

MAINE STATE LEGISLATURE

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OF THE

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another in order to come up with the taxes.

If there is one thing that every member of the city council in Old Town had told me time and time again, try to get some local control back on the county budget because we are not getting any answers from the three county commissioners in Bangor.

I would urge you to support the bill. There are some parts of it that perhaps need to be amended. As a matter of fact, they left off part of my district that was the Indian Reservation, but that will be taken care of in second reader.

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I didn't want to speak on this but nobody has said what my major objection is. Maybe I am alone on it, but it seems to me that this bill will lead to irresponsibility for this reason. It gives the county board the authority to set taxes but it still requires that those taxes be collected through the towns and cities of this state, thereby burying the burden of that tax decision made by the finance board in the bills of towns and cities and putting the burden on the officials of towns and cities to take the citizen reaction. It is that irresponsibility, that dichotomy. I would favor the thing in theory if, for one reason, there were no finance board but simply an enlarged board of county commissioners and, two, if somehow they had to collect their own taxes. But as long as they are going to piggy-back on the towns and cities, then I couldn't buy this concept.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: In response directly to that comment, right now I would say it would be even more irresponsible in that, in fact it is the legislature that is setting the tax rate that has to be collected through the municipalities.

In addition, I would agree with the gentleman from Auburn and the gentleman from Ellsworth, that personally I would prefer to have seen an enlarged county commissioners do the whole job themselves. That was one point that was considered. Another point was municipal officers being on a board and so forth, as we have mentioned, but this was the compromise that came out of the committee. I think that this is still, even though I couldn't get all that I would have preferred, or something else, this is an acceptable alternative.

There has been a question raised about the election date, and I just want to say it again, apparently people didn't hear it before, that if we do pass this and allow this to go on, there will be an amendment specifying that the election date is the general election date in November. So, I would hope that you would keep this bill alive.

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 Orono, Mr. Wagner, that Bill "An Act to Give Counties Power to Assess and Collect their own Taxes," House Paper 2128, L. D. 2275, and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

YEA—Albert, Bagley, Bennett, Berry, P. P., Birt, Blodgett, Boudreau, Bustin, Byers, Carey, Carroll, Carter, Chonko, Churchill, Clark, Connors, Connolly, Cooney, Cox, Curran, P., Davies, DeVane, Dudley, Durgin, Farnham, Fenlason, Finemore, Flanagan, Goodwin, H.,

Goodwin, K., Hennessey, Hewes, Hinds, Hobbins, Hughes, Hunter, Hutchings, Jensen, Joyce Kany, Kauffman, Kelleher, LaPointe, Laverty, LeBlanc, Leonard, Lewis, Lizotte, MacEachern, MacLeod, Mahany, Martin, R., McBreairty, McMahon, Miskavage, Mitchell, Morin, Nadeau, Peakes, Pelosi, Peterson, P., Peterson, T., Pierce, Post, Raymond, Shute, Silverman, Smith, Spencer, Sprowl, Strout, Stubbs, Talbot, Teague, Twitchell, Usher, Wagner, Wilfong, Winship, The Speaker.

NAY — Bachrach, Berry, G.W., Berube, Burns, Carpenter, Curtis, Dam, Doak, Dow, Faucher, Fraser, Garsoe, Gould, Gray, Henderson, Higgins, Immonen, Ingegerin, Jackson, Jalbert, Kelley, Kennedy, Lewin, Lovell, Mackel, Martin, A., McKernan, Morton, Najarian, Pearson, Perkins, T., Rideout, Rolde, Rollins, Saunders, Snowe, Susi, Tarr, Theriault, Torrey, Tozier, Truman, Walker.

ABSENT — Ault, Bowie, Call, Cote, Curran, R., Drigotas, Dyer, Farley, Gauthier, Greenlaw, Hall, Jacques, Laffin, Littlefield, Lunt, Lynch, Maxwell, Mills, Mulkern, Norris, Palmer, Perkins, S., Powell, Quinn, Snow, Tierney, Tyndale, Webber.

Yes, 80; No, 43; Absent, 28.

The SPEAKER: Eighty having voted in the affirmative and forty-three in the negative, with twenty-eight being absent, the motion does prevail.

Mr. Kelleher of Bangor moved the House reconsider its action whereby the Bill and all accompanying papers were indefinitely postponed.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves the House reconsider its action whereby this bill and all accompanying papers were indefinitely postponed. All in favor of that motion will say yes; those opposed will say no.

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

Sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Revise the Laws Relating to the Maine Traffic Court" (Emergency) (H. P. 2257) (L. D. 2327) which was tabled earlier in the day and later today assigned, pending passage to be engrossed.

Mr. Bennett of Caribou offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-1160) was read by the Clerk.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask what this amendment does?

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

Mr. BENNETT: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the good gentleman from Bangor, the purpose of this amendment is reflected, actually, in the Statement of Fact, where it says this amendment assures that an officer is able to inspect a drivers license for authenticity. This would take care of the people and the problem of the people who refuse to hand over their licenses to a police officer. An example of this would be a person who merely shows his license through a rolled up car window and refusing to give his license to a police officer. It strikes out the word "display" and substitutes "hand over" for inspection.

Thereupon, House Amendment "C" was adopted.

Mr. Goodwin of South Berwick, offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1144) was read by the Clerk.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry to bring this before you today, but I am even sorer that it is in this bill. If you look at the bill on Page 9, Section 39-A, what my amendment does is eliminate the section that is written in there at the end of the paragraph "or unless such person holds a valid Maine operator's license." Somehow, this got into the traffic code. I have asked members of the Judiciary Committee how and why it was put on and I haven't yet got an answer. I would appreciate it if somebody on the committee could answer that.

In the 106th, I introduced legislation to establish motorcycle drivers education training programs. We gave it a two-year extension before it went into effect to provide for the training of the people and the implementation of the program. What has happened, we have trained the people to teach the drivers ed for motorcycle courses, the dealers are ready with bikes to donate to the schools, but the schools have not implemented this. One of the problems has been a problem in implementation between the Secretary of State's office and Department of Education.

Now, what the bill requires, what the law requires as it stands right now, is the exact same thing as what is required of an automobile license. If a kid is 16 years old and he wants to get his automobile license, he has to have automobile drivers education. Then he can get his permit, take his test and get his automobile license. The way the law stands right now, if he is 16 years old and he wants to get his motorcycle license, then he has to have the motorcycle drivers ed and he takes his permit test, and then he takes his drivers test and gets his license.

Now, what this amendment would do in the traffic code is eliminate, in fact, it nullifies the need for motorcycle drivers ed. Now, if a kid is 17, there is no problem, he can get his automobile license or his motorcycle license. The problem is that some of the schools have not implemented this, so you have some 16-year-olds that can't get their motorcycle permit or their license now. That is a real problem and I recognize that and I have worked out an amendment with the Secretary of State and the Department of Education, it has been brought forth to the Judiciary Committee and put on the Errors and Inconsistency bill to push forward again for two more summers, until September 1977, the implementation of this and also would direct the department of Education, Transportation Division, or whatever it is, to work with the schools to develop these programs. I don't know how the Judiciary Committee is going to rule on this, if they are going to report it out or not, but if they don't, I plan to offer it on the floor as an amendment because it is a real problem.

Then I saw this morning, The Secretary of State called me up and said, we are sorry we didn't know this was coming on, and the same with the Department of Education, and I guess I was a little upset at it because I haven't had time to prepare. All my material on drivers ed is home. This has not had a public hearing. It really doesn't deal with the traffic code and so I guess I was a little upset today when I saw this.

Just briefly, if you remember, last Friday there was an article written by George Weir in the Portland paper and I guess it went in the K.J. and the other Gannett papers, explaining the problems that we had in implementing this, the fact of the need for this and everything else. It is really hard to get into this because I don't want to spend a lot of time up here, but what I would like to say is the fact that I think there is a definite need for motorcycle drivers education, there is a definite need for this for new drivers, for young drivers and for anybody that rides a motorcycle. I think this is the way to go rather than mandatory laws like helmets and

lights and everything. As you know, I fought against those.

I think this is the responsible way to go, to provide the education and the opportunity for the education for people to learn how to ride motorcycles. It will also help to lower the insurance costs for people getting their motorcycle licenses. I think in the long run it will provide a lot safer motorcycle accident record. I would just urge you to go along with this.

If we really have a problem, let's bring it back, have a public hearing and get all the facts out and let people deal with this. I really feel that this is an area which the traffic code has not dealt with, there was no public hearing on this. I haven't had a chance to get the defenders out and the information out and I would ask you to go along with my amendment and I would also like to ask if members of the Judiciary Committee could maybe explain this as to why it is in.

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I don't blame the Representative for being upset. I would have been, too, if it had been my law which had been so affected. I guess I am even more upset because I am the sponsor of this bill which is now before us.

The Bill, as I saw it drafted, did not have this section in it. Somewhere during the process in the Judiciary Committee it got added. It was not added in any kind of discussion which I ever attended and which I can find any member of this House ever attended. The bill came out in its second draft in the last couple of days and it is there. I found it this morning when Mr. Goodwin pointed it out to me. I am embarrassed that it is there. It makes a substantive change in the law without a hearing, without thorough attention to it, and I hope you will support this amendment which would strike that section.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I do have one question in regard to the amendment, irrespective of the remarks just made by the good gentleman from Auburn. I don't know the answer in regard to those questions he raised, I wasn't there either. But according to this amendment, it would strike all of Section 39-A, which means that whole section would be stricken from the law.

As I understand from the comments made previously, it was not the objection that the whole section pertaining to, but the objection went to the addition of the words "or unless such person holds a valid Maine operators license." So, I am wondering if Mr. Goodwin really intends to delete that whole law. Because if he does and we adopt his amendment, that is what we will have done.

On motion of Mr. Rolde of York tabled pending adoption of House Amendment "A" and tomorrow assigned.

Off Record Remarks

On motion of Mrs. Najarian of Portland,
Adjourned until nine-thirty tomorrow morning.