

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth*

*Legislature*

OF THE

STATE OF MAINE

1973

KENNEBEC JOURNAL  
AUGUSTA, MAINE

the Influence of Intoxicating Liquor (S. P. 251) (L. D. 702)

An Act Clarifying Sprinkler System Requirements in Boarding Homes (S. P. 283) (L. D. 830)

An Act Authorizing the Department of Environmental Protection to Make Planning Grants to Municipalities for Solid Waste Disposal (H. P. 631) (L. D. 845)

An Act Relating to Use of Waters of Kezar Lake by Westways Maintenance Corporation (H. P. 715) (L. D. 921)

An Act Relating to Federally Funded Food Programs (S. P. 349) (L. D. 1016)

An Act Pertaining to Unlicensed Dogs (S. P. 345) (L. D. 1044) (S. "A" S-45)

An Act Relating to Size of Voting Places (H. P. 895) (L. D. 1182)

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

**Orders of the Day**

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

Bill "An Act Converting Great Pond Plantation into the Town of Great Pond" (H. P. 266) (L. D. 373)

Tabled — April 3, by Mr. Bunker of West Gouldsboro.

Pending — Passage to be enacted.

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

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

House Amendment "A" (H-164) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended and sent to the Senate.

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

House Order relative to House Rule 49-A.

Tabled — April 3, by Mr. Martin of Eagle Lake.

Pending — Passage.

Mr. Stillings of Berwick requested permission to withdraw his order, which was granted.

Mr. Stillings of Berwick presented the following Order and moved its passage:

ORDERED, that House Rule 49-A be amended to read as follows:

49-A. Any bill or resolve which bears a unanimous Ought to Pass or Ought to Pass as amended report by the committee to which it has been referred, upon notification to the House, shall, without further action, be placed by the Clerk upon the special consent calendar and remain there for two legislative days; it shall, at the termination of the said two days, be considered as passed to be engrossed. Upon objection of any member to the placement or retention of any bill or resolve on the consent calendar, such bill or resolve shall cease to be a consent calendar bill. If a bill or resolve is taken from the special consent calendar, the first order of business with respect to it shall be whether to accept the committee report. **No bill or resolve shall be placed on the consent calendar that involves a gain or loss of revenue.**

The Order was received out of order by unanimous consent and read.

On motion of Mr. Martin of Eagle Lake, tabled under the rules, pending passage and specially assigned for Monday, April 9.

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

Bill "An Act to Revise the Election Laws" (S. P. 493) (L. D. 1535)

Tabled — April 3, by Mr. Birt of East Millinocket.

Pending — Adoption of House Amendment "A" (H-156)

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

Mr. BIRT: Mr. Speaker and Members of the House: As I understand House Amendment "A", it will allow any mark to be put. Nothing on the reverse side of the ballots will disqualify it. If this were put into the law, it will

allow anybody to make any signature or identifying mark on the back side of the ballot. There have been many Supreme Court cases indicating that distinguishing marks of any kind would void a ballot. This would allow fraudulent balloting in many ways or opportunity to buy votes and this type of thing. It would identify how you did vote. I think it would be a very bad amendment to put into the law and I move its indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAWN: Mr. Speaker and Members of the House: This was my bill and my amendment and there is another bill coming after this. I did go to the Attorney General on this. I went to the Secretary of State on this bill and I went the limit. And the reason this is put in, the way the law now reads, if there is any identifying marks — I don't care if they are smudges or just the little back of a pencil mark on the back of that ballot — they could be thrown out.

I was down here at the last recount. It happened this was between two Democrats, not a Democrat and a Republican. There were ten votes between them. When it was over, there was just three votes between them because on the back of that, a young lady — and I saw her do it while I was inspecting ballots — she had an eraser on one end of the pencil on the other was the lead. She worked from ten o'clock one day to six o'clock the next morning. She was so tired, she couldn't turn the pencil over every time and just use the rubber. So she took the pencil lead and where it went underneath to pick it up, it made a little mark about an inch to an inch and a half long with her pencil. They were all the same. Those ballots were all thrown out. They were distinguishing marks.

I saw another ballot there that a person whittled off the lead of the pencil. He put his thumb in it and because he put his thumb in it and made the mark, they said that is an identifying mark.

I don't want anyone to have to look at the back of that ballot. And if you mark that ballot yourself — and I don't care if you draw Santa Claus on the back of it — you are not going to see that ballot again because you are not going to be one of the counters. So it has nothing to do with it. I don't want anyone to have to look at the back of that ballot at all.

Now this could have been between Republican and Democrat. This could have been a counter. It could have been a Republican that did not like the Democrat. You make a smudge on the back of it and they could kick them out. He could have been a Democrat and he didn't like the Republican and they could have done the same thing. So this is the reason I have entered this and I hope you don't go along with the indefinite postponement. I don't want anyone looking at the back of that ballot, I don't care what is on it.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I think the gentleman from Oakland does have a point. However, I don't think that the point is that broad. The way that this amendment is drawn up, it does allow someone to sign his name on the back of that ballot. It does allow distinguishing marks. It allows numbers. It allows everything. That I think would be a mistake.

I do think if the gentleman from Oakland would present another amendment which relates to the problem of the error in terms of a pencil mark or something like that in the process of counting, then I would see no objections to the amendment but I do agree with the gentleman from East Millinocket that this amendment is much, much too broad and I would suggest that we kill this one and then perhaps he would be willing to offer another amendment to take care of the problem.

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

Mr. SNOWE: Mr. Speaker and Members of the House: I don't believe this amendment is necessary. If you look on page 9 of the bill, Section 40B, it says distinguishing marks: "Only the signature or initials of the voter written on the ballot shall be deemed as a distinguishing mark." So this law will allow these pencil marks, on the ballot. They won't throw the ballot out.

The SPEAKER: The pending question is on the motion of the gentleman from East Millinocket, Mr. Birt, that House Amendment "A" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

110 having voted in the affirmative and 8 having voted in the negative, the motion did prevail.

Mr. Ross of Bath offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-162) was read by the Clerk.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Under section 9, paragraph 632, that is in the Omnibus Bill allowing persons to register on election day. However, there was a clerical oversight. This section in the bill applies to special elections only. We intended that this apply to all elections. Consequently, paragraph 631 refers to regular elections and this amendment just does that, it includes registering on election day at general and regular elections.

On motion of Mrs. Boudreau of Portland, tabled pending the adoption of House Amendment "B" and specially assigned for Monday, April 9.

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

Bill "An Act to Designate One Dollar of Income Tax Refunds to Political Parties" (H. P. 321) (L. D. 439)

Tabled — April 3, by Mr. Snowe of Auburn.

Pending — Acceptance of either Report.

On motion of Mr. Snowe of Auburn.

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

Mr. SNOWE: Mr. Speaker, I now move we accept the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Auburn, Mr. Snowe, moves that the House accept the Majority "Ought to pass" Report.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: This bill, L. D. 439 refers only to persons receiving refunds. There are 386,000 taxpayers and 200,000 receive refunds. The others would be exempt, or almost half would receive no refunds. However, I do support this today because I hope to amend it in second reading to add the words, "Persons receiving no refund may add one dollar to his tax liability." This would cost the state nothing, and should substantially increase the money received and you must remember that the whole idea, including my possible amendment, is strictly voluntary. So I hope you go along with the motion today.

Thereupon, the Majority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading the next legislative day.

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

Bill "An Act Extending Open Season on Bear" (H. P. 187) (L. D. 228)

Tabled — April 4, by Mr. Birt of East Millinocket.

Pending — Further consideration.

On motion of Mr. Parks of Presque Isle, the House voted to recede and concur and the Bill was recommitted to the Committee on Fisheries and Wildlife in concurrence.

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

Bill "An Act to Reform County Government" (H. P. 1385)