

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

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(First Special Session)

OF THE

STATE OF MAINE

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and also vote against the bill itself. We are being thrown something here in the very last days of this special session, something that to do it and to do it right should require a lot of study. What she is giving us here is sort of half a loaf to a whole problem. The whole problem needs to be attacked and it needs to be attacked effectively, but not this way.

The SPEAKER: The pending question is on the motion of the gentlewoman from Freeport, Mrs. Clark, that House Amendment "A" be adopted. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

61 having voted in the affirmative, and 21 having voted in the negative, the motion did prevail.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: Mrs. Clark has another amendment to this bill and I would like to see it tabled until later in today's session so that it might be offered.

On motion of Mr. Greenlaw of Stonington, tabled and later today assigned pending passage to be engrossed.

Amended Bills

Bill "An Act to Reorganize or Repeal Certain Activities and Agencies in Maine State Government" (H. P. 2143) (L. D. 2286) (C. "A" H-1079)

Bill "An Act to Repeal Certain Statutory Provisions for the Licensing of Boarding Homes and Day Care Facilities" (H. P. 1965) (L. D. 2154) (C. "A" H-1056 as amended by H. "A" H-1075)

Were reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended and sent up for concurrence.

Second Reader

Later Today Assigned

Bill "An Act Relating to Exceptional Children" (Emergency) (H. P. 1797) (L. D. 1956) (C. "A" H-1083) (H. "A" to C. "A" H-1104)

Was reported by the Committee on Bills in the Second Reading and read the second time.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side in the passage of this House Amendment "A" to Committee Amendment "A", I would move that we reconsider our action relative to this House Amendment.

The SPEAKER: The pending motion, if the gentleman wishes to get to that point, would be to reconsider adoption of Committee Amendment "A".

The Chair recognizes the same gentleman.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a statement or two. I have no objection to Committee Amendment "A" but I do feel that House Amendment "A" does present some rather serious implications that we did not fully understand when we passed it yesterday evening. I think for the sake of all of us, it would be well if we had a little discussion on this particular amendment and then put it to a vote. I move we reconsider adoption of Committee Amendment "A".

On motion of Mr. Lynch of Livermore Falls, tabled pending the motion of Mr. Mackel of Wells to reconsider adoption of Committee Amendment "A" and later today assigned.

Constitutional Amendment Failed of Final Passage

RESOLUTION, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money and to Permit the Legislature to Override All or Part of Such a Veto by a Two-Thirds Vote of Each House (H. P. 1961) (L. D.

2170) (C. "B" H-942) (H. "A" H-943) (H. "C" H-1039)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: Before you today, you have the line item veto, which many of us feel is a necessity if we are to have fiscal responsibility in the government of the State of Maine.

We have debated this, we have seen it lobbied. As far as I am concerned, I have asked no one to vote for or against this bill outside of speaking here on the floor of the House. Of course, I realize that there has been some lobbying to vote against this bill and possibly ask for commitments to vote against it. This I do not know. I say to you that for years now many people in this House have worked for the day when Maine State Government can have the line item veto, an opportunity that the executive may check and balance certain items in the Appropriations Bill which, whoever the executive is, feels are unwarranted at this time and return those items back to the legislature for them to decide to override or sustain that veto.

I would only hope that in the process of government in the State of Maine that those who write up their party platforms are willing to live by their party platforms. I only look at one of our major parties that now control this House because of their appeal to the popular vote. I only hope they will live by their party platform. There was a very fine slogan that probably helped them gain control of this House and I read it to you: "Our platform is more than a set of promises. It is our commitment to transform ideas into legislation." This is noble and worthy.

I hope today, because of the change in this House over the past years, we will see the line item veto become a reality by allowing the voters of this state to have a chance to vote whether they feel this item should be part of the constitution. I respect that the vote you take on this roll call vote will merit that confidence.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I listened very intently to the fine gentleman from Calais, Mr. Silverman, who truly is a personal friend and I really respect and value his friendship. I listened intently to his remarks, he said that he didn't know, he wasn't quite certain about whether anybody had lobbied the bill. It is a known fact that I don't lobby any bills. I figure that I bargain, stand on my own merits or if the bill can stand on its own merit, fine, but I can guarantee you, that I broke the rule on this one because I even lobbied Mr. Silverman, and well does he remember that.

I can remember suggesting this bill — and I can notice my good friend on the left is looking at me, I can remember suggesting this bill in 1949 when he and I were both members of the house. I was told to get lost. That is when we had sixteen or seventeen members here. Now, you know we have given up the big box, single member districts. I don't want to give up my life. Now, if there is one bill, and I speak about no Governors, I have had a man who was a Governor here whom I love as I do a brother, I have had a man that I was born next door to, who is not a member of my party, I have had a Governor that I worked for, I have had several Governors, the present Governor has been all of his life a close personal friend of mine, I don't take any issue with any Governor. I just don't want to give an individual that much power. And that much strength. We have got separation of powers here. We have got three legislative branches.

I can assure you of one thing now, that there

has been some remarks made as to how many states have this. Unfortunately, for a lot of other states, they don't have the programing that we have, that is two budgets. I can remember the days when we used to have a budget, one budget. It would go by just like this, then would come the taxes for it. Many, many people enjoyed the pleasantries of voting for a lot of spending bills and when it came time for the taxes, well, that was a different story.

I don't often beseech or beg or plead and I note how interesting I am, my remarks are to some people. I don't know what the market says today but I will have a chance to inquire later. If there is ever anything that I am pleading with you not to do to yourself is to pass this measure. As far as my very dear friend from Calais, Mr. Silverman, who says, let this go to the people, I can remember and I know that my friend on the left can remember, my pleading, please let the change of election day bill go to the people, let them decide. I got my usual 15 or 16 votes and that was it, and I accepted that.

As far as platforms are concerned, if we would compare both platforms, I am sure that we could find some planks in the platform that maybe some members of the opposition party, the friendly opposition, has objected to as I am sure that there are planks in their platform that I might object to because there are planks in the platform that I go along with.

I urge and beseech the membership of this House not to go along with this bill because it is not a good piece of legislation, as the good gentleman from Lewiston, Mr. Call, says, this is a bad bill.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: The resolution that we have before us here this morning, I think, can do more harm to this body and to the other body in accepting it than any measure that I have seen since I have been here in the legislature. This legislature has always had the ability to deal with the issues that were confronted before it and one of the major issues that we have at each session of the legislature is passing the Appropriations Act which is for current services and also what we call the Part II or the Supplemental Budget for new programs. New programs are not evil things to consider or discuss.

My good friend from Calais, Mr. Silverman, talked about fiscal responsibility and I might suggest that fiscal responsibility is right here in this house or even for that matter in the other body. There are 151 of us in here that come from various walks of life that represent different geographical areas that have different needs. At times, we have to present our arguments and submit them with others and try to present and bring back to our own respected areas financial contributions for the state to meet our own needs. When you turn around and give a Governor the power of item veto, you are giving that particular office a weapon, and believe me, I do call it a weapon that is unfair for this particular body or the other body to deal with.

When we pass the Appropriations Act, we may, in fact, would not vote for its entirety if we knew first hand what the governor is going to do if he intended to veto particular items out of it. That is not fair for us to begin with. The president of the United States, United States Congress, when the constitution was formed, in its own wisdom, as with the wisdom of the people that framed our own constitution in 1819, did not give the president of the United States the right to item veto, to selectively cut out what he or maybe she for that matter deemed unnecessary. If the Governor wants to veto a package, then let him do it in entirety because we are unable to deal with issues like this on a single measure.

My good friend, Mr. Silverman, talked about party philosophy and party platforms, I might suggest that my political party, or for that matter his, in putting and formulating together a platform, it is suggestions, it is ideas, it implements suggestions so this body, be it Republican or Democrat, can offer them. They have their public hearings and they may be supported or rejected. The party platforms, in no way of either political party, bind any one of us to have to support what is in a party platform.

I might remind the gentleman that my party has had some pretty good ideas in the past and equally as well as his, but for us to be able to limit our ability to deal fairly with the chief executive I think is unfair to us and to the people of Maine. Equally as important, I wouldn't want to take from the Governor his ability to deal with us equally and fairly.

I urge the House this morning to overwhelmingly reject the item veto because this is a safeguard in government that has been there since 1820 and I hope it remains there.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I hear fear on the floor of the house this morning and I am kind of surprised at it. Of course, it reminds me of an expression that has lived for many, many years spoken by a great Democrat that the only thing we have to fear is fear itself.

I would remind you to look at a few simple facts this morning. The executive in the State of Maine proposes the legislature disposes. The executive approves or disproves and the legislature has the final say. Does any member challenge these facts? I think not.

The item veto is simply a refinement of the process that we presently have. It is not a major change. The chief executive now has the veto, the legislature now can override by a two-thirds vote. None of this is to be changed.

What it does do is allow the application of the scalpel as compared to the broad axe. Passage of the item veto put all elective representatives of the people on their mantle. The chief executive must carefully scrutinize the mass of the Appropriations Bill, item by item.

If the chief executive feels a specific item must be excised, he must present his specific reasons. In turn, the legislature, which retains the ultimate power, may for its own specific reasons exercise that power and override the veto by the same two-thirds vote that was adopted in the first place. We are not changing the basic rules, we are refining them, so that greater concentration is placed on the most questionable and sensitive items.

All of you, I am sure, are familiar with the great institution of democracy, the town meeting. How often have you witnessed there as well as in this body, items of apparent unimportance and relatively few dollars receive much attention while bigger appropriations are passed with little debate. This is because the big ones are well understood. The big majority is in favor, they are routine, they understand the need. It is the less understood matters that need careful examination. Is this not what we are elected for? Do we need to retain a process that allows even the most meager chance for a questionable program to sneak by? I think not.

This legislature is a highly competent body and its quality is increasing session by session. It should never fear that its ability to make the ultimate decision is in jeopardy, nor should it fear bathing in the reflected light that will surely shine on items subject to an item veto.

We are elected for the very purpose of these kinds of close examinations, and that is what we should be willing to face up to. That is why we should support this constitutional amendment.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I have listened to the gentleman from Farmington, Mr. Morton, on several occasions and he said, we are refining the process and I am very interested in finding out what his answer would be in reference to cost management studies today, cost management studies next year and what have you, if suddenly we had a cost management that said we abolish the University of Maine at Farmington? Maybe the majority of this legislature would abide by the fact that we need a University of Maine at Farmington but I would doubt very seriously that a 101 people sitting in this house would so decide, and obviously you have a cost management study that was put together in the — just two years ago and those of you who were here before have got a copy of that and I hope those of you who are here in the more recent past would certainly get a hold of a copy and see exactly what happens to state programs when the gentleman downstairs gets his hand on the item veto.

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

Mr. FAUCHER: Mr. Speaker, Ladies and Gentlemen of the House: I am going to vote for the item veto, not because the Governor wants it. I am going to vote this way because I would like to see the people in my district in the State of Maine do what they want to do. But, when the gentleman from Calais, Mr. Silverman, gets up in this House and said that he didn't lobby in back of the House, that is all right, but when he gets up here and stands up and lobbies on his feet and tells us the Democratic members of the Democratic party in this house to vote that way because it is in our platform, I don't think that is right. I wouldn't take a slap at the Republican party like he did a few minutes ago. I hope you don't vote that way because he said that.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I think this is the first time in the eight years I have been here I have ever had to take exception to my good friend from Solon, Mr. Faucher.

I don't think this was a slap that was given by Mr. Silverman to the Democratic membership of this house. Maybe it was not the appropriate or the opportune time, it sure was the opportune time to give it but maybe not the appropriate time. I have not been able to live with every plank in the Democratic party platform. What we have always done in Somerset County after the platform was adopted, if the Somerset County Delegation of Democrats opposed it, we would immediately have a meeting, make a press release as to what parts we could not live with, but this was only done if we tried to object to that platform at the state convention, and had that plank removed from the platform. I have not, in the times I have gone to the state convention, seen any move by the Democrats to remove this from their platform and to have anyone stand up and say that platform has no meaning and no bearing that is only a set of words of gold, when the platform itself says, that it is our commitment to transform ideas into legislation and this has been in our Democratic platform and to say that this is just a farce and giving the people of this state just a bunch of words, this disturbs me, especially when both parties have their committees that travel across this state to hold platform hearings. I think when you say something like that you are saying to the people of the State of Maine, you come to our platform hearing, say your piece, we will put it in the platform, but we are not going to support the platform.

I would hope today, forgetting who is downstairs, that you would vote to let this go out to

the people as a constitutional amendment and let the people decide whether they want to give a Governor, this Governor or any Governor, the power of item veto. I see nothing wrong in letting the people decide. They have decided whether they will send us here, they will decide in November whether they will send us back, so what is wrong letting them decide on this. I think the people of this state are intelligent enough to vote their convictions and I am sure it will turn out right for the state in whole.

The SPEAKER: The Chair recognizes the gentleman from Stow, Mr. Wilfong.

Mr. WILFONG: Mr. Speaker and Members of the House: This is my first term here and so I don't have any recorded position as some of you other members do on the item veto. I didn't participate in the forming of the Democratic platform so I guess I don't have any real axe to grind there as well. I furthermore haven't lobbied anybody for or against this item veto. I certainly would ask you to vote against it today. I feel that it is putting a gun to the legislatures head by allowing the executive branch to have additional budgetary power.

We have a very powerful executive budget process here as it is and without strengthening the legislative budget process. I feel that we are very seriously going to hurt the very delicate balance of powers between the two branches of government in terms of the budget.

What we are asking is to give the Governor an opportunity to line item our programs. The programs that we have vetoed on as a legislative body. He submits his Governor's budget proposal early on in the session and has ample opportunity to delete anything that he feels he may have made a mistake on before the Appropriations Committee. He is not going to line item his programs, he is going to line item our programs. He has an opportunity to veto the entire budget and to express his reasons for why he is doing this.

I guess I am going to take the very conservative position here today of allowing us to keep what has been for many, many years. Let's not destroy our very delicate balance point between the executive and the legislative branch. Let's defeat this item veto today.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would request a roll call. I would like to answer the gentleman Mr. Wilfong. When the Governor presents his budget to us, the Appropriations Committee more or less has a chance to vote whether they see each item to pass, not pass and at what price it should pass at. When we send down the Appropriation Bill to him, I think it is only proper that we allow him where we might have taken advantage because of our political system of some appropriations to earmark those which possibly should not be considered at this time or if they should, can come back to us, and again, we have that power to override his veto.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would rise to exhort my fellow members to fail to give this measure the necessary two thirds and there are a number of reasons why I would do that.

First, let me say to the gentleman from Stow, that he need not fear of being locked into a conservative position on this issue. I think we could have a battle raging here, a verbal battle raging for hours as to whether one position was conservative and the other was liberal. Personally, I don't think it has got anything to do with this issue.

The Gentleman from Calais, Mr. Silverman, has told you that the issue here is fiscal responsibility and I would like to know how he knows that the issue is not fiscal irresponsibility? That

is not the issue here. The issue is power, pure and simple, power. Every Governor wants as much power as he can get, this Governor is no different than any other. What we have to weigh as legislators is how much power we are going to grant the executive branch in terms of disturbing the delicate balance of power which was written into the constitution.

We have been, in this particular political climate, exhorted by the Governor to pass this piece of legislation. He wrote us a letter on March 22, that said among other things, that this should not be a partisan issue, and that we should not deny the voice of the people on this. In terms of this particular political climate, let me remind you, that this Governor did not campaign on the issue of the item veto, you will recall he never even mentioned it in his legislative program. Do you recall when he suddenly decided this was a major issue for the people of Maine? It was after the supplemental budget issue. That puts it in perspective from that point of view.

The people who wrote the Constitution of the State of Maine were very careful about how they distributed the power. This pertains particularly to how a constitutional amendment will get to the people. They said two-thirds of the legislature must vote to send it out. Why? Because in their wisdom and in their foresight they may very well have looked ahead and seen that there could be a political climate where a Governor or any particular force could stampede even a majority of the Maine Legislature into sending out some kind of bad constitutional amendment. So, they wrote in, that before it goes to the people, two-thirds of the representatives elected by all the people must vote to send it out, that is a responsibility that we must exercise here today. We can not foreclose that responsibility and we should not.

I would further remind you that we created a situation, where there can be a peoples initiative on a constitutional amendment and if there is such a hue and cry in this state, and if there is such a tremendous understanding, among all the people of the potential impact of this piece of legislation then that would be a good project for those people to undertake.

Ladies and Gentlemen of the House, I hope you definitely will refuse to give this vote the necessary two-thirds for enactment and exercise the responsibility that was laid in our hands by the people who wrote the Constitution of Maine.

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: I have a concern to express about this bill and then would like to pose a question through the Chair.

My concern is that in looking at this piece of legislation and trying to assess its impact, I have tried to look past the situation that we are in now and what affect it might have in the future. The concern that I have is that this particular bill, with a two thirds of the legislature needed to override the Governor's veto on a line item, could pretty much allow a definite minority in only one House when they have the Governor of the same party to pretty much control the budget procedure, and I think that that might have a pretty major impact on what could or could not get done here in the legislature.

My question I would like to pose through the Chair is whether this particular bill would pertain to all pieces of legislation containing appropriations or just the budget? I think I would feel much more comfortable voting for the bill, and I have to say that I haven't made up my mind on this particular issue, if it pertained only to the budget. But I am asking if it would happen, say with a bill that we had in the regular session where we had an increase in

license fees on all licenses given by Marine Resource and along with that bill was an appropriation to be told exactly how that money was going to be used. Now we don't have dedicated revenue, but in that kind of a situation, could a Governor have signed into law the section of the bill which would have increased license fees and vetoed those sections of the bills which dealt with how that money was going to be spent, therefore having a substantial amount of money in appropriation coming into the general fund without the benefit of that money being used for the areas in which they had been requested in the first place? This is another major concern. I would like someone to deal with that question if they would, please.

The SPEAKER: The gentlewoman from Owls Head, Mrs. Post, posed a question through the Chair to anyone who may care to answer if they so desire.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I guess the only way that I could respond to that is that the bill would mean this, that the Governor could veto any item on the appropriations act from cover to cover, and believe me, the second amendment in the unmentionable body, it could well cost us one pile of money by having to come back here. Suppose the ten days did elapse, then we did come here and there were 30, 35, 36, 50 items that would be struck out and vetoed, we could well be here for 30 or 40 or 50 days. It could cost us a million dollars a year. That is the answer to that question.

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

Mrs. POST: Mr. Speaker, I think my question was whether it dealt with issues other than the budget bill and, again, the one that I was speaking of was the bill that we had in the regular session which was not in the budget but was a specific issue to increase license fees to the Department of Marine Resources. Those license fees were to be used for specific purposes, they were to be used to hire extra wardens, to hire an extra Attorney General to be used in marketing. We have had enough trouble with that bill now just trying to get those wardens hired. As it is, we are probably only going to hire four and some of the money maybe is going to be used to make up for the budget cuts. My question is, in that situation, which is not the budget bill, would the Governor have been able to sign into law that the area which would have increased license fees, therefore, had more money coming into the general fund, to be used for something else and have been able to veto the section that would have told how that money was going to be spent? Another area might have been, could the Governor have signed into law a bill setting up the Office of Dental Health, while vetoing the appropriation that maybe was in the bill itself, therefore, being able to say, we support the program without any funding?

The SPEAKER: The gentlewoman from Owls Head, Mrs. Post, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I believe, in answer to the gentlewoman's question, that the answer is yes. As I understand it, it refers to any bill or resolution.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than 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 pending question before the House is on final passage of Resolution Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills. Appropriating Money and to Permit the Legislature to Override All or Part of such a Veto by a Two-Thirds Vote of Each House. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Byers, Carpenter, Carroll, Churchill, Conners, Cox, Curtis, Dam, DeVane, Doak, Dow, Durgin, Dyer, Farley, Farnham, Faucher, Finemore, Fraser, Garsoe, Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hewes, Higgins, Hunter, Hutchings, Immonen, Jackson, Jacques, Joyce, Kany, Kauffman, Kelley, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Martin, R.; McBreairty, McMahon, Miskavage, Morin, Morton, Palmer, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Quinn, Rollins, Saunders, Shute, Silverman, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Tarr, Teague, Torrey, Tozier, Truman, Twitchell, Tyndale, Webber, The Speaker.

NAY — Albert, Ault, Bachrach, Bagley, Bennett, Bustin, Call, Carey, Carter, Chonko, Clark, Connolly, Cooney, Curran, P.; Curran, R.; Davies, Drigotas, Fenlason, Flanagan, Goodwin, H.; Hennessey, Hughes, Ingegnieri, Jalbert, Jensen, Kelleher, Laffin, LaPointe, Laverty, LeBlanc, Mahany, Martin, A.; Maxwell, Mills, Mitchell, Mulkern, Nadeau, Najarian, Norris, Pearson, Post, Raymond, Rideout, Rolde, Smith, Susi, Talbot, Theriault, Tierney, Usher, Wagner, Walker, Wilfong, Winship.

ABSENT — Cote, Dudley, Gauthier, Hinds, Hobbins, Kennedy, McKernan, Peakes, Powell. Yes, 88; No, 54; Absent, 9.

The SPEAKER: Eighty-eight having voted in the affirmative and fifty-four in the negative, with nine being absent, the Resolution fails of final passage.

Sent up for concurrence.

Passed to Be Enacted Emergency Measure

An Act Relating to the Refund on Certain Unused Semitrailer Registrations (S. P. 649) (L. D. 2066) (C "A" S-449)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

Mr. Finemore of Bridgewater 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 pending question is on passage to be enacted as an emergency measure. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEAS: Albert, Ault, Bachrach, Bagley, Bennett, Berry, G.W.; Berry, P.P.; Berube, Birt, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Conners, Cooney, Cox, Curran, P.; Curtis, Dam, Davies, DeVane, Drigotas, Durgin, Dyer, Farley, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins,