

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Monday, May 3, 1971

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

Prayer by Brigadier Alfred Davey of Augusta.

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

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that the Joint Standing Committee on Fisheries and Wildlife report out a Bill segregating, apportioning and expending for the next 2 fiscal years — July 1, 1971 to June 30, 1972 and July 1, 1972 to June 30, 1973 — all funds received by the Department of Inland Fisheries and Game under the Revised Statutes, Title 12, section 3061 (S. P. 563)

Came from the Senate read and passed.

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

From the Senate: The following Order:

ORDERED, the House concurring, that there is created a Joint Interim Committee to consist of 2 Senators to be appointed by the president of the Senate, 3 Representatives to be appointed by the Speaker of the House, the Chief Justice of the Supreme Judicial Court, a Justice of the Superior Court to be appointed by the Chief Justice, the Director of the Bureau of Public Improvements and the Legislative Finance Officer; the Committee to elect its own chairman; and be it further

ORDERED, that this Committee is directed to study the financial impact upon the State of Maine of Senate Paper 524, L. D. 1519, "An Act Relating to Payment of Expenses of Supreme Judicial Court and the Superior Court by the State"; and be it further

ORDERED, that the Committee shall report the results of its study and any findings it may make to a special session of the

105th Legislature or the 106th Legislature; and be it further

ORDERED, that the members of the Committee shall serve without compensation but shall be reimbursed for their actual expenses incurred in the performance of their duties under this Order; such sums to be paid out of the Legislative Account; and be it further

ORDERED, that the Committee shall have the authority to employ professional and clerical assistance within the limits of funds provided; and be it further

ORDERED, that there is allocated to the Committee from the Legislative Account the sum of \$3,000 to carry out the purposes of this Order. (S. P. 566)

Came from the Senate read and passed.

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

Bills from the Senate requiring reference were disposed of in concurrence.

Divided Report

Majority Report of the Committee on Judiciary to which was referred the initiative petitions relative to a bill entitled "An Act relating to the Form of Ballots of General Elections" (I. B. 2) have had the same under consideration and asks leave to report that 380 petitions were filed with the Secretary of State on February 20, 1971 at 1:00 p.m., that petitions are in the form required by Article IV, Part Third, Section 18 and Section 20 of the Constitution and that said petitions contain the valid signatures of 37,633 electors and the invalid signatures of 8,301 electors. Twenty-three petitions were found to be invalid and 357 petitions were found to be valid.

The majority of the Committee further reports that the petitions contain a sufficient number of signatures which are valid and that said bill is properly initiated before the Legislature under the provisions of Article IV, Part Third, Section 18 of the Constitution.

Report was signed by the following members:

Messrs. TANOUS of Penobscot

QUINN of Penobscot

— of the Senate.

Mr. LUND of Augusta
 Mrs. BAKER of Orrington
 Mrs. WHITE of Guilford
 Messrs. PAGE of Fryeburg
 HENLEY of Norway
 HEWES of Cape Elizabeth
 — of the House.

Minority Report of same Committee on same initiative petitions and bill reporting that of the petitions submitted, 119 containing 32,059 signatures consisting of two or more petitions bound together, only one petition among each respective group was signed and verified by a petitioner. We believe this renders invalid the other respective petitions in each respective group of the 119 which were not signed and verified by one of the petitioners. This would render invalid over 30,000 of the signatures submitted. Therefore, the minimum number of signatures required by Article IV, Part 3, Section 17 of the Constitution of Maine was not complied with.

Report was signed by the following members:

Mr. HARDING of Aroostook
 — of the Senate.
 Mrs. WHEELER of Portland
 Messrs. CARRIER of Westbrook
 KELLEY of Caribou
 ORESTIS of Lewiston
 — of the House.

Came from the Senate with the Majority Report accepted, the petitions ordered placed on file in the office of the Secretary of State, the Initiated Bill No. 2 referred to the Committee on Election Laws and ordered printed.

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Members of the House: This body of the Legislature is being asked to accept the Majority Report of the Judiciary Committee which states: "that 357 petitions filed under Article IV, Part Three, Section 18 and 20 are valid." The Minority Report seriously questions whether the petitions have fulfilled the constitutional requirements.

This matter, in my opinion, can be resolved in one of three ways:

1. This body can ask the Supreme Judicial Court for an advisory opinion.

2. The executive branch of government can ask the Supreme Judicial Court for an advisory opinion.

3. Interested parties can commence legal proceedings against the Secretary of State questioning the validity of the petitions themselves.

The Court held in its advisory opinion of April 5, 1971, relating to an Initiated Bill, that the Governor could not issue his proclamation until there had been "adjournment without day." There will be no proclamation therefore for several weeks since it appears we will be here until some later date. This is in no way a delaying action but is rather an attempt to ascertain now the validity of the petitions in question.

Therefore, what possible harm can come about by this body asking the Court for an advisory opinion? Why let our judgment be questioned at a later date when we are in a position to resolve the situation by our own action? We certainly can't take away the executive's constitutional prerogatives to ask for an advisory opinion on a matter which is before it and when this Legislature adjourns without day and before a proclamation is issued, the question on the validity of the petitions could then be asked.

The Supreme Judicial Court is sitting this week. The questions are to be formulated by the Attorney General's Office and will be ready tomorrow or the next day. This whole matter of the validity of the petitions could be settled by the end of this week. If the Court holds that the petitions have fulfilled the constitutional requirements, then I can assure you that the Democratic members of this body will do everything in their power to expedite this matter so that the people of Maine will have an opportunity to vote on whether they want to eliminate the big box or retain the same.

I do believe that we, as Legislators, have an obligation to determine that those who have initiated legislation have conformed with the Constitution. We stand in a position to make that determination and, regardless of party, let us

fulfill our legislative and constitutional obligations.

I hope that this will be tabled until the Attorney General's Office has completed its duties, which will be at the very latest Wednesday.

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

Mr. SUSI: Mr. Speaker, a question, sir? Is there a motion in relation to this item?

The SPEAKER: There is no motion relative to the acceptance of the Report.

Mr. SUSI: Mr. Speaker, I move that we accept the Majority Report, that the petitions be placed on file in the office of the Secretary of State, and that the Initiated Bill No. 2 be referred to the Committee on Election Laws in concurrence.

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

Mrs. WHEELER: Mr. Speaker, I move that this Report lie on the table for two legislative days.

The SPEAKER: The gentlewoman from Portland, Mrs. Wheeler, moves that this matter be tabled until Wednesday, May 5 pending the motion of the gentleman from Pittsfield, Mr. Susi.

Mr. Ross of Bath requested a division on the tabling motion.

Whereupon, Mr. Susi of Pittsfield requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote on the tabling motion 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 Portland, Mrs. Wheeler, that this matter be tabled and specially assigned for Wednesday, May 5, pending the motion of the gentleman from Pittsfield, Mr. Susi. All in favor of tabling will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bedard, Bernier, Boudreau, Bustin, Call, Carey, Carter, Clemente, Conley, Cooney, Cote, Cottrell, Curran, Dam, Dow, Doyle, Drigotas, Emery, E. M.; Farrington, F a u c h e r, Fecteau, Fraser, Genest, Goodwin, Hancock, Jutras, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lawry, Lessard, Lynch, M a h a n y, Manchester, Marsh, Martin, McCloskey, McKinnon, McTeague, Mills, O'Brien, O r e s t i s, Pontbriand, Rocheleau, Slane, Smith, D. M.; Theriault, Vincent, Webber, Wheeler, Whitson.

NAY — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Berube, Birt, B i t h e r, Bragdon, Brawn, Brown, Bunker, Churchill, Clark, Crosby, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Dyar, Emery, D. F.; Evans, Finemore, Gagnon, Good, Hall, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hodgdon, Immonen, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Lund, MacLeod, Maddox, Marsteller, McCormick, McNally, Millett, Mosher, Norris, Page, Parks, Payson, Porter, Pratt, Rand, Rollins, Ross, Scott, Shaw, Shute, Simpson, T. R.; Stillings, Susi, Trask, Tyndale, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Berry, P. P.; Binnette, Bourgoin, Carrier, Collins, Cyr, Donaghy, Dudley, Gauthier, Gill, Hanson, Hewes, Jalbert, Label, Littlefield, Lizotte, Lucas, Morrell, Murray, Santoro, Sheltra, Silverman, Simpson, L. E.; Smith, E. H.; Starbird, Tanguay.

Yes, 53; No, 71; Absent, 26.

The SPEAKER: Fifty-three having voted in the affirmative, seventy-one in the negative, and twenty-six being absent, the motion does not prevail.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: I would like to speak very briefly in support of the pending motion.

As you may be aware, both this initiative petition and the previous one, were referred to the Judiciary Committee for its study and report. Because of the magnitude of the problems in handling and checking

the petitions, as in the case of the previous initiative petition, your Judiciary Committee requested that the Secretary of State's office carry out the work of examining them for validity and counting the signatures.

This was done and both the majority and minority members of the Judiciary Committee had the opportunity to examine the petitions and did so last week in an evening session.

It would be foolish to suggest that the issue involved here is not a partisan one; obviously it is. And it would be foolish to suggest that the minority members of the committee and other minority members in this legislature are very much interested in seeing if some means can be determined to derail this initiative petition.

In going over the petitions, the minority members after great scrutiny and care came up with the fact that in some cases a verifying petitioner had verified a substantial number of petitions and they raised the question as to whether a petitioner who lives in one community could verify petitions with respect to other communities. The question was raised and I think answered with brief study, because this question has come up before.

I would like to call the attention of the House to questions and answers which were actually answered by our court in 1915. I am not reading the entire question; I am reading that portion of the question which is applicable to the issue here.

"Question: Certain petitions consisting of two or more sheets pasted together, others with two or more sheets pinned together, others with two or more sheets fastened together by eyelets. On the first sheet the forms mentioned in the Statement of Fact are properly filled out. On the other sheets said forms are blank. Shall the names on the sheets on which the forms are blank be counted? Answer: The fact that two or more sheets are pasted or fastened together affords some presumptive evidence that they were filed as one petition."

And the Justices go on to point out that the signatures which are further on on the forms when the

signatures refer to the foregoing signatures, those later signatures are not to be counted.

In going over the questions that have been answered previously by our court and comparing it with the questions which are raised by the minority members of the committee, it seems fairly evident that the questions now being raised are not new or novel, that they have been answered before, and that the answers are that the signature should be counted and these petitions are valid.

I would therefore suggest to you that there is no reason why we cannot act today and act with a clear conscience and go on to other business of the day.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Kelley.

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: I would urge the members of this House to vote against the Majority Report. The purpose of the Minority Report was to have certain serious legal questions concerning the validity of these signatures cleared up. To clear up these legal questions we felt that it was necessary to have the Maine Supreme Judicial Court decide on these legal questions before the Legislature acted.

Several members of my party including myself discussed this matter with the chairman of the Judiciary Committee and he agreed last week that this matter would be tabled in the other body in order that an order be prepared, as was pointed out by the Minority Leader, to be passed on to allow these legal questions to go directly to the law court for a decision. This of course was not the case in the Senate.

I would urge the members of this House not to let this petition go out prior to having these serious questions resolved. I fear — and we are not here to block the petition, but I fear that if it goes out it will go out with a cloud over it and it would be somewhat tainted, which would have the effect in some cases of not allowing it to pass.

So I urge you to do what is right and proper in this particular case. We only urge you to allow

the order to be prepared, let the law court decide, and it shouldn't take more than a week or ten days, and then let's act on it at that time.

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

Mr. LUND: Mr. Speaker, may I inquire of the gentleman from Caribou, Mr. Kelley, what questions these are which he suggests should now be passed?

The SPEAKER: The gentleman from Augusta, Mr. Lund, poses a question through the Chair to the gentleman from Caribou, Mr. Kelley, who may answer if he chooses; and the Chair recognizes that gentleman.

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: I think the key question that I saw was the concern that one petition was certified by the certifier as being valid, when attached to that particular petition would have been 15 or 20 or 30 other petitions. As I recall, one certifier certified close to 2,000 signatures, or maybe a little more than that, in the City of Westbrook. There is a 1927 law court case which had some laws saying that there is a possibility that those signatures on those petitions not certified to would be invalid.

Now there may be some law to the opposite of that, but we felt that there was a serious question here which, when properly answered, could then allow us to act decisively on this and let it go out to the people untainted and without any cloud over it. That was the main issue of law that I thought should be resolved.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: The item in question is one of my oldest and closest L. D. friends, concerning ballot reform. Republicans who support this idea show just another example of our willingness to make constructive changes in government reform. However, I have no intention of debating the merits of the bill to-

day, but I promise to do that at a later date.

This legislation, like the repeal of the income tax, was initiated by the people of our state. They were signed in sincerity by a sufficient number of Maine voters. We certainly do not have the power to abridge their rights by political shenanigans. As one member of this House often quotes, "You can't win by gimmicks."

I wholeheartedly support the Majority Report and I think we should have a hearing, let it be debated, and ultimately let the people decide.

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

Mr. ORESTIS: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the gentleman from Bath, Mr. Ross, that this issue should not be decided by gimmicks and political shenanigans. That is why I was sorely disappointed when contrary to the word of some members of the Judiciary Committee this item was not tabled and cooperation was not received in forwarding this to the Supreme Court of this state.

As I recall, on two previous occasions in this session questions were propounded on solemn occasions to the Supreme Court. On those two occasions we received answers, once in a period of a day and the other time in a period of three or four days. This is certainly not creating any obstacle or roadblock to placing questions in this initiative petition to referendum. A call for referendum will not be issued until this Legislature adjourns and even at that time the Governor of this state has the right under the Constitution to refer this to the court, to have such questions answered. Also the citizens of this state, who feel that these petitions may not be valid, have the right to bring a suit against the Secretary of State and against this Legislature to determine whether or not these petitions are valid and whether or not these questions should be answered.

These two routes would in fact be roadblocks. These two routes

would in fact be more difficult ways to put the questions to the court. Who is creating the roadblock? Those of us who wish this question put to the court now, unencumbered by time, unencumbered by expense to the citizens of the state, or those of us who wish to wait until this session is over and have the questions put to the court by the Governor, or wait until the suit is brought causing undue expense and waste of time to the Attorney General's office and to the court?

Of the three routes that have been outlined for bringing these questions to the court, the most simple and time-saving method is for this Legislature to refer on this solemn occasion these questions to the court. I do not question Mr. Lund's legal ability; however, I do believe that the court is the one that should answer the questions and not we members of the Legislature, whether we practice law or not.

To me the only political shenanigan that was pulled in this issue is that shenanigan pulled on the minority members of this committee when they were promised that they would have the time and opportunity to present this to the court, and the only obstacle and roadblock that is being presented to this Legislature is the obstacle and roadblock of blocking these questions now and forcing us to go to the Governor and forcing people to bring suit to get these questions before the court.

I ask the Legislature, as much as they can, to forget the partisan problem that has arisen regarding these questions and let the court answer them. If the court comes back in a week with the answers that Mr. Lund suggests they will, then the Democratic party will without delay vote the validity of these petitions and the Governor will without delay issue the proclamation for the election.

Please consider where the roadblock will lie as you make the vote on this Majority Report from the Judiciary Committee. Give us the very little time that we ask for and I am sure the Legislature will look better for it.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, Members of the House: I want to go on record as stating that as one member of the Judiciary Committee I thought that questions were going to be propounded to the Supreme Judicial Court in view of this solemn occasion, and there is, as I see it, a legal question. I personally go along with the Majority Report as indicated by the way I signed, but there was a question that has arisen and I would think that in the long run it would be in the best interest of all concerned if the questions were propounded to the Supreme Court.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Members of the House: The gentleman from Cape Elizabeth, Mr. Hewes has raised a valid point. It is a point which I made earlier, that perhaps there was reason for this item to be tabled. The gentleman from Augusta, Mr. Lund, has indicated that there is no constitutional question whatsoever about these petitions, sees absolutely no reason for a question to the court, and so I would simply ask whether or not an agreement has been made between the members of the Judiciary Committee representing the Minority party, and if the Majority party will allow the question to go to the court, and if this is the case what would be wrong in waiting until those questions are ready on Wednesday of this week; and I would pose the question to the gentleman from Augusta, Mr. Lund, or the gentleman from Cape Elizabeth, Mr. Hewes, or the gentleman from Pittsfield, Mr. Susi.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, is a tabling motion for any length of time in order at this time, two days or one day?

The SPEAKER: A tabling motion is in order at this time.

Whereupon, Mr. Hewes of Cape Elizabeth moved that the matter be tabled for one legislative day.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, moves that this matter be tabled until tomorrow pending the motion of the gentleman from Pittsfield, Mr. Susi that the House accept the Majority Report.

Mr. Susi of Pittsfield then requested a division.

The SPEAKER: A division has been requested. All in favor of tabling until tomorrow will vote yes; those opposed will vote no.

A vote of the House was taken 56 having voted in the affirmative and 68 having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think in view of the decision of the Majority party not to allow this particular item to be tabled, it is extremely obvious to me who ought to be responsible for delay. There is no question in my mind that there ought to be constitutional questions posed to the court at this point or at a future point about the initiative. There is no question in my mind that there are problems that ought to be resolved now in order to prevent any problems at a later date.

The question of whether or not petitions are stapled together is one that ought to be settled. And for those of us who were there in the Judiciary Committee it is interesting to note that some of those petitions contained as many as 2400 names. Whether or not this petition was circulated by one person in toto or whether or not it was signed by one individual, and then a number of petitions were added to the center of the petition is an interesting angle.

The gentleman from Bath, Mr. Ross, indicates that he has been in favor and has been willing to have his party and himself be in favor of governmental reform and ballot reform. It is interesting to note the reports that we have been reading in the newspaper where the so-called committee for ballot reform has received its money and it is interesting to note

how much money these people were paid when they did circulate those petitions.

I don't think any of you have forgotten the newspaper article of Robert Monks, indicating that he has a particular interest in the future of the Republican party and that he has a particular interest in this legislation. If it was done validly and it was done with the intent of getting the question to the voters then it ought to go to the voters; but if it was done for a purpose of deceiving the people of this state then we ought to determine the constitutionality now and not wait until doomsday, and then something will have to be done.

I know this sounds a little bit ridiculous, but I can't believe that any individual by herself can get 2488 signatures as was done by Barbara Foster of Westbrook, Maine. I do not believe that individuals can get together and get 1600 and 1800 names on one petition unless there is something that took place. If other people circulated the petitions and then they were fastened together, then there is something wrong with this. We ought to make sure that we are not in effect thwarting the will of the people.

It is interesting as you go through those lists—and perhaps it might be worth it for the future of the Republican party if I were to read the list of those people that circulated the petitions and the numbers of signatures on those petitions, so that it could be forever inscribed in the records of the state, but I don't want to waste that amount of money and time. It is really fun going through them because certain things come to light rather quickly. It is interesting that people that were circulating the petitions did not know that with the big box initiative was going the Ross comedy of doing away with our existing system and replacing it with the Massachusetts ballot.

It is interesting to note what amount of money was paid to these people who circulated the petitions and as one of them told me it amounted to \$15.00 a day. And it is interesting to note where

the money came from. I would hope that to prevent any problems that the questions of constitutionality ought to be answered. It is obvious to me, by the two tabling motions that have been defeated today, that this is not going to be done; and I hope that the gentleman from Cape Elizabeth, Mr. Hewes, realizes that the deal is off that was made by the members of his party.

Apparently that agreement had been reached in the Judiciary Committee by the chairman of that committee and by the House chairman of that committee as well; and now we find, lo and behold, that this is no longer the case. Indeed it is a sad day when an agreement that had been reached jointly by members of both political parties in a committee is now not going to be honored. And so for the record I am sorry to see that this occurred.

Mr. Speaker, when the vote is taken I request that it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I was hoping I wouldn't have to get up on this. I am no attorney, so I am not going to quote citations of findings by law courts. But I want to first state that as far as I know there were certainly no deals made by this Republican in Judiciary Committee. All of my knowledge of the findings of the committee is set forth in this report right here. It was our belief that when we found that according to the Secretary of State and Attorney General that the petitions contained 37,633 valid signatures of electors and 8,301 that they threw out because of possible doubt of their being valid, that we couldn't find any reason for withholding them.

We all realize, and it has been stated before, that it is a very sharp political subject. It was very much evidenced at the hearing by the Minority party big guns that were turned loose on it. Those same big guns, in answering questions before the committee, could

not put their finger on any single thing that they felt was wrong with the petitions. They insisted they wanted time to look them over. Finally there was time, they spent an entire evening checking them over. And now you have apparently two opinions.

It was still the majority opinion that the flimsy technicalities that the Minority party is trying to foist onto this Legislature were still not valid to the majority of our committee, and I hope they will not be considered valid to the majority of this Legislature. It seems to me so patently evident that the whole maneuver is a charade of holdup and delay. Sure, I know the Minority Floorleader insists that it will cause more delay. If it does cause more delay, it won't be because of us, because as far as I am concerned the committee has done its duty, the majority report is out, the people have signed thousands of more signatures than they needed, and they should be heard.

The petitions should allow a referendum, and there will be a second opportunity for these same people to decide whether they want to do away with the big box and accept a Massachusetts type of ballot or not. There certainly will be plenty of time for the same Minority party to do what it chooses in public relations between the time of notification and that referendum.

Now anything that we do or say here now, beyond accepting that Majority Report, is merely delay and wasting the taxpayers money.

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

Mr. ORESTIS: Mr. Speaker and Ladies and Gentlemen of the House: It was with pleasure that I heard the House chairman of Judiciary, Mr. Hewes of Cape Elizabeth, stand up and acknowledge that there may be some questions involved in this issue. It was with pleasure because I know now that some members of the Judiciary Committee who were parties to our conversation regarding having time to send this to the court are willing to live up to their word.

I am sure the whole committee was not involved in this deal, if this is what you want to call it. True, Mr. Henley was not party to this deal or party to this conversation. However, this conversation was held and this deal was made. We were promised the support of the chairman of the Judiciary Committee in obtaining the necessary time to formulate and present these questions to the court. I am glad that the House chairman of Judiciary has lived up to this promise. I am sorry that he cannot get enough members of his party to go along with him on such a small request.

It is small, because all we are asking is a few days. We are not asking for any inordinate amount of time nor any inordinate amount of effort by this body. All we are asking for is a few days. And it is a few days well spent, for later on the court will have to take the time to answer the questions by one route or another. While we are throwing the blame back and forth like a ping pong ball, it is evident to me that the blame rests on that party or members of that party which cause these questions to be presented to the court by the longest route.

I ask you once again to consider what is at stake here. Presenting these questions to the court will be done. Why don't we do it by the most expeditious route? Why don't we set aside politics? There are members of the Judiciary Committee who are firmly convinced that these questions are not valid. However, there are other members of the committee who have had as much experience with constitutional law, who are as firmly convinced otherwise. If we have come to the point where we cannot give other members of this body the courtesy of a few days time, then I am sorely ashamed.

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Susi, that the House accept the Majority Report in concurrence. The yeas and nays have 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

members 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 Pittsfield, Mr. Susi, that the House accept the Majority Report in concurrence. If you are in favor of accepting the Majority Report you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Berube, Birt, Bither, Bragdon, Brawn, Brown, Bunker, Churchill, Clark, Cooney, Crosby, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Dyar, Emery, D. F.; Evans, Finemore, Gagnon, Good, Hall, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Lund, MacLeod, Maddox, Marsteller, McCormick, McNally, Millett, Mosher, Norris, Page, Parks, Payson, Porter, Pratt, Rand, Rollins, Ross, Scott, Shaw Shute, Simpson, T. R.; Stillings, Susi, Trask, Tyndale, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

NAY — Albert, Bedard, Bernier, Boudreau, Bustin, Call, Carey, Carter, Clemente, Conley, Cote, Cottrell, Curran, Dam, Dow, Doyle, Drigotas, Emery, E. M.; Farrington, Faucher, Fecteau, Fraser, Genest, Goodwin, Hancock, Jutras, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lawry, Lizotte, Lynch, Mahany, Manchester, March, Martin, McCloskey, McKinnon, McTeague, Mills, Murray, O'Brien, Orestis, Pontbriand, Rocheleau, Slane, Smith, D. M.; Theriault, Vincent, Webber, Wheeler, Whitson.

ABSENT — Berry, P. P.; Binnette, Bourgoin, Carrier, Collins, Cyr, Donaghy, Dudley, Gauthier, Gill, Hanson, Jalbert, Label, Lesard, Littlefield, Lucas, Morrell, Santoro, Sheltra, Silverman, Simpson, L. E.; Smith, E. H.; Starbird, Tanguay.

Yes, 73; No, 53; Absent, 24.

The SPEAKER: Seventy-three having voted in the affirmative and fifty-three in the negative, with twenty-four being absent, the motion does prevail.

The petitions were ordered placed on file in the office of the Secretary of State and the Initiated Bill No. 2 referred to the Committee on Election Laws in concurrence. (Later Reconsidered)

Reports of Committees Leave to Withdraw Covered by Other Legislation

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Providing Funds for Operation of Kennebec Valley Vocational-Technical Institute" (S. P. 250) (L. D. 757) reporting Leave to Withdraw, as covered by other legislation.

Came from the Senate read and accepted.

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

Ought to Pass

Report of the Committee on Fisheries and Wildlife reporting "Ought to pass" on Bill "An Act relating to the Size Limit on Herring" (S. P. 540) (L. D. 1645)

Report of same Committee reporting same on Bill "An Act to Amend the Law on Sale or Packing of Herring" (S. P. 531) (L. D. 1581)

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed.

In the House, the Reports were read and accepted in concurrence, the Bills read twice and tomorrow assigned.

Divided Report Tabled and Assigned

Majority Report of the Committee on Education reporting "Ought not to pass" on Bill "An Act to Provide Transportation for Blind Adults Attending Educational Facilities" (S. P. 472) (L. D. 1493)

Report was signed by the following members:

Messrs. KATZ of Kennebec
CHICK of Kennebec
—of the Senate.

Messrs. WOODBURY of Gray
MILLETT of Dixmont
BITHER of Houlton
MURRAY of Bangor
LAWRY of Fairfield
HASKELL of Houlton
SIMPSON of Standish
—of the House.

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

Report was signed by the following members:

Mr. MINKOWSKY
of Androscoggin
—of the Senate

Messrs. TYNDALE
of Kennebunkport
LYNCH
of Livermore Falls
LUCAS of Portland
—of the House.

Came from the Senate with the Minority Report accepted and the Bill passed to be engrossed.

In the House: Reports were read.

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

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought not to pass" on Bill "An Act Regulating the Operation of Snowmobiles in Unorganized Territory During Deer Season" (S. P. 24) (L. D. 52)

Report was signed by the following members:

Messrs. ANDERSON of Hancock
HOFFSES of Knox
BERNARD
of Androscoggin
—of the Senate.

Messrs. MANCHESTER
of Mechanic Falls
BUNKER of Gouldsboro
CALL of Lewiston
BOURGOIN of Fort Kent
LEWIN of Augusta
PARKS of Presque Isle
PORTER of Lincoln
KELLEY of Southport
LEWIS of Bristol
—of the House.

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