kennebunk High School Band.

The Journal of the previous session was read and approved.

Papers from the Senate

Bill "An Act to Clarify the Definition of Commercial Applicator in the Maine Pesticides Control Act of 1975" (S. P. 373) (L. D. 1115)

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

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

Later Today Assigned

Bill "An Act Concerning the Transfer of Funds from One Appropriation to Another Appropriation" (S. P. 370) (L. D. 1112)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs and ordered printed.

In the House, on motion of Mrs. Kany of Waterville, tabled pending reference in concurrence and later today assigned.

Bill "An Act to Repeal the Requirement for Reflective Material on Off-premise Signs" (S. P. 374) (L. D. 1116)

Bill "An Act to Exempt Certain Agricultural Signs from the Billboard Law" (S. P. 372) (L. D. 1114)

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

In the House referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Remove the Length Limit on Ice Fishing Catch" (S. P. 371) (L. D. 1113)

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

In the House, referred to the Committee on Fisheries and Wildlife in concurrence.

Bill "An Act to Amend the Personnel Law as it Relates to Certain Policy-making Positions" (S. P. 375) (L. D. 1117)

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

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

Reports of Committees**Leave to Withdraw**

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

Came from the Senate with the Report read and accepted.

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

Non-Concurrent Matter**Later Today Assigned**

Bill "An Act to Prohibit Voter Registration on Election Day with Certain Exceptions" (H. P. 35) (L. D. 40) on which the Majority "Ought Not to Pass" Report of the Committee on Election Laws was read and accepted in the House on March 2, 1981.

Came from the Senate with the Minority "Ought to Pass" Report of the Committee on Election Laws read and accepted and the Bill passed to be engrossed in non-concurrence.

In the House: On motion of Mrs. Mitchell of Vassalboro, tabled pending further consideration and later today assigned.

Petitions, Bills and Resolves**Requiring Reference**

The following Bills and Resolves were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Agriculture

Bill "An Act to Prohibit Certain Uses of Herbicide" (H. P. 972) (Presented by Representative Diamond of Windham)

Bill "An Act to Improve the Quality of Packing and Marketing Maine Potatoes" (H. P. 994) (Presented by Representative Mahany of Easton) (Cosponsors: Senators Carpenter of Aroostook and Emerson of Penobscot and Representative Martin of Eagle Lake) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act to Require Identification of an Individual Speaking in a Televised Paid Political Advertisement" (H. P. 973) (Presented by Representative Prescott of Hampden)

Bill "An Act to Amend the Campaign Reporting Law" (H. P. 974) (Presented by Representative Connors of Franklin)

(Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Establish Restrictive Covenants for Property Affected by Hazardous Waste" (H. P. 976) (Presented by Representative Kany of Waterville) (Cosponsors: Representatives Hall of Sangerville, Ketover of Portland and Huber of Falmouth)

Bill "An Act to Permit Open Burning of Brush and Demolition Debris" (H. P. 975) (Presented by Representative Hall of Sangerville) (Cosponsor: Representative Austin of Bingham, and Senators O'Leary of Oxford and Redmond of Somerset) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24)

Bill "An Act to Allow the Board of Environmental Protection to Authorize and Pay for Oil Spill Damage Studies" (H. P. 995) (Presented by Representative Post of Owl's Head) (Cosponsors: Representative Fowlie of Rockland and Senator Collins of Knox) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Equitably Adjust Fees for Dental Services Provided under the Maine Medical Assistance Program" (H. P. 977) (Presented by Representative Holloway of Edgecomb)

Bill "An Act to Amend Laws Relating to Ambulance Services and Personnel Licensing" (H. P. 978) (Presented by Representative Curtis of Waldoboro) (Cosponsor: Representative Diamond of Windham)

(Ordered Printed)

Sent up for concurrence.

Later Today Assigned

Bill "An Act to Preserve Intact Low Income Families by Allowing them to Participate in the Aid to Families with Dependent Children Program" (H. P. 979) (Presented by Representative Brodeur of Auburn) (Cosponsors: Representatives Reeves of Pittston and Lund of Augusta and Senator Hichens of York)

Committee on Health and Institutional Services was suggested.

Mr. Pearson of Old Town moved that the Bill be referred to the Committee on Appropriations and Financial Affairs.

On motion of Mr. Brodeur of Auburn, tabled pending the motion of Mr. Pearson of Old Town to refer to the Committee on Appropriations

and Financial Affairs and later today assigned.

Health and Institutional Services cont'd

Bill "An Act to Redefine Certain Long Term Care Facilities" (H. P. 980) (Presented by Representative Prescott of Hampden)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Encourage Decent Wages for Maine Workers Employed by Enterprises Obtaining Public Loans and Loan Guarantees" (H. P. 981) (Presented by Representative Baker of Portland)

Bill "An Act Concerning Injuries to In-plant Truck Operators under the Workers' Compensation Act" (H. P. 982) (Presented by Representative McHenry of Madawaska)

Bill "An Act to Provide Employees in Private Long-term Care Facilities and Service Agencies Wages and Fringe Benefits Equivalent to Wages and Fringe Benefits Paid in State Facilities" (H. P. 983) (Presented by Representative Hobbins of Saco)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act to Assure that Navigation Channels are Kept Free of Fishing Trap Lines" (H. P. 984) (Presented by Representative McCollier of Canton)

Bill "An Act to Increase the Department of Marine Resources License Fees" (H. P. 985) (Presented by Representative Rolde of York) (Submitted by the Department of Marine Resources pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Create the Office of Energy and the Public Advocate" (H. P. 993) (Presented by Representative Kany of Waterville) (Cosponsors: Senator Trafton of Androscoggin and Representatives Dexter of Kingfield and Weymouth of West Gardiner) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act Concerning Energy Conservation in Projects Funded by Housing Authority Loans" (H. P. 986) (Presented by Representative Huber of Falmouth)

RESOLVE, Authorizing and Directing the Bureau of Public Lands to Convey a Perpetual Easement and Right-of-way in a Certain Parcel of Land in Augusta to Mobil Pipe Line Company, Subject to Certain Conditions (H. P. 987) (Presented by Representative Lund of Augusta)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Exempt Farm Machinery except Tractors from the Personal Property Tax" (H. P. 988) (Presented by Representative Peterson of Caribou) (Cosponsor: Representative Sherburne of Dexter)

Bill "An Act to Authorize the Refunding or Crediting of Fuel Taxes Paid on Worthless Accounts" (H. P. 989) (Presented by Representative Post of Owl's Head)

Bill "An Act Concerning Sale Tax on Vehicles Purchased in Foreign Jurisdictions" (H. P. 990) (Presented by Representative Locke of Sebect)

Bill "An Act to Allow for the State's Collection of Aircraft Excise Taxes and to Reimburse these Funds" (H. P. 996) (Presented by Representative Pearson of Old Town) (Cosponsors: Senator Emerson of Penobscot and Representatives Ingraham of Houlton and Hickey of Augusta) (Submitted by the Department of

Transportation pursuant to Joint Rule 24)
(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act to Provide Reciprocal Fees and Charges for Trucks from Other States" (Emergency) (H. P. 991) (Presented by Representative Moholland of Princeton) (Cosponsors: Representative Carroll of Limerick, Senators Emerson of Penobscot and Usher of Cumberland)

Bill "An Act to Regulate the Use of Motor Vehicles on Ice-covered Bodies of Water" (H. P. 992) (Presented by Representative Damren of Belgrade) (By Request)
(Ordered Printed)
Sent up for concurrence.

Special Sentiment Calendar

In accordance with House Rule 56, the following items (Expressions of Legislative Sentiment)

Recognizing:

Roger Michaud, President of American Stabilis, who has been selected Maine's Small Business Person of 1981 by the Small Business Administration; (H. P. 971) by Representative Pouliot of Lewiston. (Cosponsor: Representative Telow of Lewiston)

There being no objections, these items were considered passed and sent up for concurrence.

House Reports of Committees Ought Not to Pass

Representative Gowen from the Committee on Education on Bill "An Act to Provide for State Coordination of Referendums Concerning School Construction Projects" (H. P. 652) (L. D. 822) reporting "Ought Not to Pass"

Representative Brown from the Committee on Education on Bill "An Act to Establish a Maine Energy Efficient School Year Schedule" (H. P. 680) (L. D. 794) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 22, and sent up for concurrence.

Leave to Withdraw

Representative Kany from the Committee on Public Utilities on Bill "An Act Relating to Bids for Public Utility Construction Projects" (H. P. 74) (L. D. 121) reporting "Leave to Withdraw"

Representative Cunningham from the Committee on Public Utilities on Bill "An Act to Prohibit Telephone Charges for Information or Directory Assistance Calls" (H. P. 147) (L. D. 173) reporting "Leave to Withdraw"

Representative Davies from the Committee on Public Utilities on Bill "An Act to Require the Public Utilities Commission to Consider Issues of Operational Efficiency in Rate Cases" (H. P. 574) (L. D. 650) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Permit Blood Specimens to be Taken to Determine Blood-Alcohol Level Without the Defendant's Consent when the Defendant is Unconscious or Unable to Give Consent" (H. P. 274) (L. D. 306)

Report was signed by the following members:

Senators:
DEVOE of Penobscot
CONLEY of Cumberland
KERRY of York — of the Senate.

Representatives:
DRINKWATER of Belfast
REEVES of Newport

O'ROURKE of Camden
BENOIT of South Portland
HOBBINS of Saco
CARRIER of Westbrook
LIVESAY of Brunswick
SOULE of Westport
LUND of Augusta

— of the House.

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

Report was signed by the following member:
Representative:

JOYCE of Portland

— of the House.

Reports were read.

On motion of Mrs. Mitchell of Vassalboro, tabled pending acceptance of either Report and tomorrow assigned.

Divided Report

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Term of Office for State Legislators from Two Years to Four Years (H. P. 508) (L. D. 559)

Report was signed by the following members:

Senators:

AULT of Kennebec
GILL of Cumberland

— of the Senate.

Representatives:

DIAMOND of Bangor
WEBSTER of Farmington
BELL of Paris
KANY of Waterville
DILLENBACK of Cumberland
SMALL of Bath
LISNIK of Presque Isle
MASTERTON of Cape Elizabeth

— of the House.

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

Report was signed by the following members:

Senator:

VIOLETTE of Aroostook

— of the House.

Representatives:

McGOWAN of Pittsfield
PARADIS of Augusta

— of the House.

Reports were read.

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

Mrs. KANY: Mr. Speaker, I move that the Majority "Ought Not to Pass" Report be accepted.

The SPEAKER: The gentlewoman from Waterville, Mrs. Kany, moves that the Majority "Ought Not to Pass" Report be accepted.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I would hope that you would vote against the motion to accept the Majority "Ought Not to Pass" for the following reasons:

First of all, when the Constitution makers set up the Constitution, the legislature lasted about four weeks every two years, and there were long gaps between serving and the next election. Now we seem to be serving relatively continuous sessions. With the primaries, we have about two elections every two years, and elections cost a lot of money. It is figured that \$1,000 is spent on each election for the House and \$5,000 for the Senate, so it might be thought of as a cost saving.

Years ago, it made sense to believe that the Maine Legislature should be closely responsive to the voters in the simplest way, and that is by having frequent elections. But now, in the Twentieth Century, we have greater communication systems which assure citizens that their legislators will be accountable for their actions, even during a four-year term. We have

radio, television, we have mailings and phones, we have good roads and automobiles. We can be even more responsive to our constituents' needs. Why, through the miracle of the media tonight, the people of the state will know what we said here this morning and how we all voted.

The money saved by running for office as often as we do could be used to be more effective through constituent services.

You know, government is complicated. We need a greater degree of practical familiarity with the government proceedings. Those who are freshmen and those of us who were freshmen remember those horrendous days of running through the corridors trying to find what's happening, and it takes at least two years to find that out, and some of us who have been here longer often wonder now what is going on. So, it would be very important to the system, once we learn the rules, to have continuity.

One third of the House changes every two years. Some are no sooner beginning to be comfortable with the procedures when they must be off and running. How effective can we be when one third of our body is new every two years? With experience, we could develop continuity of purpose and policy. We need skill and experience, and a four-year term would help do that.

Thirty six states have this four-year policy for their Senate and four-year terms in their House.

The certainty of service security could offset the low pay we receive. Perhaps less elections might improve voter turnout. Maybe if you ring that doorbell too often, they may not come to the door. Haven't you heard the voters in your district say — what, are you up for reelection again?

I know two-year terms are a habit, and habit is not to be flung out the window, as Mark Twain once said, but coaxed down the stairs a step at a time.

I hope you will vote against the motion before you and believe that perhaps the idea of a four-year term would be less expensive for the government and perhaps better for government through the continuity of purpose and of policy. As reasonable people, let us coax that two-year habit down the stairs one at a time and a vote at a time. Join me in voting no on this motion.

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

Mr. KELLEHER: Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed. I request the yeas and nays and would like to speak very briefly to my motion.

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

The gentleman may proceed.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This item that is before us has been before other legislatures in the past, and if there is one thing that I think can ensure the safety, the peace of mind and the happiness of the people of this state, it is for us to stand for election every two years. We don't want to insulate ourselves here by attempting to guarantee ourselves a four-year term or an eight-year term; I think the accountability of government and the accountability to the people of this state is much better served if we run and stand for office every two years.

One reason I am speaking on this issue this morning is because I think a lot of people in the past lost touch, particularly at the national level, with the mood and the feeling of the people of this country. That is why there were so many people in the United States Senate that did not return to office, simply because they were out of touch with their constituents. In some ways, the whole nation would probably be better served if the Senate itself was running every two years or every four years, and it

would give the voter an opportunity to adjust its support to people when they are out of tune with them.

I think for the sake of the people of this state, for the opportunity not to have a real professional legislature but to have what we call a home representation because of the various job categories and thoughts that we have dealing with government, I think we would all be better served, but, more importantly, this body would be better served, and the other body as well, if we stand for election every two years and give our accounts to the voters, whom we appreciate and we try to serve.

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 desire for a roll call, a roll call was ordered.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I hope that we will not accept this motion to indefinitely postpone the bill. The point had been raised that this has been before the body before. Well, I say to remember that the issue of the women's right to vote has been before bodies for a good many years before that was finally passed, too, and tradition was always raised against that and it seems that tradition is being raised against this.

I don't want to repeat everything that the principal sponsor of the bill has said, but one thing I would mention is that I think it would require more commitment from the people who choose to run for office if they have to commit themselves to four years rather than two years.

The chief reason that I cosponsored this bill and, by the way, I had intended to be the principal sponsor of this bill if someone else had not wanted to sponsor it too, but the principal reason for this was something that came to me during the final session, the short session, of the biennium. I have seen this for three short sessions now, that with the election hanging over people at the end of this short session, it has appeared to me that there has been much more partisan politics in the handling of the legislation in the year that the election is hanging over us. I think that it would certainly serve the people better if this only happened every four years instead of every two years. That, aside from some of the other reasons that have already been mentioned, is the principal reason that I am cosponsoring this bill.

I hope we will defeat the motion to indefinitely postpone this bill and go on to accept the Minority "Ought to Pass" Report.

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

Mrs. KANY: Mr. Speaker and Members of the House: I hope that you do go along with the motion of Representative Kelleher, in favor of indefinite postponement. It really would be nice to go along with passage of this bill in that it would be easier for all of us, and it is tempting, really tempting, to do it just for that reason, but as Representative Kelleher pointed out, it is kind of an anti-populist bill in that it is a move away from ensuring that there will be that very close contact with the people when you have to go every two years and ask for their vote.

Also, something that comes to mind and which was raised by a number of the members of our committee is that a lot of people here in this body are working people, and it is very difficult for them to commit themselves or to commit their employers to more than a two-year period of time. I know that Representative Diamond was commenting on one of our

most outstanding legislators last time, Representative Peter Cloutier, and he certainly never could have served even one term if it would have had to have been a four-year commitment.

I hope you will go along with the indefinite postponement of this measure.

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

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: I rise to speak in favor of indefinite postponement. I think back to many, many years ago when Stephen Day took his musket and left the hills of Cornish, where George Carroll's farm business pastures his cows, and headed for Beddington and did not return. He fought against the broad arrow on the big pine trees of Maine, he fought against taxation without representation, and our forefathers, in their wisdom, set a two-year term for those who must lay the tax so that if the taxes were not balanced and handled properly, you could throw the rascals out after two years. We should not have four-year terms.

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

ROLL CALL

YEA—Aloupis, Armstrong, Austin, Beaulieu, Bell, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Bordeur, Brown, A.; Brown, D.; Brown, K. L.; Cahill, Carrier, Carroll, Carter, Chonko, Clark, Conary, Connors, Connolly, Crowley, Cunningham, Curtis, Damren, Davis, Day, Diamond, G. W.; Diamond, J. N.; Dillenback, Drinkwater, Erwin, Foster, Fowlie, Gavett, Gillis, Gowen, Gwadosky, Hanson, Hayden, Hickey, Higgins, Higgins, L. M.; Holloway, Huber, Hunter, Ingraham, Jackson, Jacques, Jalbert, Jordan, Joyce, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, Laverriere, Leighton, Lewis, Lisnik, Livesay, Lund, MacBride, MacEachern, Mahany, Martin, A.; Martin, H. C.; Masterman, Masterton, Matthews, McKean, McPherson, McSweeney, Michael, Michaud, Mitchell, E. H.; Mitchell, J.; Murphy, Nadeau, Nelson, A.; Paradis, E.; Pearson, Perkins, Perry, Post, Pouliot, Prescott, Randall, Reeves, J.; Reeves, P.; Richard, Ridley, Rolde, Sherburne, Small, Smith, C. B.; Smith, C. W.; Soulas, Stevenson, Stover, Studley, Swazey, Tarbell, Telow, Theriault, Treadwell, Tuttle, Twitchell, Vose, Walker, Webster, Wentworth, Weymouth.

NAY—Baker, Benoit, Callahan, Cox, Davies, Dexter, Fitzgerald, Hall, Hutchings, LaPlante, Locke, Macomber, Manning, McColister, McGowan, McHenry, Nelson, M.; Norton, Paradis, P.; Paul, Racine, Roberts, Soule, Thompson.

ABSENT—Dudley, Hobbins, Kane, Moholland, O'Rourke, Peterson, Salsbury, Strout.

Yes, 118; No, 24; Absent, 8.

The SPEAKER: One hundred eighteen having voted in the affirmative and twenty four in the negative, with eight being absent, the motion does prevail.

Sent up for concurrence.

Consent Calendar

First Day

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

(H. P. 478) (L. D. 527) Bill "An Act to Make Corrections in the Topsham Sewer District Charter"—Committee on Public Utilities reporting "Ought to Pass"

(H. P. 355) (L. D. 403) Bill "An Act to Amend the Employment Security Law Relating to Payment of Extended Benefits of Interstate Claimants"—Committee on Labor reporting "Ought to Pass"

(H. P. 269) (L. D. 328) Bill "An Act to Amend

the Law Relating to the Authorization for Degree-granting Authority for Higher Education Institutions"—Committee on Education reporting "Ought to Pass"

(S. P. 88) (L. D. 185) Bill "An Act Requiring the Reporting of Reyes Syndrome by Persons Examining or Treating the Disease"—Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-33)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 10, under the listing of Second Day.

Consent Calendar

Second Day

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

(H. P. 426) (L. D. 473) Bill "An Act Amending the Certification of Ionizing Radiation Equipment"

(S. P. 150) (L. D. 358) Bill "An Act to Clarify Certain Provisions of the Municipal Election Laws"

(S. P. 156) (L. D. 364) Bill "An Act Pertaining to Election Officials"

(H. P. 451) (L. D. 498) Bill "An Act to Permit the Use of Foam Plastic Insulation in Certain Facilities Without the Required Thermal Barrier" (C. "A" H-72)

(H. P. 248) (L. D. 289) Bill "An Act to Establish a Time Limit On Identifying Prior Refusal to Submit to a Chemical Test for Operating Under the Influence" (C. "A" H-73)

(H. P. 698) (L. D. 823) Bill "An Act to Repeal Certain Provisions Relating to Burial Expenses and Reimbursement Under Relief of Poor Veterans"

(H. P. 332) (L. D. 386) Bill "An Act to Consolidate Highway Safety Activities within the Department of Public Safety"

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

(H. P. 224) (L. D. 261) Bill "An Act to Establish a Maine Set-aside Program under the State Purchasing Law to Expand Work Opportunities for Multiple Handicapped Citizens" (C. "A" H-75)

On the objection of Mr. Higgins of Scarborough, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" H-75) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 481) (L. D. 528) RESOLVE, Authorizing the State to Convey Certain Land to the Town of Swan's Island for Park and Recreational Purposes (C. "A" H-74)

(H. P. 410) (L. D. 449) Bill "An Act to Increase the Fee for Serving Civil Process" (C. "A" H-76)

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

Passed to Be Enacted

An Act to Permit 10% Overweight Tolerance for Certain Material Transported on the Highways (S. P. 28) (L. D. 24) (C. "A" S-29)

An Act to Change the Requirements for Appointment to the Board of Commissioners of the Profession of Pharmacy (S. P. 140) (L. D. 379) (C. "A" S-30)

An Act to Amend the Professional Service Corporation Act (S. P. 164) (L. D. 418)

An Act to Amend the Law Relating to the Licensing of Privately-owned Business, Trade and Technical Schools (H. P. 165) (L. D. 220) (C. "A" H-61)

An Act Pertaining to Used Home Warranty and Service Contracts (H. P. 197) (L. D. 297) (C. "A" H-59)

An Act to Permit Reciprocal Licensing of Real Estate Brokers and Salesmen (H. P. 310) (L. D. 342) (C. "A" H-60)

An Act to Change the Motor Vehicle Laws to Allow Operators to Redistribute their Axle Weight Limits while Traversing Maine's Interstate Systems (H. P. 440) (L. D. 487)

An Act Concerning Use of Aircraft by Aircraft Dealers (H. P. 446) (L. D. 494) (C. "A" H-58)

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

Finally Passed

RESOLVE, Authorizing and Directing the Department of Transportation to Report on the Effect of the 1980 Census in Establishing Compact Areas (S. P. 192) (L. D. 493)

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

(Off Record Remarks)

On motion of Mr. McGowan of Pittsfield, Recessed until the sound of the gong.

After Recess 10:55 A. M.

The House was called to order by the Speaker.

Orders of the Day

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

An Act Relating to the Acquisition of Land and Building for Development of Fish Piers (Emergency) (H. P. 624) (L. D. 707)

Tabled—March 5 by Representative Mitchell of Vassalboro.

Pending—Passage to be Enacted.

The SPEAKER: The Chair recognizes the gentleman from Mars Hill, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I in no way want to jeopardize the fish pier, but I do have one question I would like to have answered, and I haven't been able to get an answer that satisfies me. Does this apply to the rest of the state's coastline? Secondly, is this the intent of the bond issue that the voters voted on last Fall?

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

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

Mr. BRENERMAN: Mr. Speaker and Members of the House: This bill was put in to clarify some ambiguous language in the present law where it says that "for the state or local governments to be able to acquire or to take by authority under eminent domain any property for a fish pier"; it could only take land. In some areas, the state has to take buildings and pilings; therefore, we had to clarify the language to allow the Department of Transportation to take not only land but also buildings and pilings.

Also, if such property is taken, the state has the authority to provide relocation benefits, and those benefits are first taken from the municipality in which the fish pier would be located. Secondly, if that is not enough money, then money would be taken from the bond issue which we passed which dealt with fish piers.

I hope that answers the gentleman's question. If he has a further question, I would be happy to answer it. I think he probably wants to know if this applies to anything else on the coast. As far as I know, it only applies to property which the state would be taking for the fish piers.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Brenerman's last statement, I guess, was the real answer to Representative Smith's question. The key question is, what is the scope of this particular bill? It doesn't only apply to the Portland fish pier, but it applies to every community in the state who is authorized under the fish pier bond issue, the referendum that was passed by the voters of Maine, to allow the state, as opposed to the local community, to be the authority that would be taking the land by eminent domain. So, if there is any question for other communities in which they too will be building fish piers, the answer is that this bill would give to the state authority to do the taking; whereas, in the enabling legislation of the bond referendum issue, it really wasn't envisioned that it would be the state doing the taking but the local communities. This really does turn around and give the state the authority for every community over every fish pier, only those fish piers under the bond issue.

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

127 having voted in the affirmative and 14 having voted in the negative, the Bill was passed to be enacted.

Signed by the Speaker and sent to the Senate.

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

SENATE DIVIDED REPORT—Majority (7) "Ought to Pass"—Minority (6) "Ought Not to Pass"—Committee on Energy and Natural Resources on Bill, "An Act to Reduce the Minimum Size for Exempt Lots Subdivided Under the Land Use Regulation Law" (S. P. 51) (L. D. 60)—In Senate, Majority "Ought to Pass" Report Read and Accepted and the Bill Passed to be Engrossed.

Tabled—March 6 by Representative Mitchell of Vassalboro.

Pending—Acceptance of either Report.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker and Members of the House: There is an amendment being prepared for this, and I would like to have someone table it for one day.

Thereupon, on motion of Mrs. Mitchell of Vassalboro, tabled pending acceptance of either Report and tomorrow assigned.

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

SENATE DIVIDED REPORT—Majority (7) "Ought to Pass"—Minority (6) "Ought Not to Pass"—Committee on Energy and Natural Resources on Bill, "An Act Concerning the Size of Exempt Lots under the Subdivision Laws" (S. P. 141) (L. D. 312)—In Senate, Majority "Ought to Pass" Report Read and Accepted and the Bill Passed to be Engrossed.

Tabled—March 6 by Representative Mitchell of Vassalboro.

Pending—Acceptance of Either Report.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: There also is an amendment being prepared for this L. D., and I would like to have someone table it for one day.

Thereupon, on motion of Mr. Diamond of Windham, tabled pending acceptance of either report and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act Concerning the Transfer of Funds from One Appropriation to Another Appropriation" (S. P. 370) (L. D. 1112) which was

tabled and later today assigned pending reference in concurrence.

Thereupon, the Bill was referred to the Committee on Appropriations and Financial Affairs in concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Prohibit Voter Registration on Election Day with Certain Exceptions" (H. P. 35) (L. D. 40) which was tabled and later today assigned pending further consideration.

In the House, Majority "Ought Not to Pass" Report accepted. In the Senate, Minority "Ought to Pass" Report accepted in non-concurrence.

Ms. Benoit of South Portland moved that the House adhere.

Mr. Murphy of Kennebunk moved that the House recede and concur.

The SPEAKER: The gentleman from Kennebunk, Mr. Murphy, moves that the House recede and concur.

The Chair recognizes the gentlewoman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I would like to remove this issue from the partisan arena for a moment, if I may, and look at it from a different perspective.

It is very unusual for this body to debate a bill which affects the fundamental process of a free, democratic society, that fundamental process being the right to vote, which I consider to be a very serious matter.

When we debated this issue in 1979, a former member of this body spoke in a most eloquent manner. I went to the Legislative Record and got a copy of his words, and I would like to read them to you.

"Now, there has been a long tradition, a long battle, between those who feel that some people are more equal than others, that some people should have the right to vote and that some people make intrinsically better voters than others. Some people feel that a person with a college education is a better voter because of the color of his skin; some people feel that a person is a better voter, some people feel that a person is a better voter because he owns a couple hundred acres of land and pays more taxes and therefore should have more of a say as to what goes on in the society. I reject these ideas; that is not the way a democracy works. The worker at the third shift at the Biddeford Textile Mills is as good a voter and understands the issues every bit as well as the PhD from Harvard. We can never forget our fundamental precept, and it is not our responsibility to erect artificial barriers to that very fundamental right to vote."

I enthusiastically concur with those remarks, and I further submit to you, ladies and gentlemen, that the right to vote is just that, it is a right afforded to all qualified citizens by the Constitution.

In the United States, we have a low percentage of voter participation. Any procedure that can improve the situation is a definite plus. We are a very transient society. Young people, poor people, working people, all move frequently, and some have difficulty in understanding our complex election laws. Others simply forget that they have not registered to vote until election day. It is certainly not our responsibility to set in place artificial barriers to that fundamental right to vote. And the fact remains that many citizens do register to vote on election day. The numbers speak for themselves. We have an obligation as elected officials to assure the people of Maine that they will continue to have access to the polls on election day.

The most valuable tool that the people have in a free society is the right to vote. The ballot is the voice of the people, and any convenience that can be afforded to the citizens of Maine to encourage more voter participation should be

applauded.

Someone said the other day that they regarded this as a matter of conscience, and I couldn't agree more. My conscience tells me that the citizens of Maine have the right to vote and we do not have the right to impede their right in an unfair manner. We are here to represent the citizens of Maine, and I encourage you to do just that.

I hope that you will vote no on the motion to recede and concur, and then we can vote on the motion to adhere.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: I, too, agree with the gentledady from South Portland that the right to vote is highly valued, but what we are talking about here today is how many times a citizen can vote and to protect the ballot box from contamination from those who should not be voting that day.

Those citizens who administer our election laws are telling us overwhelmingly that the present system of election day registration is in trouble. Our local communities have substantially increased their election day personnel and costs, but dual registrations for out-of-state voters cannot be checked that day, you know that. To say that you can is a smokescreen.

Think back to September and the fears that were expressed by several of the state's major political officials about potential election day registration fraud. In many of our communities, proof that would allow you to register on that day may have a different mailing address. Kennebunk Beach citizens, their addresses list as Kennebunkport. If they aren't recognized that day by someone there registering, they could very well lose their chance to vote.

At the hearing, an election official along the New Hampshire/Maine border stressed that many of his citizens, Maine citizens, pick up their mail in New Hampshire and their mailing address bears a New Hampshire label.

New referendums, emotion-laden referendums, are in the offing; voter fraud has to be caught before the fact and not after. This bill would discourage those who want to vote twice, three times, four times. Don't forget those citizens who are stacked up in the hall waiting to register and waiting to vote. I saw voters in Kennebunk of both parties give up in frustration and leave the polls without casting a vote.

We in this house who run for public office should have reassurances that neither opponent's supporters or our supporters have contaminated the ballot box. Reaffirm today the one person-one vote principle. Those of you in this House who won by 13, 27, 38 votes, and those former members defeated by like amounts should know, win or lose, that every vote is an honest vote. Every citizen who casts a vote on election day should be assured that that vote will be tallied with other honest votes.

The nuclear referendum has left many Maine voters with a real gut feeling that we can't give them that reassurance that the ballot box isn't contaminated. The local election officials from both parties and from both rural and urban communities are telling us that the fraud is there. Listen to them. Those democratic town and election officials are telling you that this proposal is non-partisan — listen to them.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I have heard this before time and again, but it is after the fact. Once people have voted in two places, you prove it to me. We hear it and we hear it, but we need proof; show us one, at least one person who has voted in two places. Then I might listen.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gen-

tlemen of the House: I constantly have a problem whenever I hear somebody trying to circumvent the bill as it is. What we are hearing today is a lot about people being dishonest, and I think that is a heck of a way to try to spoil a bill.

In my little towns, I have 13 of them, I wouldn't say that would happen but once in 5 years. I am never going to vote to have anyone not have the right to vote. That is wrong; that isn't what the Constitution allows us to do, and I hope the rest of you people do the same thing. What the heck are we here for? To allow them to throw smokescreens up in front of people so they can't vote? That is ridiculous.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Leighton.

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: Why is it we always have to think of things in simplistic terms of black and white? With respect to some of the comments from the good gentledady from South Portland, Ms. Benoit, I don't think it is sufficient to speak of democracy without speaking in terms of responsibility. I think the two go hand in hand, and I think it is the responsibility of a good citizen to find himself a way to get himself registered before the last minute rush.

Some years ago, I had some experience in public accounting, and one of the tenets of auditing is that it is immoral and borders on the illegal for any kind of an organization or institution to set up any kind of a system that doesn't provide internal control; in other words, a good system. In fact, it has been held morally and I think legally in some instances that a bank, for example, that sets up procedures that encourages or doesn't discourage their people from embezzling is at least to some degree at fault for that happening, and I think the same parallel follows here. The government has a responsibility to set up a voter registration system that resists the temptation to fraud. I don't think it is necessary for me to prove that fraud existed. I think it suffices for me to say that a system existed under which it could occur, and if that does occur, then we have been irresponsible as a legislature because, in fact, then, we have watered down the value of the vote that that responsible citizen had who came in responsibly at least a week or so before and registered.

I would urge you very strongly to support the motion to recede and concur.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I will be very brief. All my lifetime I came from a small town, and I represent all small towns. They have always been able to register on election day. In the good old days you often hear mentioned, the cities or towns over a certain population, maybe over a thousand, I don't remember what it was, or over 1500, they had to register so many days prior to election — I think that is all right. But do you realize, you people in this House, that these small towns, the only time you see the town clerk is on election day? She works at a job like everybody else and you would have to come after she has had her supper at night or sometime in the evening, and she doesn't like to have people prowling in the house, unless she has to, to register. This is very much of an inconvenience in these small towns.

It is a whole different situation when you get in a town where they have a town manager and this type of government, or have a full-time town clerk, this is a different situation. I would hate to see us go along and concur on this bill this morning. I think the least we could do is amend it to put it back where it used to be so that the towns under 1,000 population would have a chance to register on election day. The town clerk knows everybody there in that town by their first name and there is no worry in those small towns, but I can see where there

may be in some cities. The least we can do is not recede and concur but keep the bill alive so that some of us people, like the man from Sangerville and myself and probably many others, that live in these small towns, that is the only way we have, it is the only time we see the town clerk or registrar, election day, and they should be able to do it like they have since I can remember.

I might say that I am 62 years old and my name has been on the ballot since I was 20 years old and I know something about it, and I know that in these small towns that is the only time they register. I think for good government, people have to register before they vote. Just bear in mind that what fits the cities or fits one group of towns doesn't necessarily fit all over the area.

I would hope that we would keep the bill alive but that it could be amended to allow a different situation in different areas. What I am speaking about is mainly the small towns, that they would be able to do what they always have, not just in the last few years, but they always have. Only recently, within the last few years, we have allowed them to register in the cities on election day, that has only happened within the last few years, but forever and a day the little towns have registered on election day.

The SPEAKER: The Chair recognizes the gentlewoman from Woolwich, Mrs. Cahill.

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to take just a moment here to review with you the voter registration process as it occurs in most of the smaller communities across Maine. When the person goes to register to vote on a day other than election day, the registrar, after having been totally satisfied that this person is indeed a resident of the town in which he wishes to vote in, adds that name to the list. Then the registrar notifies the town where this voter was previously registered by mail, and in turn that person is removed from the voting list. Now I ask you, how can this process possibly be implemented on election day?

I guess I have been accused today of playing partisan politics concerning this issue. I guess I am guilty of at least the political game, but I refuse to submit to the partisan part of that.

As you all know, I did send a memo to the clerks and the registrars, and I included the names of the people who voted against this issue. I did, though, make no mention of party involvement. That wasn't my intent at all and it is definitely not my style. In fact, I have always said, let's look beyond the partisan rhetoric that seems to shroud this issue, let's instead look to the people back home, the people who elected us, the town clerks, the registrar of voters, the other municipal officers and all the people who have to work within this system. I guess every person in my constituency represents some kind of a special interest group, as these people do and as I have been accused of playing with the special interest groups, but these particular people have a severe problem to contend with, and they are asking us as legislators to help rectify this problem, and their message is certainly loud and clear for those of us who wish to listen.

I am asking you all to support the motion to recede and concur and further request a roll call.

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

Mr. DIAMOND: Mr. Speaker and Members of the House: It seems strange that in the heart of the town meeting season, the best example we have of public participation in government, we are talking about eliminating election day registration. As we found when we held the public hearing on this bill, the one and only valid argument given in favor of doing away with the practice is that registering new voters on election day or on the day of an election is a heavy task for the local clerks or registrars. I admit that those concerns are valid. I also

admit that I feel something should be done to address those concerns, but I cannot go along with those who say that this bill is the answer, it isn't.

The problems the town officials are facing are administrative problems. If the law is hindering the towns and cities in dealing with those administrative problems, then we should consider changing the sections of the law that are the hindrance. And, as Representative Benoit has told you earlier, we have several proposals we are considering in the Election Laws Committee that could make the job of clerks and registrars easier, but remember, the bill before us does not deal with the needed administrative changes. Instead, it deals with placing restraints on a person's ability to register to vote.

If we pass this bill, we would clearly be doing so for one reason — because of the complaints which are not coming from the public. The public is obviously most receptive to election day registration, and the numbers bear that out. No, the complaints are coming from those men and women who get paid with taxpayer money to accommodate the public. Are we going to place restrictions on our most basic and fundamental right simply because one day a year it proves bothersome to the public officials who are charged with and paid for implementing that right?

Before you vote, please consider this. Are the people here to serve government or is government here to serve the people? That is the matter at hand. If this law passes, we will, in effect, be telling the public this, that we have more concern for our friends in government than we do for the voters' basic rights. That is the bottom line. Please remember this when you vote this morning, and I urge you to vote against the motion.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Hanson.

Mr. HANSON: Mr. Speaker, Ladies and Gentlemen of the House: My good friend from Madawaska raised a question — to give him one valid possible case of fraud. I would like to state that at the committee hearing, the good gentlewoman, Mrs. Berube of Lewiston, brought to the committee's attention that they do have a case pending of a person voting in Lewiston and the town of Minot on the same day. They are now pursuing this case. Why can't they do it exactly after election day? The answer is very simple — the voting lists are sealed for three months before they can start checking. After three months, it is very difficult to check on people that register and vote on election day and then disappear from the area the following day or week.

There are other cases that could be cited of irregularities that have gone on but have not been brought before the courts due to time lapse, cost of money, and the lack of finding the warm body that has disappeared.

I think that at this time we heard from the good gentleman from Bangor just recently in his statements of a bill he is going to be presenting that is kind of germane to the fact. The fact of the thing today is, are we going to continue cleaning up our election laws, help our people keep the mud-slinging out of politics? Unfortunately, the one vote that could be effective, the one vote that could affect any election, remember, could be either victory or defeat of a candidate or a state of local referendum, the passage of a bill on this floor, of an attempted impeachment of a president of the United States, of a local town budget, it is unfortunate that we do have to make rules and regulations and laws for the few, but it is also unfortunate that the people who were honest, that had their convictions, whether they were for or against, see their local areas suffer because of rigged voting that has a tendency to go on from time to time.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: All of you that have been here before know me, and I am probably not what you would call a very partisan person, that is why I would never do very well in either one of those corners, with all due respect, and probably wouldn't do very well on the rostrum either. I hate to see this thing made into a party issue, and if you can bear with me a minute, I will explain why.

I remember by grandfather telling me that his father was told once that he shouldn't vote because he was an ignorant Frenchman and that his wife was part Indian so she shouldn't vote either. That bothers me. Mr. Murphy has made mention that the process of elections is being endangered by this thing. Well, I submit to you, as Mr. Carrier would say, that the whole election process is being disintegrated because people aren't going out to vote. Half the people in the country stay home and drink beer instead of going out to vote — that bothers me.

When I first started getting involved in politics in the City of Waterville, there was a gentleman who was 53 years old and had never voted or registered to vote, and every time I would meet him on the street, he would start complaining about something. I would say, Arthur, you never registered to vote and you have never voted. I can't help you, Arthur. For five years this man complained to me. One day I was coming back with some absentee ballots and met him on Main Street in Waterville. He started to complain about something. I said, Arthur, I don't want to hear it. You have never registered, you have never voted, you just don't care, why are you complaining to me? He got mad and said, what do I do? I said, you come with me. We went into the city clerk's office. That man registered to vote on election day. I took him to Pleasant Street School, Ward 6, brought him in there, he was instructed how to vote and he went in and voted. And I will tell you something, when he came out, that man was beaming because he became part of the process.

Who are we to deny that man that privilege and that right? Who are we? I will never forget that guy's face, and he has voted every election since. I don't care if it is a referendum, it is a city election or a state election. And as I told him, Arthur, I don't care if you vote for me or against me, just go vote. Had we not had this procedure possible that day, this man probably would still not be voting.

I ask you this — who are we to tell that man he can't vote because somebody does something illegal? We all know, you can pass all the laws you want, but a crook is a crook and you are not going to change him. So, I sure would hate to see us, in all our wisdom, and the process we were sent down here by is the process we are talking about today, take that privilege away from this man like Arthur, and I am sure you have all had people in your districts do the same thing. I don't feel I am in that position; after all, I owe the fact that I am here to guys like Arthur, so I hope you will vote against this motion to recede and concur and let's adhere. Don't make this issue partisan politics. We are going to do that enough as it is. To me, this is too important to all the people in this state to start playing games with it.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Richard.

Mr. RICHARD: Mr. Speaker and Members of the House: Each of us here assembled has taken an oath to defend, uphold our Constitution. It is incomprehensible to me that we could, at this time, be considering denying anyone who is a bona fide citizen the right to express his feelings and to exercise his right to ballot merely because he has chosen to register on election day.

Registering is a privilege; voting is a right. Should we not concentrate upon the right and be less concerned with the privilege or that a

few people might fraudulantly register?

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Kennebunk, Mr. Murphy, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Harrison, Mr. Leighton.

Mr. LEIGHTON: Mr. Speaker, I request permission to pair my vote with the gentleman from Bridgeton, Mr. Moholland. If he were here and voting, he would be voting nay; if I were voting, I would be voting yea.

The SPEAKER: The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, I request permission to pair my vote with the gentleman from Saco, Mr. Hobbins. If he were here, he would be voting in the negative; if I were voting, I would be voting in the affirmative.

The SPEAKER: The pending question is on the motion of the gentleman from Kennebunk, Mr. Murphy, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Armstrong, Austin, Bell, Berube, Bordeaux, Boyce, Brown, A.; Brown, D.; Brown, K. L.; Cahill, Callahan, Carrier, Chonko, Conary, Connors, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gillis, Gowen, Hanson, Higgins, L. M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, Martin, A.; Masterman, Matthews, McPherson, Murphy, Nelson, A.; Paradis, E.; Perkins, Randall, Sherburne, Small, Smith, C. W.; Stevenson, Stover, Studley, Tarbell, Telow, Treadwell, Walker, Wentworth, Weymouth.

NAY — Baker, Beaulieu, Benoit, Boisvert, Brannigan, Brennerman, Brodeur, Carroll, Carter, Clark, Connolly, Cox, Crowley, Davies, Diamond, G. W.; Diamond, J. N.; Dudley, Erwin, Fitzgerald, Fowlie, Gwadosky, Hall, Hayden, Hickey, Higgins, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Laverriere, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, H. C.; McCollister, McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E. H.; Mitchell, J.; Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Prescott, Racine, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C. B.; Soulas, Soule, Strout, Swazey, Theriault, Thompson, Tuttle, Twitchell, Vose, Webster, Mr. Speaker.

ABSENT — O'Rourke, Peterson, Salisbury.

PAIRED — Hobbins-Masterton; Leighton-Moholland.

Yes, 64; No, 80; Absent, 3; Paired, 4.

The SPEAKER: Sixty four having voted in the affirmative and eighty in the negative, with three being absent and four paired, the motion does not prevail.

Thereupon, on motion of Ms. Benoit of South Portland, the House voted to adhere.

The SPEAKER: The Chair recognizes the gentlewoman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, having voted on the prevailing side, I now move that we reconsider and I wish you all to vote against me.

Thereupon, Mr. Higgins of Scarborough 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 gentlewoman from South Portland, Ms. Benoit, that the House reconsider its action whereby it voted to adhere. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Armstrong, Austin, Bell, Berube, Bordeaux, Brown, A.; Brown, D.; Brown, K. L.; Cahill, Callahan, Carrier, Chonko, Conary, Connors, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gillis, Gowen, Hanson, Higgins, L. M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Leighton, Lewis, Livesay, Lund, MacBride, Martin, A.; Masterman, Masterton, Matthews, McPherson, Murphy, Nelson, A.; Paradis, E.; Perkins, Randall, Sherburne, Small, Smith, C. W.; Stevenson, Stover, Strout, Studley, Tarbell, Telow, Treadwell, Walker, Wentworth, Weymouth.

NAY — Baker, Beaulieu, Benoit, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Carroll, Carter, Clark, Connolly, Cox, Crowley, Davies, Diamond, G. W.; Diamond, J. N.; Dudley, Erwin, Fitzgerald, Fowlie, Gwadosky, Hall, Hayden, Hickey, Higgins, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, Lancaster, LaPlante, Laverriere, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, H. C.; McCollister, McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E. H.; Mitchell, J.; Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Prescott, Racine, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C. B.; Soulas, Soule, Swazey, Theriault, Thompson, Tuttle, Twichell, Vose, Webster, Mr. Speaker.

ABSENT — Hobbins, Moholland, O'Rourke, Peterson, Salsbury.

Yes, 65; No, 81; Absent, 5.

The SPEAKER: 65 having voted in the affirmative and 81 in the negative, with 5 being absent, the motion does not prevail.

The Chair laid before the House the following matter:

Bill "An Act to Preserve Intact Low Income Families by Allowing them to Participate in the Aid to Families with Dependent Children Program" (H. P. 979) which was tabled earlier in the day pending the motion of Mr. Pearson of Old Town that the Bill be referred to the Committee on Appropriations and Financial Affairs.

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

Mr. BRODEUR: Mr. Speaker and Members of the House: This bill is primarily a policy matter, and the policy has to do with whether the aid to families with dependent children program, which is over a \$100 million program, is carried out in a way which may give an incentive for a family to be separated. It seems to me that such a major policy ought to be addressed as a policy issue. The bill does have a fiscal impact, but the primary concern is whether families stay together. Hopefully, we can send this bill to the Health and Institutional Services Committee so they can adequately and creatively deal with the issue.

The issue may be addressed by either adding on funds or taking it within the present system. This bill has been before us before, has gone to the Appropriations Committee and has not even been reported to the floor with one positive vote. I would hope that the policy of whether our families stay together or not is discussed

thoroughly.

I would request a division.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: For the benefit of the people who are new here, I would like to go through, for just a second, the process of where a bill goes that costs money.

No matter what committee it goes to, except for Fisheries and Wildlife and Transportation, eventually it ends up in the other body and is placed on the Appropriations Table. At the very end of the session, and I mean at the very end of the session, all those bills that cost money are reviewed by the Committee on Appropriations and Financial Affairs as to how much they cost and how much money we have to spend on the various bills.

I am, as chairman of the Appropriations Committee, not one who has a reputation, I don't think, of being somebody who grabs bills. As a matter of fact, we have plenty of work to do. One of my big fears is, if Transportation comes under the general fund, we will be here months when you are not here. I am not looking for business.

This bill, however, could cost millions of dollars. This bill, as a matter of fact, could revamp the entire Human Services Department as far as its money allocations are concerned.

If we were to send this bill to Human Services now and put this bill on the table and consider it at the end of the year, we would be in a position at that time of having (1) to familiarize ourselves with this bill, and (2) of trying to revamp the entire allocation for the Department of Human Services at a time when we simply wouldn't be able to do it. If the bill makes sense, it makes more sense to me to put this bill before Appropriations early in the session so if it does make sense we can deal with it when we deal with the budget on the Department of Human Services and not at the last minute.

The sponsor of the bill, who just immediately preceded me, said this could be added on to the cost of the state's budget or could be incorporated within the Department of Human Services, either way. If the sponsor of the bill is truly interested in having it passed, I mean ultimately passed, then the committee that has got to readjust all of its figures really ought to hear the bill.

I want to just say again, I am not somebody who is trying to grab bills, but we are also not unintelligent on that committee, and that while this may deal somewhat with a policy matter, it deals primarily with a fiscal matter.

The SPEAKER: The Chair recognizes the gentleman from Canton, Mr. McCollister.

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: I have a question I would like to pose through the Chair. Does every bill with a fiscal note have to go to the Appropriations Committee?

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

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: The answer is that every bill that has a fiscal note that doesn't deal with Fisheries and Wildlife or Transportation has to go to the Committee on Appropriations and Financial Affairs and is dealt with in the very last weeks of the legislature.

Mr. Jalbert of Lewiston moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question, it must have the expressed desire of one third of the members present and voting. All those in favor of the Chair entertaining a motion for the previous question will vote yes; those opposed will

vote no.

A vote of the House was taken, and more than one third of the members present having voted for the previous question, the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member.

The Chair recognizes the gentleman from Auburn, Mr. Brodeur.

Mr. BRODEUR: Mr. Speaker, Ladies and Gentlemen of the House: I would hope you would vote against this motion to move the previous question.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I would hope also that you would vote against the motion. As Representative Jalbert rose to speak, I heard at least one microphone behind me go up and there was, I think, some confusion to the answer to the question that was asked by Representative McCollister, being responded to by Representative Pearson, so it seems to me there is more to be said on this issue.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Far be it for me to stop anyone from having their say. As a matter of fact, I want mine; that is what I originally got up to do anyway, so I will withdraw my motion. I assure you, you are going to hear from me before this little dilly is over.

The SPEAKER: The question before the House is, shall the main question be put now, having been entertained by this body, it may not be withdrawn.

The Chair recognizes the gentlewoman from Augusta, Ms. Lund.

Ms. LUND: Mr. Speaker, Ladies and Gentlemen of the House: As one of the cosponsors of this bill, I hope that you will send it to Health and Institutional Services

The SPEAKER: The Chair would advise the gentlewoman that she may not debate the question at this time, merely the question as to whether or not the question shall be put now?

Ms. LUND: I submit that the question should not be put now. I believe that the Appropriations Committee is not — that is the question — I am trying to define the role of Appropriations and Health and Institutional Services

The SPEAKER: The Chair would suggest that she debate the question as to whether or not the issue should be put to a vote at this time as to whether or not the debate should continue.

The only question before this House is, shall the debate continue as to where the bill shall go.

Ms. LUND: All right, I agree that the debate should cease if I can get up again when they vote on this issue.

The SPEAKER: The pending question before the House is, shall the main question be put now? Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

12 having voted in the affirmative and 112 in the negative, the main question was not ordered.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question to the gentleman from Auburn, Mr. Brodeur. If I understood him correctly, and if I didn't understand him correctly, I am sure he will correct me — did you say, Mr. Brodeur, that there could be some financial implications on this bill in your remarks? Just nod your head, if you would, please.

Okay, thank you.

Mr. Speaker, I would like to pose a question. Is there a fiscal note on this bill? Because the chief sponsor's comment was that there could

be a fiscal implication, and he just nodded to the fact that there very well could be — is there a fiscal note on the bill?

The SPEAKER: The Chair would answer in the negative. The Chair should also point out that a fiscal note is not required at this time.

Mr. KELLEHER: Mr. Speaker, I guess I really don't understand that. Would you mind elaborating on that, please?

The SPEAKER: The rules require that the fiscal note be placed on the bill as the bill comes out of committee, if it has not been placed prior to that time. Therefore, the Chair could not rule the bill out of order at this time even though it does not have a fiscal note.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Before I speak, I would like to pose a question to the Chair.

Is it a fact that when we get from you every two years, and probably will get them forever, I guess, from you — isn't it a fact that when you spell out the duties of the various committees, assign committees, isn't it a fact that the first is Agriculture then it's Appropriations and Financial Affairs, and the only thing that line says is, this committee shall take care of money matters, is that a fact?

The SPEAKER: The Chair would advise the gentleman from Lewiston and members of the House that he does not have that document in front of him but from memory it appears to be correct.

Mr. JALBERT: I won that round anyway. Mr. Speaker, I am one who is from young Brodeur, my colleague from Auburn's environment, and as I respect the gentleman from Harrison's ultra-conservative opinions, and I like the gentleman from Harrison, Mr. Leighton, I know exactly where he stands — if you want to find out what the situation is, ask him and he will say it in one answer — no, then you are in business, and the same goes for my young friend from Auburn, Mr. Brodeur. When you want to find out from him, ask him, he will tell you — yes. I am in the middle of that road. As far as I am concerned, in 228, and particularly when I move into 227 in executive session, I play no politics. If I do, it is because somebody raps at the door, and you can imagine who is rapping at the door then to call me out for a brief discussion. I have gotten to the point now where I don't even go out the door, I usually change my vote before I even answer it because I know the rap.

The fact of the matter is this, about two weeks ago, the young gentleman from Auburn was going to try to have the emergency act amended. He happened to be sitting next to me in Room 227, and I suggested to him, as one who has been on the committee a while, that I thought probably he would have much better success if he puts that bill out, it was at a time when cloture wasn't on, and if I am correct, he has drafted such a bill, which would have the amended the supplemental appropriation act. I showed him just what I thought I would do were I in his shoes, and he did that.

This bill here might have some implication of policy, but very, very little. I have seen a lot of bills go by here and I have talked to my chairman, the Representative from Old Town, Mr. Pearson, as a former chairman and I was director of the full Appropriations Committee, and I have let the bills go by just the same. This morning we have a chairman of another committee who let a bill go by to our committee with an understanding, which we will honor.

This bill here, in my opinion, is really a money bill. Every bill that does come in, to clarify the situation which I don't think is clear in the minds of some people, eventually, any bill — a bill does not have to have a fiscal note the minute it is introduced, but eventually, particularly around enactment time, any bill, every bill must have a fiscal note on it, regardless of what the money is. If that bill has one

cent of appropriation, one cent, it lands in the other body on the Appropriations Table, where this measure would land if it goes there.

If I had this bill, and I am directing myself to the gentleman from Auburn, Mr. Brodeur, and certainly to my dear friend from Augusta, Ms. Lund, if I had this bill, with the money situation the way it is, I would go right to 228. Don't go to the lieutenants, go where you should go, because why have a lingering process when you can get a quick one or a sure one in the proper direction?

This bill here belongs absolutely and positively in the Appropriations Room. At least 95 percent of this bill is a money bill, and even though this measure would go to the committee that Mr. Brodeur wants it to go to, and obviously Ms. Lund would like to have it go to, although I hope that possibly I have had some persuasive words to her, and as a friend of many moons, I would say this, 99-9/10 out of 100, we would call the Commissioner of Human Services before our committee because we would have to in order to come out with a budget. We could not come out with a budget if we did not do this, because this attacks the very heart of the Human Services Committee wherein it concerns itself with the AFDC program in total, not because I am going to try to dictate, not because I want to toss my weight around, because I don't have enough weight to toss around and I know I haven't got enough years to toss around, I am just simply suggesting to you in all honesty that this bill belongs, regardless of the good intentions of all those who have spoken, this bill belongs absolutely before the Appropriations Committee.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I have only been on the Appropriations Committee a couple of terms, but I learned a long time ago that if I was interested in a piece of legislation and it had money on it, I found it was more appropriate to send it to the Appropriations Committee, not because it is the alleged all-powerful committee of this House or the other body, simply because, in understanding the legislative process, the very people who might have the ultimate say on it, I always felt should hear the bill, simply because it gave me the benefit of speaking to the 10 people in those days, before I was on the committee, to refresh them or to try to give them all the information I could. I sincerely mean it.

I served on the Public Utilities Committee in this House for eight years. I have only been on the Appropriations Committee a couple of terms, but I will tell you that I was wise enough to understand that the fact is, if a committee was going to finally hear a bill, the most important thing for that bill in terms of its opportunities of getting a fair hearing, not that it wouldn't in Health and Institutional Services or Public Utilities or anywhere else, was to the bill go to the committee because it handles the finances of the state. As Russell Long said in the United States Senate when he referred to a tax bill, I just want to say as far as I am concerned, if it looks like a money bill and it sounds like a money bill, you can bet 99 percent of the time it is a money bill and it belongs in the Committee on Appropriations and I would hope that is why you would follow the good gentleman from Old Town's motion and send it there this morning.

The SPEAKER: The Chair recognizes the gentleman from Mars Hill, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I won't prolong this debate any longer, it has gone on long enough, but I would hope you would follow the advice of my good chairman, Mr. Pearson, and vote accordingly.

The SPEAKER: The Chair recognizes the gentlewoman from Augusta, Ms. Lund.

Ms. LUND: Mr. Speaker, Ladies and Gen-

tlemen of the House: I am always extremely happy to come to the legislature and to get a lesson in civics from my good friend from Lewiston, Mr. Jalbert. His advice is good, I respect it. It comes from many long years of living, what he is saying, and I believe in the long run he is probably right. However, just a few minutes ago, we passed on a bill which would allow the people of Maine to register to vote on election day, you have to allow those whom they sent to the legislature to work on a bill the way they see fit. That does not mean to send it immediately to the committee that has the ultimate control of the purse. It means to work on the policy issue which is included in the bill, which I think is important for me as a legislator representing my constituents to understand, before it goes and probably meets its demise.

I hope that you will vote to refer this to Health and Institutional Services.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I have been nervous sometimes during this debate that the impression I left when Mr. McCollister asked a question about whether all measures had to go before Appropriations that had a fiscal note that I might have left the wrong impression and I didn't want to do that. What I said was accurate, that all of them except the Fisheries and Wildlife and Transportation do go on the Appropriations Table and are finally decided at the end of the session, but I want to also point out to you the fact that we don't have a second hearing at that point, that all these measures are on the table and we pick up the various L. D.'s and we look at the cost of them and try to fit what we think we can fit into the amount of money that we have.

This particular item, I think, although I have not seen all the details of it because we have obviously not had a hearing and I am ignorant on all of this detail, I have been told may alter our AFDC and Human Services budget to such an extent that we would have to fit it into what we currently do and if we have to fit it into what we currently do, we would be unable to do that in the last week or two of this session. So, that is why I am saying I think it ought to go before Appropriations, so that if it does make sense, and I am sure the sponsor believes it does make sense, and if he can convince us that it makes sense, we will be able to fit it in. Otherwise, what is the sense?

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

Mr. BRODEUR: Mr. Speaker, Members of the House: The gentleman from Old Town, Mr. Pearson, inferred that this would have a major impact on the Human Services budget and particularly the AFDC program, that is true as far as the AFDC program does go. This is a \$100 million plus program. What I am trying to address is the fact that if we have a \$100 million plus program, not the bill but the program that is now in existence, that we ought to do it right, and the policy question is what we ought to address. When a parent comes to the AFDC program, his wife is dying and he has four kids, he has an \$8,000 or \$9,000 a year job, and because the AFDC program says that you have to be a single parent in order to qualify for AFDC, I don't think it is a minor impact on policy for that individual, I think that could have a devastating effect on that individual.

The gentleman from Bangor, Mr. Kelleher, said that the people who have the ultimate say on policy ought to hear this question. Well, the Appropriations Committee does discuss the Appropriations Table, but for those of you who don't know it is leadership that decides what on the Appropriation Table gets funded, not the Appropriations Committee.

The gentleman from Old Town says that we want to hear this so we can try to fit it into the present AFDC program. It is possible that we

could hear this bill and decide that the policy ought to be changed but because of the impact that it has on this year's budget and because of the time constraints, we could pass this so it goes into effect the next biennium, so they would have two years to discuss the financial implications.

I want to get at the policy of whether single-parent families or two-parent families are qualifying, should qualify for AFDC. I think to break up families just to qualify for that program is not a very wise policy. The Appropriations Committee has had this bill in the last two sessions and reported it unanimously "ought not to pass" and I would hope that we could address the policy questions.

The Health and Institutional Services Committee has been traditionally the committee that addresses the policy under which the Department of Human Services operates.

If I haven't requested a division, I would request one now.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I like my young friend from Auburn very much, but one of the remarks he made indicated to me that the only one way to do it is to take two and hit the left because it has some implications that didn't indicate too much to some of us, at least, you know, we don't like to pat ourselves on the back but neither do we like to be downgraded too much. It is not my idea, at least, to do so concerning any other committee.

I am looking here at the committees that we have, joint standing committees, and my good friends, Ms. Lund and Mrs. Reeves and Senator Hichens are not on the Health and Institutional Services but on more than one afternoon the gentleman from Auburn, Mr. Brodeur, who is on the Health and Institutional Services Committee, there is a room, Room 228, and he has sat there on several occasions and listened to anybody that he wanted to listen to. He can testify, he can even ask questions; he can't vote because we don't vote then, we vote next door, in 227.

This measure here is going to wind up eventually, I can assure you of one thing, it is going to wind up with the leadership participating, but I can assure you that it is very possible that the leadership also might consult with the leadership of our party and I have been part of leadership of Appropriations Committee and I can assure that the leadership of both parties have discussed with me the Appropriations Table.

This bill is, in great part, a money bill. I think we have dilly-dallied long enough on this thing and I think we ought to take this bill and put it where it belongs, and that is the Appropriations Table. If you want to do it otherwise, that is your vote.

Mr. Pearson of Old Town requested a roll call.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: This bill, or a very similar one, has been heard before this House on at least two occasions that I can remember, and it ended up with a deep six and that is what is going to become of this. We can talk all day and we can talk a few days from now all day, and it eventually is going to go to the same place it has in the past. I think someone would be wise if they move to indefinitely postpone it right now. I am not going to because some people don't understand it is just to save time, but that is what should be done with it.

The SPEAKER: The Chair recognizes the gentleman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: Probably there is not anything I dislike more than arguing over reference of a bill when we don't even have the bill in front of us in which we have two committee members, in this instance, who both happen to be of the

same party, arguing with each other. It seems to me that there ought to be some kind of compromise that can be worked out here. We certainly, in the Taxation Committee, are faced with a lot of bills that have fiscal notes and yet they don't all go to Appropriations; in fact, I do my best to make sure that none of them go to Appropriations, although they do sit on the Appropriations Table and that is when it is appropriate for the Appropriations Committee to make their decisions on which of those bills ought to be funded.

We have tried something in Taxation Committee with other committees that has worked out very well in the past. We have had policy issues that have to be decided and then tax issues which have to be passed to implement those policy decisions. We have referred them to one, I know that we have done it with the conservation matter, we referred it to the substantive committee first and it has then been referred to the Taxation to take care and deal with the tax issues. It seems to be that something like this could be worked out with this particular bill, and I hope that somebody would table it perhaps for one legislative day.

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

Mrs. MITCHELL: Mr. Speaker, I move that this item be tabled one legislative day.

Mr. Pearson of Old Town requested a division.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Vassalboro, Mrs. Mitchell, that this be tabled one legislative day. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

37 having voted in the affirmative and 97 in the negative, the motion did not prevail.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire one fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Old Town, Mr. Pearson, that this Bill be referred to the Committee on Appropriations and Financial Affairs and ordered printed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Armstrong, Austin, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brenerman, Brown, D.; Brown, K. L.; Callahan, Carrier, Carroll, Carter, Chonko, Clark, Conary, Conners, Cunningham, Curtis, Damren, Davis, Day, Dexter, Diamond, G. W.; Diamond, J. N.; Dillenback, Drinkwater, Dudley, Erwin, Foster, Fowlie, Gavett, Gillis, Gwadosky, Hanson, Hickey, Higgins, L. M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jalbert, Jordan, Joyce, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, LaPlante, Laverriere, Leighton, Lewis, Lisnik, MacEachern, Mahany, Martin, H. C.; Masterman, Matthews, McGowan, McKean, McPherson, McSweeney, Mitchell, E. H.; Murphy, Nelson, A.; Nelson, M.; Norton, Paradis, E.; Paradis, P.; Pearson, Perkins, Perry, Pouliot, Prescott, Racine, Randall, Reeves, J.; Richard, Ridley, Roberts, Sherburne, Small, Smith, C. W.; Soulas, Stevenson, Stover, Strout, Studley, Tarbell, Telow, Theriault, Thompson, Tuttle, Twitchell, Vose, Walker, Webster, Wentworth, Weymouth.

NAY — Baker, Beaulieu, Bell, Brannigan, Brodeur, Brown, A.; Cahill, Connolly, Cox, Crowley, Davies, Fitzgerald, Gowen, Hall, Hayden, Higgins, Kane, Livesay, Locke, Lund, MacBride, Macomber, Manning, Masterton, McCollister, McHenry, Michael, Michaud, Mitchell, J.; Nadeau, Paul, Post, Reeves, P.;

Rolde, Smith, C. B.; Soule, Swazey.

ABSENT — Hobbins, Huber, Kahy, Martin, A.; Moholland, O'Rourke, Peterson, Salsbury, Treadwell.

Yes, 104; No, 37; Absent, 9.

The SPEAKER: One hundred four having voted in the affirmative and thirty seven in the negative, with nine being absent, the motion does prevail.

Sent up for concurrence.

The following paper appearing on Supplement No. 1 was taken up out of order by unanimous consent:

Passed to Be Enacted Emergency Measure

An Act to Revise the Van Buren Light and Power District Charter (S. P. 20) (L. D. 18) (C. "A" S-32)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 136 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

(Off Record Remarks)

On motion of Mr. Brodeur, of Auburn,
Adjourned until ten o'clock tomorrow morning.