

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume II

May 26, 1977 to July 25, 1977

Index

**Senate Confirmation Session
September 16, 1977**

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emption on property taxes. You know what happened to that industry? After the 10 years were up, the industry left. Who gained?

I submit to you that this is the proper approach. Give them the inducement where it will do the most good and you will have industry that will come to Maine and stay in Maine.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I have been listening to the debate with a great deal of interest because this has been a subject that I have heard discussed a number of times and I think the issue does have some validity.

I would like to perhaps pose a question to some member of the Taxation Committee. That is, did they receive any testimony or are they aware of any information as to whether or not any other states in this Union have a similar law and what effect it has upon attracting industry? I would further pose a question, somewhat of a question along the lines of what the gentleman from Winslow, Mr. Carter, just discussed, and that is, if we did have this type of inducement to attract industry to come to Maine, would it in fact perhaps allow for the possibility for them to maybe transfer the activities after the period of time has elapsed where they do not have to pay property taxes?

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

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

Mr. CAREY: Mr. Speaker, in answer to the gentleman from Stonington, Mr. Greenlaw, the State of Alabama was pointed out to us as being one of those states that participates. I missed that very last part of his second question, however, so I will be unable to answer that. Alabama was pointed out as one that does this, and I think in the Carolinas, somebody suggested the Carolinas as being another. The number 13 sticks in my mind as that number of states that do that. I think that was brought forth to us by one of the assessors there, that there are as many as 13 states that get involved in some type of this particular construction phase exemption.

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to respond to a point made earlier by Representative Carter. What the sentence reads is, "The exemption shall be proportioned to the building added." That is correct, but the sentence continues, "portions of the building added or renovated."

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: To answer the gentleman from Stonington's question, Mr. Greenlaw, on which states have this type of legislation, I just happen to have the list handy. The State of Alabama heads the list, Arkansas, Hawaii, Louisiana, Michigan, Mississippi, Ohio, South Dakota and Vermont.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: The pros and cons of this bill have been very well covered by previous speakers. However, there is one point which I would like to mention, and that is, a possible unintended side effect of such legislation. This side effect could be to encourage existing industry now occupying older buildings in our industrial towns to put up a new building and abandon the old building which they are now using. In some of our communities, there are already too many of such empty factories in ex-

istence. I would question the incentive value of such a credit. The intention is good and I am all for industrial expansion, but many of our industries would expand whether or not we have this credit.

I regard this bill as just a further erosion of our tax base at the local level and I hope you will support the majority ought not to pass position.

The SPEAKER: The Chair recognizes the gentlewoman from Newcastle, Mrs. Sewall.

Mrs. SEWALL: Mr. Speaker and Members of the House: I would like to pose a question through the Chair to Mr. Carter of Winslow. That is, of these states that do have the situation now, how many of them have a uniform property tax whereby if we give an exemption in one town, the rest of the state would pick up the loss from that exemption?

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that the Minority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Carter of Winslow requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that the Minority "Ought to Pass" Report be accepted. All those in favor of that motion will vote yes; those opposed will vote no.

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

Mr. BIRON: Mr. Speaker, I wish to pair my vote with the gentleman from Spencer of Standish. If he were here, he would be voting no and I would be voting yes.

ROLL CALL

YEA — Bagley, Boudreau, A.; Boudreau, P.; Brown, K.C.; Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Churchill, Connolly, Cox, Dow, Goodwin, K.; Hall, Hickey, Huber, Jacques, Kany, Lynch, MacEachern, Marshall, McBrearty, McMahon, Mills, Nadeau, Najarian, Pearson, Peterson, Prescott, Talbot, Theriault, Tierney, Truman.

NAY — Aloupis, Austin, Beaulieu, Bennett, Benoit, Berube, Birt, Blodgett, Brennerman, Brown, K.L.; Bunker, Burns, Carter, F.; Clark, Conners, Cunningham, Davies, Dexter, Diamond, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Garsoe, Gill, Goodwin, H.; Gould, Grav, Greenlaw, Henderson, Higgins, Hobbins, Howe, Hughes, Hunter, Hutchings, Immonen, Jackson, Jensen, Joyce, Kane, Kerry, Kilcovne, Laffin, Lewis, Lizotte, Locke, Lougee, Mackel, Mahany, Masterman, Masterton, McHenry, McKean, McPherson, Mitchell, Moody, Nelson, M.; Nelson, N.; Palmer, Peltier, Perkins, Plourde, Post, Quinn, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Tarbell, Teague, Torrey, Tozier, Trafton, Valentine, Whittemore, Wilfong, Wood.

ABSENT — Ault, Bachrach, Berry, Cote, Curran, Devoe, Dudley, Fowle, Gauthier, Gillis, Green, Jalbert, Kelleher, LaPlante, LeBlanc, Littlefield, Lunt, Martin, A.; Morton, Norris, Peakes, Tarr, Twitchell, Tyndale.

PAIRED — Biron, Spencer.

Yes, 35; No, 89; Absent, 24; Paired, 2.

The SPEAKER: Thirty-five having voted in the affirmative and eighty-nine in the negative,

with twenty-four being absent and two paired, the motion does not prevail.

Thereupon, the Majority "Ought Not to Pass" Report was accepted.

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

Mrs. POST: Mr. Speaker, having voted on the prevailing side, I move we reconsider our action whereby we accepted the Majority "Ought Not to Pass" Report and hope you vote against me.

The SPEAKER: The gentlewoman from Owl's Head, Mrs. Post, moves that we reconsider our action whereby the Majority "Ought Not to Pass" Report was accepted. All those in favor will say yes; those opposed will say no.

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

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "B" (H-418) on Bill "An Act Concerning Warrantless Arrests by a Law Officer" (H. P. 630) (L. D. 771)

Report was signed by the following members:

Messrs. COLLINS of Knox

CURTIS of Penobscot

— of the Senate.

Mr. TARBELL of Bangor

Mrs. BYERS of Newcastle

Messrs. HENDERSON of Bangor

SPENCER of Standish

NORRIS of Brewer

BENNETT of Caribou

HOBBINS of Saco

HUGHES of Auburn

DEVOE of Orono

GAUTHIER of Sanford

— of the House.

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

Report was signed by the following member:

Mr. MANGAN of Androscoggin

— of the Senate.

Reports were read.

On motion of Mr. Hughes of Auburn, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "B" was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-417) on Bill "An Act to Prohibit Smoking at Public Meetings" (H. P. 361) (L. D. 453)

Report was signed by the following members:

Mr. GREELEY of Waldo

Mrs. SNOWE of Androscoggin

— of the Senate.

Mr. FOWLIE of Rockland

Mrs. KANE of Augusta

Mrs. PRESCOTT of Hampden

Mrs. NELSON of Portland

Mr. GOODWIN of South Berwick

Mrs. TRAFTON of Auburn

Mrs. GILL of South Portland

Messrs. BRENNERMAN of Portland

TYNDALE of Kennebunkport

KERRY of Old Orchard Beach

— of the House.

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

Report was signed by the following member:

Mr. PRAY of Penobscot

— of the Senate.

Reports were read.

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

Mr. GOODWIN: Mr. Speaker, I move that we accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of this bill and all its accompanying papers.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I am having difficulty in locating Amendment H-417 and I wonder if someone on the committee would explain that amendment?

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

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I am sorry that I don't have the amendment right in front of me, but from my best recollection of this, we had planned to table this bill today because our committee was in a hearing but we have just finished. The bill, as it is reported out of committee with Committee Amendment "A", states very clear and simply that smoking will not be permitted in any public meetings as defined under the title whereby we set the rules and regulations for the Right-to-Know Law. What it basically says that any meetings that are open to the public on any governmental agencies, boards or body, that there will be no smoking, plain and simple.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: I have the amendment here, H-417, and the amendment says "no person shall smoke tobacco or any other substance in any form at any public proceedings as defined in Title 1, Section 402, Subsection, 2 which is held inside. Violations of this section shall be a civil violation for which a \$50 fine may be adjudged."

Sections 402 of Title 1 under public proceedings, and it is just a short section, I would like to read it so we can see what we are talking about here. "Public proceedings as used in this subsection shall mean the transaction of any functions affecting any or all citizens of the State of Maine and there are three subsections: (a) the Legislature of Maine and all of its committees and all subcommittees; (b) any board, commission of any state agency or authority and the board of trustees at the University of Maine, the board of trustees at Maine Maritime Academy and (c) any board, commission, agency or authority of any county, municipality, school district or any other political administrative subdivision of the State of Maine."

So, I take it from this that under the Right-to-Know Law, which this is taken from, that would mean if three members of a subcommittee held a meeting and there were only three members there and they were all smokers, they wouldn't be able to have a cigarette because they would be having a subcommittee and it would be transacting business for the State of Maine. Also, it means that if three selectmen had their selectmen's meeting and no one showed up at the meeting and they all three smoked, they couldn't have a cigarette while the meeting was going on, and that is a two or three hour meeting. I think this is quite a far-reaching piece of legislation.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: It is with fear and trepidation that I rise to support the motion of the gentleman from Lincoln, Mr. MacEachern,

fear and trepidation because I realize that I am taking the risk of being accused of a conflict of interest. Mr. Carey is not in his seat, he may come in a minute, and with Mr. McMahon sitting over there, I really hesitate to make a local control argument, but I almost think, I am not quite sure, maybe I can be persuaded that maybe a board of county commissioners should decide for themselves whether there should be a no smoking rule, maybe the selectmen could decide that at their meetings and maybe the school boards could decide that at their meetings and maybe just about any other group in the whole wide world could decide on their own too. I would advance the local control argument today and deny any conflict of interest whatsoever about this issue.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: We have had this bill in front of Legal Affairs several times and we have always come up with the same answer. It is already against the law to smoke in any meeting if those in charge of that meeting want to so post it. This is law now, so we would be stepping on local control if we say all of a sudden that the state is going to tell you what to do. If they want no smoking, they can so post it and there is a fine to be imposed.

I would request a roll call vote.

The SPEAKER: The Chair recognizes the gentleman from Kingfield, Mr. Dexter.

Mr. DEXTER: Mr. Speaker and Members of the House: What these previous gentlemen have just been telling you is that they have the right to pollute. It is just as simple as that. In other words, if your neighbor had an open cesspool and it overflowed upon your land, you shouldn't do anything about it, because any way you want to slice it, smoking is pollution. If a person could smoke and keep it just to himself, that would be fine, but I don't know of anybody that can accomplish that purpose. I haven't seen anyone to date.

Let's suppose your neighbor had a dog and he barked continually and you complained to the local authorities and the local authorities happened to be, let's say, related in some way or another and they didn't want to act, so you take matters into your hands. The dog house is right next to your fence so every night when the dog gets fed, you slip a little bit of arsenic into his dish. Pretty soon the dog tips over, all four feet in the air, so they investigate and find that you have doctored the food a little bit and you can be arrested, but, yet, a smoker can pollute my lungs and there is nothing I can do about it.

We have had some people here that have opposed a bill I put in here because of danger involved, the deer hunting bill. Some of those same people go right out behind the glass, tear the cellophane off a package of cigarettes — what does it say on that package of cigarettes? It says, danger, and you talk about inconsistency.

Let's talk about another little deal here. I have heard a lot about corporal punishment, some people, not all of course, but some people get up here and almost get hysterical, I don't want to strike my child, a terrible thing. Yet, some of those people will tell their children, don't smoke pot and they will blow cigarette smoke or cigar smoke into the face of that child. Sure, isn't that a form of child abuse? They blow enough smoke in that child's face to asphyxiate a billy goat 50 yards up wind.

Quite frankly, I didn't suppose I would have to debate an issue like this. If ever we have had a clear-cut bill put before us, this is it, so I really wasn't prepared to get onto my feet. But I have heard so much talk about this body being so compassionate to their fellow man, here is an opportunity, a golden opportunity. The Speaker has come down off the rostrum and told how

compassionate he is, and I know he is. So I am going to ask a favor of the Speaker of this House. I am going to ask that he allow these people that oppose this bill to bring their security blankets, Linus has his, and I am sure that he will grant me an audience. For other people, there is another solution, it came to me in the middle of the night. I realize that already I can hear the agony of withdrawal, cold turkey, I have heard it — the other solution is quite simple, most every household has one, it is non-polluting and it won't hurt the upper plate. Ladies and gentlemen, to those in need I offer my twins discarded pacifiers. That is all I will say, because I don't think this should be debated any further.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Kingfield, Mr. Dexter, said he wasn't ready for the debate today. I would certainly hate to see him when he was ready for debate.

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. 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 Lincoln, Mr. MacEachern, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

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

Mr. BIRON: Mr. Speaker, I would like to pair my vote with the gentleman from Standish, Mr. Spencer. If Mr. Spencer were here, he would be voting no and I would be voting yes.

ROLL CALL

YEA — Austin, Beaulieu, Bennett, Benoit, Birt, Boudreau, A.; Brown, K.L.; Brown, K.C.; Bunker, Burns, Bustin, Carey, Chonko, Connors, Connolly, Dow, Garsoe, Gould, Green, Hickey, Higgins, Huber, Hunter, Immonen, Jacques, Kilcoyne, Laffin, Lizotte, MacEachern, Mackel, Mahany, Masterton, Maxwell, McHenry, McKean, Mills, Nadeau, Najarian, Palmer, Peltier, Peterson, Raymond, Rideout, Shute, Smith, Sprowl, Stubbs, Talbot, Tarr, Teague, Tozier, Truman, Twitchell, Whittemore.

NAY — Alopis, Bachrach, Bagley, Berube, Blodgett, Boudreau, P.; Brennerman, Carrier, Carroll, Carter, F.; Churchill, Clark, Cox, Cunningham, Davies, Dexter, Diamond, Drinkwater, Durgin, Elias, Fenlason, Flanagan, Gill, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hobbins, Howe, Hughes, Hutchings, Jackson, Jensen, Joyce, Kane, Kany, Kerry, Littlefield, Locke, Lougee, Lynch, Marshall, Masterman, McBreaity, McMahon, McPherson, Mitchell, Moody, Morton, Nelson, M.; Nelson, N.; Peakes, Pearson, Perkins, Plourde, Post, Prescott, Quinn, Rollins, Sewall, Silsby, Stover, Strout, Tarbell, Theriault, Tierney, Torrey, Trafton, Valentine, Wilfong, Wood, Wyman.

ABSENT — Ault, Berry, Carter, D.; Cote, Curran, Devoe, Dudley, Dutremble, Fowle, Gauthier, Gillis, Jalbert, Kelleher, LaPlante, LeBlanc, Lunt, Martin, A.; Norris, Tyndale.

PAIRED — Biron, Spencer.

Yes, 54; No, 75; Absent, 19; Paired, 2.

The SPEAKER: Fifty-four having voted in the affirmative and seventy-five in the negative, with nineteen being absent and two paired, the motion does not prevail.

Whereupon, the Majority "Ought to Pass"

Report was accepted and the Bill read once.

Committee Amendment "A" (H-417) was read by the Clerk and adopted.

The Bill was assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Election Laws reporting "Ought Not to Pass" on Bill "An Act to Require Direct Mailing and Verification of Absentee Ballots and Concerning the Marking of Absentee Ballots" (H. P. 452) (L. D. 557)

Report was signed by the following members:

Messrs. DANTON of York
TROTZKY of Penobscot
—of the Senate.

Messrs. BUSTIN of Augusta
McMAHON of Kennebunk
Mrs. BOUDREAU of Portland
Messrs. BOUDREAU of Waterville
RAYMOND of Lewiston
TALBOT of Portland
Mrs. DURGIN of Kittery
Mrs. MITCHELL of Vassalboro

—of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-419) on same Bill.

Report was signed by the following members:

Mr. KATZ of Kennebec
—of the Senate.
Messrs. TRUMAN of Biddeford
BIRT of E. Millinocket
—of the House.

Reports were read.

On motion of Mrs. Boudreau of Portland, the Majority "Ought Not to Pass" Report was accepted.

Subsequently, on motion of Mrs. Berube of Lewiston, the House reconsidered its action whereby the Majority "Ought Not to Pass" Report was accepted.

Mrs. Berube of Lewiston requested a division.

The SPEAKER: The pending question before the House is the motion of the gentlewoman from Portland, Mrs. Boudreau, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mrs. Berube 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. 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 and voting having expressed a desire for a roll call, a roll call was ordered.

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill; it is a very simple bill. It does one thing; it eliminates the third party in soliciting absentee ballots. In other words, neither the candidates nor the campaign workers would be allowed to solicit absentee ballots in nursing homes, hospitals, private homes and this sort of thing.

I would like to reiterate what was said here a few days ago on another similar bill and that Maine is the only New England state left that uses the third party and one of the very few states left in the whole 50 states that still utilizes this process.

I think also contrary to what has been said, eliminating the third party will strengthen indeed the system of absentee ballot voting because it will assure fair play on the part of candidates and workers and it will guarantee to

the voters and that is so important, that the voter who is unable to go to the polls will be guaranteed the same rights of privacy as he would have behind the curtain of the voting booth.

I would like to say also that I think in any race, all the contestants should always start at the same starting line and I don't think that anyone should have an advantage over the others if they have, indeed, methods or ways of selecting absentee ballots, especially from captive audiences in some of the homes.

One reason advanced against the bill in the public hearing and I must say there were only two or three people who opposed this bill, were town clerks, two or three town clerks and the major reason was that it would be costly. In fact, one of them said, extremely costly. The city clerk from my municipality said it would cost about \$200 and if that were the case, I think that is very inexpensive to guarantee fair play in absentee ballots.

In the City of Lewiston, and someone questioned the \$200, well, I researched it a little bit and I found that in the primary of 1972, in my home town, there were 656 absentees passed and at 26 cents would be \$175.76 and in 1976, it had gone down to 576. I would like to mention the general election which is what everybody is interested in, I suppose. In 1972, the City of Lewiston, had 1709 absentees; in 1974 it dropped by half but I think that came as a result of newspaper headlines at the time but in 1976, we had 1,338 absentee ballots and if you multiply that by 26 cents that would be \$347.88. However, out of 1,338 absentees, 20 percent were mailed to students, which would leave about 1,071 and from that 1,071, it was mentioned in the public hearing that 25 percent of those voting by absentee method presently would go to vote in person so if we bring that down to 804 absentee ballots to be mailed, it would cost my municipality \$209.04.

I would like to quote from a city clerk who said, I believe I understand some of the possible abuses in absentee voting which you are trying to correct in a proposed bill to eliminate the handling of the ballot by third parties would be helpful in achieving this goal. While we may not be able to rectify all the inequities, at the same time, I think this is a step in the right direction.

I would ask that you vote against the "Ought not to Pass" Report and accept the Minority Report.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the comments of the gentlelady from Auburn, Mrs. Berube. I believe that this is a good bill. We did have a bill a short while ago that was somewhat more complicated and some of the objections that were voiced on that bill are not present in this bill.

This does remove the third party; the third party should be removed. I hope you will vote against the "Ought Not to Pass" and then we will accept the "Ought to Pass" Report.

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

Mrs. KANY: Mr. Speaker and Members of the House: I hope that you do support this bill presented by Representative Berube. I really believe that the people of Maine would definitely support this move away from having those officials present, and we went into detail before on just who those officials are, so I won't go through that again.

I would like to point out to you that unsworn falsification, that is on any official paper, the penalty for that is a Class D crime, which is the same as false swearing under oath, so no one could say that they are incapacitated without involving themselves, if that were a misstatement, in a Class D crime. So I don't think there

would be problems with that, and I think this is a very very positive reform move, and I certainly hope that you support Representative Berube's position.

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

Mr. TIERNEY: Mr. Speaker, I have a question to pose to any of the proponents of this particular piece of legislation. In reviewing it, I honestly do not know the answer, although perhaps it is clear. I had one of the officials of my local Democratic Town Committee have a heart attack the night before an election a couple of years ago and was in the hospital, which is about 20 miles from my town. The question is, how would that individual receive an absentee ballot in the hospital under this bill if it were to pass?

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

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

Mrs. KANY: Mr. Speaker, in this short bill before us, it appears to me that that ballot could be taken by almost anyone to that individual and nothing would prevent that. Basically, this bill just does away with oaths, the requirement of the oath.

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

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

Mrs. MITCHELL: Mrs. Speaker, I would pair my vote with Representative Spencer of Standish. If he were here, he would be voting no. If I were voting, I would be voting yes.

ROLL CALL

YEA — Bachrach, Bagley, Beaulieu, Bennett, Benoit, Biron, Blodgett, Boudreau, A.; Boudreau, P.; Brennerman, Brown, K.L.; Brown, K.C.; Bunker, Burns, Bustin, Carey, Carrier, Carter, D.; Clark, Connors, Cunningham, Davies, Dexter, Diamond, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Goodwin, H.; Gould, Green, Greenlaw, Hall, Higgins, Hobbins, Hunter, Hutchings, Jackson, Jensen, Joyce, Kerry, Kilcoyne, Lizotte, Locke, Lynch, MacEachern, Mahany, Marshall, Maxwell, McHenry, McMahon, McPherson, Mills, Nadeau, Najarian, Nelson, N.; Peakes, Pearson, Peltier, Perkins, Plourde, Prescott, Raymond, Rideout, Shute, Silsby, Sprowl, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Tozier, Twitchell, Valentine, Wood.

NAY — Aloupis, Austin, Berube, Birt, Carroll, Carter, F.; Chonko, Churchill, Connolly, Cox, Dow, Garsoe, Gill, Goodwin, K.; Gray, Henderson, Hickey, Howe, Huber, Hughes, Immonen, Jacques, Kane, Kany, Lewis, Littlefield, Lougee, Mackel, Masterman, Masterton, McBrearty, McKean, Moody, Morton, Nelson, M.; Palmer, Peterson, Quinn, Rollins, Sewall, Smith, Stover, Strout, Tarbell, Torrey, Trafton, Truman, Whittemore, Wilfong, Wyman.

ABSENT — Ault, Berry, Cote, Curran, Devoe, Dudley, Fowlie, Gauthier, Gillis, Jalbert, Kelleher, Laffin, LaPlante, LeBlanc, Lunt, Martin, A.; Norris, Post, Tyndale.

PAIRED — Mitchell, Spencer.

Yes, 79; No, 50; Absent, 19; Paired, 2.

The SPEAKER: Seventy-nine having voted in the affirmative and fifty in the negative, with nineteen being absent and two paired, the motion does prevail.

Sent up for concurrence.