

MAINE STATE LEGISLATURE

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Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I am not really sure whether I support Mr. Shute's amendment or not, but I would point out to Mr. Henderson that I think he suffers from Bangoritis and that is that all three channels of television serve the area that we both live in are in Bangor and so is the newspaper, but what if you live in Danforth or a number of areas like that? It is very difficult — I think perhaps Mr. Henderson is just looking at it from a city's point of view.

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

Mr. FAUCHER: Mr. Speaker, Ladies and Gentlemen of the House: We had a study on this bill and we worked hard. The whole committee worked hard. We did the best we could with this and I don't see why we should study it. If there is anything wrong with it, maybe next time around we can correct it, but we tried to do a good job on it, that is about as much as we can do on it.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: In response to Mr. Henderson's question, the intent of the public notice would be to the same media which would normally be notified of the meeting in the first place, so I am sure that up in the Forks they are not going to call Channel 5 or Channel 13 and tell them about the meeting because it is not a normal procedure. They would, however, contact the local news representative, that is the intent.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I, too, share some concern with the thrust of this amendment and I would ask the members of this House, who have all so overwhelmingly supported citizen involvement and access to our public records, what is an emergency so great that it is impractical to notify the representatives of the local media so that the people might be aware when their funds are going to be expended?

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

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: To answer a couple of questions of the gentlelady from Freeport, Mrs. Clark, there might be an emergency that the telephone lines were out and it would be rather difficult to notify the media, that might be the emergency.

In reference to the remarks made by the gentleman from Bangor, Mr. Henderson, he seemed reluctant to allow this degree of latitude to municipal officials. I wonder if he doesn't feel that municipal officials have as much credibility as this legislature has. I feel that the elected officials in my area do and I think that they would comply with the law whenever possible to do that.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I want to give you an example why this is a good amendment. The town of Hampden has agreements with abutting towns that in case of fire we can call on them for support, they can call on us, and when that happens, you don't have to call a meeting or anything, but if the City of Old Town was burning down and they called Hampden, will you send some pumpers up, under this bill, we would have to go to the radio stations, the newspapers and what not, to get permission. I know what would happen. Our town manager would call just two people on that council because he knows that the other three are going to say the right thing anyway but two he would have to worry about and that pumper is going up and save Mike Pearson from being burned to death. This is all that I can see this amendment is trying to do.

At our council meetings, we have to beg the Bangor Daily News to send a correspondent down. They say, we do have a problem, there are 8 or 9 councils meetings the same night each month and we don't have that many people, so our people in town kick that we don't get the coverage but the paper is not able to supply it half the time. It is a good amendment.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: Let me just put it on the record that I am not in favor of burning Old Town down, but I would like to say that this does talk about local news media and I don't think there are any radio stations located in Hampden or any television stations located in Old Town and that if this does mean local news media, I would like to preserve that, those people should be notified by whatever means. I don't think it is an overwhelming burden. If the telephone lines were down, for instance, still the members of the board of selectmen or whatever would still have to be notified some way, and if it is by smoke signal, then the local correspondent of the daily blat can also be notified by smoke signal. It just seems that that would be possible and also I would clearly imagine that if it was absolutely physically impossible to communicate, that the liability on the part of the local officials would be extremely limited.

The only other comment is, yes, I have great confidence in local officials, as much as I do with ourselves, but if we were completely confident across the board, we would not need this law at all. It is for those cases where there might not be as much public access as we would like and this is attempting to assure that without the possibility of a loophole.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: You are all familiar with the territory that I come from. I think this is a good amendment. When we had that gale down through there recently with the poles down, lines gone, radios out and everything else, there was no way that we could reach any news media to tell them you had an emergency. The local town people simply had to turn to and form their own gangs and get out and do the work, and that is the way it was done.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I would ask the gentleman from Bangor, Mr. Henderson, is this the same piece of legislation that he just put before the Bangor Council, that there was so much discussion the other night about notifying the media when they held a meeting?

The SPEAKER: The gentleman from Brewer, Mr. Norris, has posed a question through the Chair to the gentleman from Bangor, Mr. Henderson, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. HENDERSON: Mr. Speaker, no.

The SPEAKER: The pending question before the House is the adoption of House Amendment "G". Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

79 having voted in the affirmative and 10 having voted in the negative, the motion did prevail. The Bill passed to be engrossed as amended by "A", "B", "E", "F" and "G" in non-concurrence and sent up for concurrence.

On request of Mr. Rolde of York by unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the

House recessed for lunch and also thirty minutes after the House adjourned for the day, all matters passed to be engrossed in concurrence and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider would be allowed.

(Off Record Remarks)

On motion of Mr. Rolde of York,
Recessed until two-thirty in the afternoon.

After Recess

2:30 P.M.

The House was called to order by the Speaker.

The Chair laid before the House the second item of Unfinished Business:

Bill, "An Act Relating to the Form of Ballots" (H. P. 2063) (L. D. 2233)

Tabled — (Till Later Today) March 30 by Mrs. Najarian of Portland.

Pending — Passage to be Engrossed.

Mr. Faucher of Solon offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1153) was read by the Clerk.

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of this amendment. This amendment is exactly what the minority report of the Election Laws Committee was on this particular L.D. This L.D. came out of committee 11 to 2 "ought to pass" without this amendment.

All we are trying to do with this bill is to make the voting process uniform, to have the box on the left hand side of all ballots, including the municipal and referendum ballots. The form of the ballot has been changed this time, the name of the candidate, the last name will appear first on the ballot. It will be in big bold letters so that it is going to be very easy to see. The space between the name is going to be bigger than it was the last time.

We felt that more people vote in a general and a primary election than they do in local elections; therefore, people are accustomed, in the last few years, of marking their ballots to the left. This was the reason that the majority of the committee voted to keep it that way in all elections. Therefore, I would hope that you would indefinitely postpone this amendment.

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

Mr. FAUCHER: Mr. Speaker, Ladies and Gentlemen of the House: I believe that my amendment is a good amendment. The purpose of my amendment is to make all ballots consistent by having the square on the right in all cases, for all candidates that are running for the state county, municipal officers and referendums.

When I first went to school, I was taught by the teachers to start reading from the left to the right, not right to the left, and I still believe in it. I don't see why this was ever changed. I believe it was two or three years ago when former Representative Whitzell from Gardiner was here and this bill, I don't know how it became a law, but it is, but I feel that at the last election people were saying what is the matter with you people in Augusta, why are you making us vote for you on the left and when we vote for referendum, municipal officers, we have to vote on the right. With my amendment, the cities and towns around the state, they have voting machines, if this becomes law with the other bill, they would have to get rid of the voting machines and buy new ones. This was testified to in our committee.

When we get questionnaires in the mail from different people and we got one on our desks

from the Speaker of the House today, the square is on the right, where it should be. It is like any other questionnaire that we get in the mail, and I believe that we should have this square on the right so the people that have been voting for 40 or 50 years can do the same again.

I can see where some people who are running for office just want people to read their names, they don't want them to read what party they belong to, but I am not ashamed of the party that I belong to and I would like to see the people read my name, where I am from and my party, so I would hope that you go along with my amendment.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: I have to oppose the indefinite postponement of this amendment. I took part in some of the recounts in last year's elections and quite a few of the ballots were spoiled because of that mark on the left and it got to the point where you had to use your own judgment or your opinion as to the intention of the voter, there were so many ballots spoiled. I don't believe that we should leave the results of an election to someone's intention.

The SPEAKER: The pending question before the House is on the motion of the gentlewoman from Portland, Mrs. Boudreau, that House Amendment "A" be indefinitely postponed. The Chair will order a vote. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Carter of Winslow requested a roll call.

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 York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I do have a question on this. The gentlelady from Portland, Mrs. Boudreau, said that the committee was concerned about the question of uniformity. As I understand the amendment, the amendment would uniformly have the box on the right-hand side. I do remember a discussion that we did have in this body concerning votes that had been disputed because many of the people were used to voting on the right-hand side and had gone over and voted on the right-hand side anyway, and I guess the Attorney General had ruled that they were valid but then there was some question as to whether they were valid or not. So, I do know that changing to the left did cause us a lot of confusion and problems.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I would hope today that we did not indefinitely postpone this amendment because when this change was first made, the Municipal Courts Association of the State of Maine opposed the change in the first place and it is still their position that they would like to have the box on the right-hand side.

I can appreciate their position because for years and years, as long back as I can remember and I brought a specimen ballot here today just in case anybody questioned it, the box has always been on the right and now to start talking about putting it on the left just to make it uniform, this is going to change a lot of the procedures in the towns as to their elections and the balloting. I can see no sense — the majority of the people anyway, I think, in this state and maybe in the country are right handed. It is a lot easier to see the name of the person run-

ing and make the mark on the right-hand side than it is to be right handed and try to make a mark on the left.

I think as the gentleman from Solon said, that maybe there is a time coming, because of the political climate or whatever you might want to call it, when certain people might be ashamed of their party they are running for and by putting your hand over the ballot to mark it, you wouldn't be able to see whether it was an R or a D or just what it was. I am sure that that does enter into the discussion somewhat.

But I would hope today that we would go along and put this back on the right-hand side, leave it there, as it has been in the past with the municipalities of the state, so that we can take out the confusion of changing these laws every time we come down and let the municipalities know that finally we are going to leave something alone and they can set up their mechanism to follow that pattern that we have set.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the gentlelady from Portland being a little slow in getting up on her feet because I would address a question to her and this will save her a trip.

Obviously, legislative intent is extremely important should there be court challenges to some of these questions. The City of Waterville has some 25 voting machines. We have an investment of well over \$100,000 in voting machines, the box is on the right-hand side of the ballot and I would hope that somewhere during this debate here or possibly when Mrs. Boudreau gets up to answer some other question or make a statement, that she would indicate, for the record, that the city, for instance, or those people who have that type of voting machine, would not be forced to get rid of those machines. They are not the type that are interchangeable, we cannot move the box over to the left hand side and that somehow or other the municipalities would be allowed to continue to use those machines. Does the bill refer to voting machines at all?

The SPEAKER: The gentleman from Waterville, Mr. Carey, has posed a question through the Chair to the gentlewoman from Portland, Mrs. Boudreau, who may answer if she so desires.

The Chair recognize that gentlewoman.

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: First, to address Mr. Carey's question, the present law says that for general elections and primary elections the ballot is now on the left. The areas that have voting machines are still voting on the right. This would in no way change that. This is not dealing with the section that has voting machines, this is dealing with paper ballots.

To answer Mr. Dam's question concerning city and town clerks, I think the Election Laws Committee probably sees the cities and town clerks more often than any other committee in this legislature. In fact, they live with us practically. They have no objection to this uniformity.

To answer Mr. Rolde's remarks, there were a lot of problems in the last election and it was due to the form of the ballot, it was a very poor ballot. The names were squeezed in together, they were not distinctive, the box was not clear. We have changed the form of the ballot so that it will be much easier for everyone. I am not ashamed of my party, I am proud of it and I usually vote with it, too.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will go along with Mrs. Boudreau here on this measure. If there was confusion in the last election

in changing from the right to the left, why should we add it now by changing it from the left back to the right? The major argument for the decision to leave it on the left is that the box is right next to the last name of the candidate, which is in capital letters, and the worst thing that we could do is to put this bill in non-concurrence, because if we have it on the right and the Senate puts it on the left, there will be a Committee of Conference and it will end up in the middle, so why don't we just indefinitely postpone this bill?

The SPEAKER: The Chair recognizes the gentlewoman from Kittery, Mrs. Durgin.

Mrs. DURGIN: Mr. Speaker, Ladies and Gentlemen of the House: I do believe that there is one point that hasn't been brought up, that is, by having the box on the left, it is a big help to anybody who has poor eyesight. The box is right there next to the last name, it is very easy to discern, rather than to go across and find the box on the right and many ballots have been spoiled by getting the box down below. I urge you to vote for this.

The SPEAKER: The pending question before the House is on the motion of the gentlewoman from Portland, Mrs. Boudreau, to indefinitely postpone House Amendment "A". A roll call having been ordered. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEAS: Albert, Bagley, Bennett, Berry, G.W.; Berry, P.P.; Berube, Birt, Boudreau, Bustin, Byers, Call, Carroll, Chonko, Churchill, Clark, Conners, Cooney, Cote, Cox, Curran, P.; Davies, DeVane, Doak, Drigotas, Durgin, Dyer, Farnham, Finemore, Flanagan, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hendersson, Hewes, Higgins, Hinds, Hobbins, Hughes, Hunter, Immonen, Ingegneri, Jackson, Jalbert, Joyce, Kauffman, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, R.; Maxwell, McBrearty, McKernan, Mills, Miskavage, Mitchell, Morin, Morton, Mulken, Norris, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Rollins, Saunders, Shute, Smith, Snow, Snowe, Spencer, Sprowl, Stubbs, Susi, Talbot, Tarr, Teague, Tierney, Torrey, Truman, Twitchell, Usher, Wagner, Walker, Wilfong.

NAYS: Bachrach, Blodgett, Burns, Carey, Carter, Curran, R.; Curtis, Dam, Dow, Faucher, Fenlason, Fraser, Jensen, Kany, Lovell, Martin, A.; Nadeau, Pearson, Raymond, Rideout, Rolde, Silverman, Strout, Theriault, Tozier, Tyndale, Webber, Winship.

ABSENT: Ault, Bove, Carpenter, Connolly, Dudley, Farley, Hall, Hennessey, Hutchings, LeBlanc, McMahon, Najarian, Palmer.

Yes, 109; No, 28; Absent, 13.

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

Thereupon, the Bill was passed to be engrossed and sent up for concurrence.

The Chair laid before the House the fourth item of Unfinished Business:

An Act to Enable Counties to Hire County Administrators (H. P. 2092) (L. D. 2251) (H. "A" H-1051)

Tabled — (Till Later Today) March 30 by Mr. Birt of East Millinocket.

Pending — Passage to be Enacted.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the fifth item of Unfinished Business: