

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Fifth
Legislature***

OF THE

STATE OF MAINE

Volume III

June 16, 1971 to June 24, 1971

Index

1st Special Session

January 24, 1972 to March 10, 1972

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**KENNEBEC JOURNAL
AUGUSTA, MAINE**

HOUSE

Tuesday, February 8, 1972

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Desmond Parker of Gardiner.

The journal of yesterday was read and approved.

Order Out of Order

Mr. Whitzell of Gardiner presented the following Order and moved its passage:

ORDERED, that Susan Montell of Gardiner be appointed to serve as Honorary Page for today.

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

Papers from the Senate

From the Senate:

Bill "An Act Implementing the Reorganization of the Department of Environmental Protection" (S. P. 752) (L. D. 2024)

Came from the Senate referred to the Committee on State Government.

In the House, referred to the Committee on State Government in concurrence.

Reports of Committees

Referred to Next Legislature

Report of the Committee on State Government on Bill "An Act relating to Animal Welfare" (S. P. 705) (L. D. 1886) reporting that it be referred to the 106th Legislature.

Came from the Senate with the Report read and accepted and the Bill referred to the 106th Legislature.

In the House, the Report was read and accepted in concurrence and the Bill referred to the 106th Legislature in concurrence.

Ought to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Bill "An Act Appropriating Funds to Carry Out the Duties of the Director of Legislative Research" (S. P. 689) (L. D. 1870)

Report of same Committee reporting same on Bill "An Act Providing Funds to Carry Out

Duties of the Criminal Division of the Department of the Attorney General" (S. P. 690) (L. D. 1871)

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed.

In the House, the Reports were read and accepted in concurrence, the Bills read twice and tomorrow assigned.

Non-Concurrent Matter

Resolve Providing a Minimum Service Retirement under the State Retirement Law for Marion Gates of Phillips; Mae A. Bowden of Coopers Mills and Edith Wiggin Carter of Topsham (H. P. 1520) (L. D. 1962) which was passed to be engrossed as amended by House Amendment "A" in the House on February 3.

Came from the Senate passed to be engrossed as amended by House Amendment "A" as amended by Senate Amendment "A" thereto in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Permitting the Commissioner of Education to Assign Towns to Supervisory Units when Fewer than 35 Teachers are Employed" (H. P. 1527) (L. D. 1970) which was indefinitely postponed in the House on February 3.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" in non-concurrence.

In the House:

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

Mr. BRAUN: Mr. Speaker and Ladies and Gentlemen: I wish to move at this time to adhere and speak to my motion.

The other day this House voted to indefinitely postpone this L. D. 1970 by a vote of 97 to 36. This is the L. D. that was injected by the Education Department and concerned two towns in my district that I represent, without my knowledge; namely, Rome and Mt. Vernon. In this L. D. 1970, if it were allowed to be enacted into law it would take all the voting privileges away from the people

in the small municipalities in regards to governing their own town affairs.

It will allow the Commissioner of Education to assign and add to any existing school unit that he deems necessary, regardless of the wishes of the voters of that municipality. At the present time the Town of Rome has a very able superintendent, Superintendent Perry Shibles. Ladies and gentlemen, we do not want our small municipalities nor our State to become a dictatorship. We are fast losing our rights.

I am asking that every one of you stand fast with me this morning and stand with my motion, and we will adhere.

The SPEAKER: The gentleman from Oakland, Mr. Brawn moves that the House adhere to its former action.

The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, I first move that we recede and concur and I would speak to my motion.

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch moves that the House recede and concur.

The gentleman may proceed.

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I think that there is something very seriously involved here. The gentleman that has just spoken mentioned two towns, Mt. Vernon and Rome. Mt. Vernon has seven teachers and 152 students in grades K through 8. Rome has three teachers, 74 students in grades K through 8.

There are ten towns in this state that have schools, elementary grades, with approximately 1360 students. There are seventeen towns that have no schools. There is a Town of Easton with 123 students and 11 teachers that has elementary and secondary grades.

Now there is a principle involved here that I think warrants your serious consideration. The Supreme Courts of several states have already decided that no child will be deprived of an equal opportunity for an adequate education, simply because he resides in a town that

is not affluent enough to maintain a good educational system.

How would you expect the Town of Mt. Vernon with seven teachers to hire a superintendent and compete with the more affluent towns and cities in the state? How would you expect the Town of Rome with three teachers to hire a superintendent and compete with the salaries that are paid superintendents in this state?

The argument was advanced the other day that this was infringing on local control. I don't believe there are many measures that are passed in this House that don't infringe to some extent on local control. The Commissioner is not forcing his way into this situation. He is asking the Legislature to open the door to allow him to appoint or to assign some of these small towns to an existing school unit that has a capable administrator. It is within your power to ask him to step outside and close the door at any time that you decide it is warranted.

The argument was made the other day that since the education of this state is going to undergo a great change in the near future there is no need of taking any action. Regardless of what change is made in the state these towns are not going to disappear, there is still going to be a need for adequate supervision; and I think the argument that was advanced is not an argument against the bill but an argument for the bill.

If you pass this bill today, with a new school year coming up, you will have an opportunity to try out this program before the education of this state is overhauled in the next few years.

I think you have to consider the 1360 students, all of the elementary grades, the years in which their education will mean the most to them. These are the formative years; these are the years in which they are going to set the pattern for their lives. If you want them to be educated and gainfully employed, this is the process you have to follow.

And I think that probably the greatest argument in favor of this bill is that you have to act in a

spirit of charity towards these youngsters.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Bither.

Mr. BITHER: Mr. Speaker and Members of the House: I would like to point out to the members of this House one or two other little things. I think Mr. Lynch has done a good job in presenting the facts in this case. The other day when this was presented it was not debated; the merits of this bill have not been debated before until today.

Now since such phrases as foot in the door, tactics of foot in the door policy, dictatorial tactics of the Commissioner, those are so ridiculous that there is no argument at all. We can't argue those; they have nothing to do with the bill whatsoever. This bill, as Mr. Lynch has told you, came out of the committee with a unanimous report.

We thought it was a good thing for the school children in these districts, these areas. I think he has told you there was something like ten or twelve areas, not necessarily towns but areas that do not have a superintendent at all. So the State has to go in there and appoint an agent, or those areas have to elect a superintendent of their own.

Mr. Speaker, one of those areas is in your own County of Washington, Washington County. Princeton is in an area of something like ten or twelve towns, only two of which have any students. Now they have to hire a superintendent. They naturally can't pay a lot of money, they can't compete with the larger units. But whatever they do pay, the State has to pay a very large share.

This is a cost saving, this would be a cost saving affair if we allowed the Commissioner to put them into a larger unit; and I think that not only that but they would get perhaps better service.

I don't mean to imply that some of these school agents are not good agents, because they are. I know the school agent in the Town of Rome, and incidentally I would like to reiterate again that this was not aimed at Rome at all; this

was aimed at quite a few other areas in the state.

Now we know that some of these agents are excellent, but they may only serve for a few months at a time and then someone else comes in. There is no continuity here; and this other method as provided in this bill, it would be continuity and a much better service to the students.

And for that reason I hope that you will go along with the motion that Mr. Lynch has made.

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

Mr. BRAUN: Mr. Speaker and Members of the House: Mr. Lynch and the gentleman just now have painted you a very rosy picture, which is not the fact. Over in the Town of Rome there are three teachers and a teaching principal, which are four. They have 75 students they told me the other day when I visited, rather than 74. The largest class they have there, if you divide this up by eight, is nine and a fraction in a class. They do not exceed ten in any class.

Over in SAD 47 we average over 22 in a class; we have dope; we have sex; we have one of the worst conditions under SAD's. They don't have this problem over there. And when a man tells me over in a little school of Rome and Mt. Vernon they are not getting an education with these small schools and small classes, this is hogwash, and I hope that you will go along with me this morning.

Mr. Jalbert of Lewiston moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question it must have the consent of one third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one third of the members present having expressed a desire for the previous question, the motion for the previous question was entertained.

The SPEAKER: The question now before the House is, shall the

Report was signed by the following members:

Messrs. TANGUAY of Lewiston
 SLANE of Portland
 LIZOTTE of Biddeford
 —of the House.

Reports were read.

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

Mr. STILLINGS: Mr. Speaker, I move that the House accept the Majority "Ought not to pass" Report.

The SPEAKER: The gentleman from Berwick, Mr. Stillings moves that the House accept the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Biddeford, Mr. Lizotte.

Mr. LIZOTTE: Mr. Speaker and Members of the House: I hope that you reject the motion of the good gentleman from Berwick, Mr. Stillings and accept the Minority "Ought to pass" Report.

As you saw on your desks this morning, you saw the Referendum question that was voted on November 3, 1970. The Referendum Question No. 6-A read as follows: "Shall licenses be granted in this city or town for the sale herein of table wines not to be consumed on the premises?" At no point did it specify the alcoholic content of wines.

As far as I am concerned and as far as ninety percent of the people that voted on this referendum are concerned, that table wines, whether as tables wines or cellar wines, or whatever the word may be, I am sure that the people were under the impression that wine was wine; and that is why I presented this bill.

I feel very strongly that when the 104th Legislature saw in their wisdom to send this to referendum and to let the people decide as to what they wanted, the people voiced their opinion and as the vote was they voted two to one in favor of having this service. I am not saying that this was right or I am not saying that this was wrong, but I am saying that the people voted for it and I honestly believe that the people should receive what they actually voted for.

It seems that over here if we impose any form of a tax on the

people we do not send it to them to find out how they feel about it. We put the tax on and we send it to them without sending it to referendum. In this case we did send it to the people and they voted to have this service, and I stand here today to tell you that I believe that we should give the people what they voted for.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Gagnon.

Mr. GAGNON: Mr. Speaker and Ladies and Gentlemen of the House: Just to give you a little insight as to what the committee was talking about down there on this issue; I don't intend to get into morals or opinions on whether or not you should drink. That shouldn't be considered.

However, we did not feel in the majority that this was an emergency measure to begin with. Along with that it was felt that whether or not you particularly want your teenager to have immediate access to the harsher wines which are involved is up to the individual also. But we are losing in effect a fair amount of control when you start placing these items in the grocery stores. This was our second objection.

And as far as the referendum ballot goes, it states quite pointedly in there — table wines. Now it would appear to me if all wines were included they wouldn't just have the word "wines" in there and not distinguish between them, table and fortified. I don't intend to belabor this matter; it is strictly a matter of opinion on the thing, and my main objection was, as I stated, this was not an emergency measure.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Sheltra.

Mr. SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: First of all I think that the safety factor that Brother Gagnon has just brought out is a little bit absurd because if our teenagers can manage to procure drugs they certainly can manage to procure fortified wines.

First I would like to point out that this is not a matter that pits the "wets" against the "drys."

Fortified wines are already available. To me it is a matter of logic and convenience. In my opinion when a wine purchase is made today for the most part the number one reason is taste; the number two reason is looks. This is why you see these fancy decanters that are pitted in all of the liquor stores. The women are fascinated by the decanters. It is a decorative type item and it is used at the dinner table for the most part.

Another point I would like to make is that our tourist trade in the State of Maine is worth upwards of \$500 million to this state. This is a heck of a tax savings to every one of us sitting here in this House; otherwise we would be trying to enact more taxes in order to carry this dreadful burden. I feel that we are inconveniencing the tourist trade by having this mass confusion, mass confusion in this sense. I have been, during the summer months, many times in a grocery store whereby the clerks instead of servicing the customers were busily trying to direct our tourist people to the liquor store so that they could make their wine purchases.

So you see, actually this did not only cause confusion in the stores themselves, but it caused confusion on our roads and in our traffic hazards. Goodness only knows, there are many of our cities, and mine is one of them, that during the summer months it sometimes takes upwards to twenty to thirty minutes to travel three or four miles or even a mile.

So consequently the wines are available. Why not make it the convenience that it should be, and I say that you should accept Mr. Lizotte's motion and that you should vote against the motion to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: We have listened year after year to the same old story. I regret that somehow I was conned into voting for table wines in grocery stores. I thought that in that session there was a reasonably good

excuse for low alcohol content table wines to be outletted through grocery stores.

We were told and the people of the State of Maine had it drummed into them for weeks that this was low alcoholic content, that it was a wine which was used as a table wine and little old ladies, retired school teachers would buy a lot of it. So I was conned into voting for it and a lot of you people were. We were told at the time that it was just another toe in the door to get the whole foot in the door.

Now if we are going to open up our doors wide on anything that tourists want to buy to bring in dollars, let's do it that way, let's open it wide open. But we don't plan to do it that way in the State of Maine. I think there is something in our state besides tourist dollars.

I am not a very religious man, but I am opposed to liquor on Sundays any more than we have already got. I am opposed to any stronger drink in stores than we have already got. I do know that there has been a tremendous sale of these table wines. I have watched them and it is a fact that the little old ladies or retired school teachers have bought a tremendous amount of it that they would have not got otherwise. Fine, let's leave it there.

I realize also and we all know that our chairman of our Liquor Commission says he wants to get out of the wine business. That is public knowledge. Well, let's just fool him on it. He is charged with running the liquor business, let's see that he does it.

Now wines above the table wine can be almost any strength and it is so easy for the "wets," regardless of what they call themselves, to say that, "Well, wines do this, that and the other and if the ladies want to buy fancy bottles they can go to bottle sales for that, they don't have to buy anything in the bottle; all well and good. But if you open up on that, why not gin with some of these fancy bottles? Why not bourbon? I like bourbon. Let's put it all in the grocery stores.

Now I don't want to carry this any further. I just say that the

whole thing is ridiculous. In the first place, I am critical that the bill was even admitted in this emergency session; I think it belongs in a regular session. But for the Lord's sakes let's not fool around with this any more. The great majority of the committee said the bill had "ought not to pass," so let's go along that way.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Hodgdon.

Mr. HODGDON: Mr. Speaker and Ladies and Gentlemen of the House: I would like to take just two or three minutes of your time this morning to review the L. D. that we are considering. As the gentleman from Norway just stated, it is no secret that this L. D. is being backed by the State Liquor Commission.

We must realize that the warehouses have a certain amount of area in which they can store their goods. Because of the many brands of wine involved, it takes a tremendous amount of their warehouse. Where the sale of wines from the liquor stores, we all know, is not one of the greatest sellers, therefore a lot of capital is laying idle. The fact remains that wine in the State of Maine is legal. Whether it is sold by Joe Adams in store "A" or by Bill Blue in a liquor store doesn't make that much difference to me.

We have heard that there will be abuses if this is put into the grocery stores. When unfortified wines was put in grocery stores, I think we are all aware of the fact that the sales have increased tremendously.

I also think it is a well known fact that all the records of enforcement agencies throughout the state will show that the abuse of this has not been widespread. I submit to you, ladies and gentlemen, as long as there is any law on the books of any type we will have people who will break these laws. No one would be more pleased than I if we did not have to have enforcement officers of any kind in any field to make sure that the laws were upheld. Liquor, as originally brought forth in Maine under state control, was for two purposes — service to the public

and to bring money into the General Fund of the State.

I think it has been proved beyond a shadow of a doubt by the sale and the control of unfortified wine that many many fears have not come to pass. And I would ask you ladies and gentlemen to seriously consider before you cast your vote, and when you do I ask you to vote against the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Berwick, Mr. Stilings, that the House accept the Majority "Ought not to pass" Report. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

68 voted in the affirmative and 62 voted in the negative.

Whereupon, Mr. Hodgdon of Kittery 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 members 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 Berwick, Mr. Stilings, that the House accept the Majority "Ought not to pass" Report on Bill "An Act relating to Retail Sale of Wine," House Paper 1495, L. D. 1938. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Bailey, Baker, Barnes, Bartlett, Bernier, Berry, G. W.; Berube, Birt, Bither, Bragdon, Brawn, Bunker, Carrier, Churchill, Clark, Cummings, Curtis, A. P.; Dam, Dow, Emery, D. F.; Evans, Faucher, Finemore, Fraser, Gagnon, Gauthier, Good, Goodwin, Hall, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Immonen, Kelleher, Kelley, K. F.; Lawry, Lincoln, Littlefield, Lucas, Lund, Mahany, Marstaller, McNally, McTeague, Millett, Mor-

rell, Mosher, Parks, Porter, Rand, Ross, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Stillings, Trask, Webber, White, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

NAY — Albert, Ault, Bedard, Binnette, Boudreau, Bourgoïn, Bustin, Call, Carey, Carter, Clemente, Cote, Cottrell, Curran, Curtis, T. S., Jr.; Cyr, Doyle, Dudley, Dyar, Emery, E. M.; Farrington, Fecteau, Genest, Gill, Hancock, Hodgdon, Jalbert, Kelley, R. P.; Keyte, Kilroy, Lebel, Lee, Lesard, Lewis, Lizotte, Lynch, MacLeod, Manchester, Marsh, Martin, McCloskey, McKinnon, Mills, Murray, Norris, O'Brien, Payson, Pontbriand, Pratt, Rochelleau, Rollins, Santoro, Sheltra, Slane, Smith, E. H.; Susi, Tanguay, Theriault, Vincent, Wheeler, Whitzell.

ABSENT — Berry, P. P.; Brown, Collins, Conley, Cooney, Crosby, Donaghy, Drigotas, Jutras, Kelley, P. S.; Lewin, Maddox, McCormick, Murchison, Orestis, Page, Smith, D. M.; Tyndale, Whitson, Wight.

Yes, 69; No, 61; Absent, 20.

The **SPEAKER**: Sixty-nine having voted in the affirmative and sixty-one in the negative, with twenty being absent, the motion does prevail.

Sent up for concurrence.

Passed to Be Engrossed

Bill "An Act relating to Actions to Quiet Title to the Fee Interest in Discontinued Roads and Ways" (S. P. 748) (L. D. 2021).

Bill "An Act Authorizing Oakfield to Withdraw from the Four Corners Elementary Community School District" (H. P. 1568) (L. D. 2023).

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed 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 Authorizing Town of Dresden to Vote on Certain Liquor Local Option Questions" (H. P. 1494) (L. D. 1937) — House Amendment "A" (H-528) adopted.

Tabled — February 7, by Mr. Dam of Skowhegan.

Pending — Passage to be engrossed.

Mr. Rollins of Dixfield offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-529) was read by the Clerk and adopted.

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

House Amendment "C" (H-530) was read by the Clerk.

The **SPEAKER**: The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. **BERRY**: Mr. Speaker and Members of the House: I would like to move indefinite postponement of Amendment "C" and I would like to speak to my motion.

The **SPEAKER**: The gentlewoman from Madison, Mrs. Berry, moves the indefinite postponement of House Amendment "C".

The gentlewoman may proceed.

Mrs. **BERRY**: Mr. Speaker and Members of the House: First I would like to say that Cornville is in my district and knowing that this would be a controversial matter, I have been polling the people in Cornville. I have contacted, in the short time that I have had, about 50 voters; in the last election, there were 147 people that voted.

Mr. Dam approached me in the first place and said that he had a person speak to him to put an amendment on this bill and said he knew that I was a "dry," so he wondered whether I would like to present it or have him present it. I asked him for a couple days to let him know and I contacted three or four people and found that they were against this, so I told him that I did not prefer to do it. He told me yesterday that he was going to just the same and said that he had contacted the Selectmen of the town and they approved of it.

Last night, I got on the telephone again, I had been over the weekend, and I contacted two of the Selectmen of the town. They said they knew nothing of this amendment. One of them knew that the person had asked for it but

imagined or thought that they were going to do it in the proper way of a petition. The other selectman that I got hold of said that he knew nothing of it whatsoever, that he hadn't been contacted. The fifty people that I, more or less, that I contacted were very much against this amendment, and to say the least, some of them were furious.

They felt that if they wanted a referendum, it should go the right course, through a petition. They said that if they had known that this was coming up, that it should have been advertised in a hearing so that they would have known about it. And some of them said, however, that they would vote on what they called a legal referendum, a "wet" probably, but if this were presented now they certainly would vote no. Perhaps this is the time to push it through. Therefore, we might not get it.

But, however, this is not my reasoning. I feel that my town did not know about it, they have expressed their views to me very emphatically. Besides, I don't think in my own personal reasoning that we should open the door for any independent towns for exceptions.

Therefore, this is my reasoning for asking for an indefinite postponement of this amendment.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: My very, very, very, very, very dear friend from Madison, Mrs. Berry, and Madison for those that might not know is only twelve miles west of Skowhegan; Cornville is four miles from Skowhegan.

Yesterday — and first I will say what she has said is, in part, what has transpired today. I did approach the woman, because I have felt, even though it is not followed in this case by one speaking because she introduced it, I always felt that a person should introduce the bills from the area that they represent. I have never tried to introduce a bill or any amendment from some area that I do not represent. And only to help clear my feelings on this and not to go into a violation, after

she refused, I approached Mr. Faucher, because he was on the Liquor Control Committee, and asked him to present the amendment.

My good friend, the Representative from Madison, Mrs. Berry, does not feel this way, because she does go into other areas and introduces the bills such as the one on Anson Academy where Anson is not in her jurisdiction. Yesterday I received a note from the nice lady saying, "that I am going to fight any amendments for Cornville. I have contacted umpteen people and I don't know exactly how many umpteen is, but they are very upset to think that you are presenting it. Some of them are furious and feel that it isn't your business.

I have not been contacted by one person in the town of Cornville in opposition to this amendment. Last night, in fact, before I went from here, I tried to contact the people from here because it would be easier because I was going to be home late. But after I got home, I contacted two of the selectmen. There was no opposition from them, and Cornville is only a three-selectman body, so two offered no opposition. I contacted another citizen of the town of Cornville last night, and I have talked to quite a few, I don't know how many, and I might say I have talked to umpteen also. But I contacted an influential citizen of the town of Cornville, and one of the higher taxpayers, and he said he would offer no opposition.

Now the reason for this amendment is that a person would like to build a restaurant and possibly, the year later, a motel and a recreation area. The person involved owns a piece of land in an ideal locality containing 250 acres. The person involved happens to be the highest taxpayer in the town of Cornville. And in the area, as far as the location is concerned, it is only about 190 feet beyond the town line which separates Skowhegan and Cornville.

I might say that I do have an interest in this in one way, because Cornville is one of the member towns of my SAD, and anything that can increase the tax base in

any of the smaller towns tends to help the other towns. Now, I have maybe more reason to go into the Town of Cornville than the good lady from Madison does because I go in on quite a few occasions to talk with people and to visit the schools. I do not think that we are expanding any of the liquor trade in the State of Maine by going along with this amendment and I think that going over the past record of the last session, I have been relatively conservative in my judgment in my voting record.

It does surprise me that anybody coming to the Legislature would feel that they have the right to pass on something that one of their constituents asked them to introduce. Because I think we are all aware that there is a method of introducing whereby a point clearly tells all the members that we do it only because we are a Legislator and that we do not particularly favor what we are introducing; and that is, as you know, the method of "by request."

I would only hope that my good friend from Madison would look back over the last session, review her voting record only on the roll call votes, when consistently it was not representing people in my area or her area because the people in her area are just as poor as the people in my area. To vote against all bills that would help the people, this labor, human rights environmental, 18-year-old voter rights, the Maine litter law, minimum salaries for law enforcement officers, and then turn around and vote on a bill that would favor public utilities and not give people the right to enter a complaint against them.

I don't feel that this is representing your people, I don't feel today that what has been offered by the good woman when she made the motion to indefinitely postpone is 100 per cent of what she has gathered, the facts that she has gathered in her survey.

Two nights a week, and sometimes four, I happened to have the privilege of serving with one of the selectmen from the Town of Cornville, because he also represents the Town of Cornville on the

Board of Directors of my SAD. Had he had any feeling on this prior to then, he would have mentioned it to me. I think he would have mentioned to me merely so that I would not become involved if it was something that the people in Cornville did not want so that there would be no hard feelings reflected back on our district, and they would not think that I was trying to ram something through.

I have never stood in this House and tried to ram anything, and I never intend to. I have talked with the people in Cornville, I have gone to Cornville. I am not going to bore you any more, but I would make one suggestion to my very, very, very, very dear friend from Madison, the Representative.

We are all allocated so many postage stamps in the session. I would ask her, would she take over the duties of mailing those law books to the people in Cornville and also the people in her own town of Madison, and not have them ask me or call me to do your work for you.

The SPEAKER: The pending question is on the motion of the gentlewoman from Madison, Mrs. Berry, that House Amendment "C" (H-530) be indefinitely postponed. If you are in favor of that motion you will vote yes; those opposed will vote no.

A vote of the House was taken.

61 voted in the affirmative and 64 voted in the negative.

Whereupon, Mrs. Berry of Madison 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. All members 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 gentlewoman from Madison, Mrs. Berry, that House Amendment "C" (H-530) be indefinitely postponed. If you are in favor of that motion

you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W. Bérubé, Birt, Bither, Boudreau, Bragdon, Brawn, Bunker, Churchill, Clark, Curtis, A. P.; Curtis, T. S., Jr.; Donaghy, Emery, D. F.; Evans, Finemore, Gagnon, Good, Hall, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Immonen, Kelley, K. F.; Lee, Lincoln, Littlefield, Lund, MacLeod, Marstaller, McNally, Millet, Mosher, Murchison, Norris, Payson, Porter, Rollins, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Susi, Trask, Webber, White, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

NAY — Albert, Bedard, Bernier, Berry, P. P.; Binnette, Bourgoin, Call, Carey, Carrier, Carter, Clemente, Cote, Cottrell, Cummings, Curran, Dam, Dow, Doyle, Dudley, Dyar, Emery, E. M.; Farrington, Faucher, Fecteau, Fraser, Genest, Gill, Goodwin, Hancock, Hewes, Hodgdon, Jalbert, Kelleher, Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Lessard, Lewis, Lizotte, Lucas, Lynch, Manchester, Marsh, Martin, McCloskey, McKinnon, McTeague, Mills, Morrell, Murray, O'Brien, Page, Parks, Pontbriand, Pratt, Rand, Rocheleau, Ross, Slane, Smith, D. M.; Smith, E. H.; Stillings, Tanguay, Theriault, Vincent, Wheeler, Whitzell.

ABSENT — Brown, Bustin, Collins, Conley, Cooney, Crosby, Cyr, Drigotas, Gauthier, Jutras, Kelley, P. S.; Lewin, Maddox, Mahany, McCormick, Orestis, Santoro, Sheltra, Tyndale, Whitson, Wight.

Yes, 60; No, 69; Absent, 21.

The **SPEAKER**: Sixty having voted in the affirmative and sixty-nine in the negative, with twenty-one being absent, the motion does not prevail.

Thereupon, House Amendment "C" was adopted.

The **SPEAKER**: The **Chair** recognizes the gentleman from Scarborough, Mr. Gagnon.

Mr. GAGNON: Mr. Speaker, Ladies and Gentlemen of the House: Just to give you a little background of what we were talk-

ing about down in committee. Again we felt this was not an emergency measure, and along with that we were a little skeptical as to what might come about as a result of getting away from something that has a specific law regarding this on a local option question.

Under the local option question on liquor, it is specifically set up so that this can be corrected by any municipality by a petition from the residents. And we were wondering whether if we deviated from this specific legislation which covers this type of situation, would we be setting a precedent and allowing just what is happening now, where we are probably going to have some more amendments onto this particular order.

Also, under Mr. Lewis's order, it is taking away the control at the State level and putting it within the regulations of the town to petition. No one was against the particular feeling of whether or not residents should have a vote on anything like this outside of the matter of fact that we have specific legislation controlling this and how it was going to affect this specific legislation if we diverted from it.

The **SPEAKER**: The **Chair** recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker and Members of the House: I originally introduced this L. D. 1937. I think the original bill certainly has merit and I would like to give you a little bit of the background concerning this bill.

Last August, I was approached by the gentleman mentioned in the circular that I had presented to your desk yesterday and he wished to construct an inn with a restaurant and a dining room and also with the privilege of serving cocktails. This would be constructed in the town of Dresden in which he resides. He found upon investigating that the Town of Dresden had not voted on the local option question at the previous November election, and therefore he was stymied in his efforts to get a liquor license to serve cocktails. He came to Augusta and contacted the Secre-

tary of State, I believe, and also the Attorney General's office and they told him that his only hope of putting this thing through was to contact his Legislator. I happen to be representing the Town of Dresden, so consequently he contacted me.

I got the bill before the screening committee and it was accepted as an emergency measure. I would like to stress that I feel the original bill minus the amendments has, in my opinion, a lot of merit. This will mean considerable to the Town of Dresden. Dresden is a poor town financially, it does not have a broad tax base and if a building of this type were constructed in the Town of Dresden it would certainly add considerable to the tax base and bring in a goodly amount in taxation.

The gentleman who proposes this building would hire anywhere from eight to twelve local residents to work in the establishment which he proposes. I have spent considerable time on this bill; I realize that I have a tiger by the tail as a result of the discussion here this morning. I would certainly hope that the House could see its way clear to help out the Town of Dresden in this way because they certainly need it.

It has been mentioned that we are establishing a precedent here. I think we establish precedents every day that we attend this Legislature. I really see no harm in this proposition. This would not be what might be termed a joint where possibly some rums would sit around and squander their money; this would be a high class restaurant. The gentleman who proposes this has the means to do just what he proposes to do. He also has business associates that are interested in this project with him.

Now his reason for wishing to get this through at the present time under an emergency amendment is that it would enable him to start construction of this building early in the spring, just as soon as weather would permit. Otherwise, if he has to wait and put this before the people by petition in November, he has lost a full year in the construction of it.

This merely gives the residents of the Town of Dresden the opportunity to express their wishes and if this bill were passed, the selectmen would call a town meeting at the proper time and give the people that opportunity. I think they deserve it, I think Dresden deserves it. And I would hope that this bill would be accepted.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I very rarely rise on liquor bills. I would like to comment briefly on the remarks of the gentleman from Scarborough, Mr. Gagnon, by making this comment here. I had some bills that were before the screening committee, I had one bill that was before — two bills that were in the Governor's call. It is his prerogative to decide what bills he wants in his call, what bills he does not want in his call.

I had some very worthy bills, in my opinion, that I thought were of an emergency nature that were presented to the screening committee made up of the leadership of both parties. They accepted some, they rejected some. They are the ones who would judge as to whether or not a bill is of an emergency nature or not; it is not me to say so. I am not a part of the leadership of either party.

I accepted their judicious thinking and I do not think that it is any part of a member of a committee who signs a report against a measure to use for an argument as the gentleman from Scarborough, Mr. Gagnon uses, that this bill is not of an emergency nature.

Now, the reason, and I have not read this bill even, the reason I am on my feet for this bill is because through marriage I have been a part-time resident, happily so, primarily my own City of Lewiston, but happily so of Bristol, and a very good area. And one of the first gentlemen that I met thirty-four years ago was the gentleman representing the area of Bristol, the gentleman I speak of, Mr. Lewis. I know of his reputation, I know of his thorough integrity and honesty. I know that

he would not get himself involved into any legislation that would not be right.

I know whereof he speaks when he says that this would not be part of a joint because anywhere that you go in Lincoln County, and that county like other areas like to be a little quiet about their drinking or their announcement of drinking. I don't drink and I don't smoke. In the last six or seven years, but there are those who say that I might have inbibed enough to sink the big MO; that is alright too. The way I did it was my business, the way they do it in Lincoln County is their business.

Every licensed place that you go into in Lincoln County, they give you a menu. They do not give you a liquor menu. If you want to you can ask, do they have either wines or beers or hard liquors, and they will tell you yes or no. If they do, they ask you what you want. They very discreetly say, that you are — the type that you want.

There is always a little levity in everything. I can recall the few times that I have been blasted a little bit in the last 34 years that I have been in Pemaquid, sometimes because I might have been a little overboard in my enthusiasm, by my good wife, and I have taken it. I can well recall, in Damariscotta two years ago, when I happened to be with a couple of my sisters and my wife, who might like a little cocktail but does not necessarily want the world to know, and they ordered and when it came to me, loud and clear I said not for me, I don't drink booze. I haven't heard the last of that one since.

Going back to the serious part of my comment, I am voting for this bill because of the fact, and the gentleman from Bristol, Mr. Lewis is not a member of my party and I can assure you that I could find a man, as a member of those who are trying to get candidates to run for office, if I could find a man in opposition to him, to defeat him, it would be my pleasure to do it. But I think one would be very, very hard put to do so, and I am not making any speeches for the Republicans because I think that you well know that I am not

a member of the friendly opposition.

But I am a friend of Mr. Lewis. I know of Mr. Lewis's integrity, I know of his sincerity, and I am voting on this one for Mr. Lewis. This is a solid bill because he has presented it in the fashion that he has presented it.

And I hope that the motion to have this bill engrossed passes. When it come time for enactment I hope this measure does have the necessary votes, because I think his measure is sound and I know he is sound.

The SPEAKER: The Chair recognizes the gentleman from Hodgdon, Mr. Williams.

Mr. WILLIAMS: I wish someone would just enlighten me as to what is the difference between a first class rum-dum and a high class rum-dum and a low class rum-dum.

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, I am kind of concerned with the amendment that Mr. Lewis filed, amendment number 528. Perhaps he might be able to explain it a little. As I understand it this would be a hand vote at the annual town meeting.

If that is the case, I couldn't go along with this bill. I think this should be a secret ballot and a printed ballot, printed beforehand, I wish he could explain that.

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis poses a question through the Chair to anyone who may answer if they choose.

The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker and Members of the House: I would be glad to explain this amendment. The original bill placed the responsibility of setting up the necessary procedure for voting on this with the Secretary of State. He came to me and said that he felt that it should be voted on at their annual town meeting in March, provided the bill goes through, and he prepared this amendment as a result of our conversation that would make it feasible for the selectmen to have

prepared ballots, and this would be voted on by secret ballot at the annual town meeting.

I have talked with the select-woman, who happens to be chairman of the Board of Selectmen in Dresden. She was here just two days ago and talked with me in regard to this bill, and as far as the voting procedure goes, that is all taken care of and it would be voted on by secret ballot.

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

Mr. NORRIS: Mr. Speaker, I would like to answer the Representative from Hodgdon, Mr. Williams, and the only difference is — money.

The SPEAKER: All in favor of Bill "An Act Authorizing Town of Dresden to Vote on Certain Liquor Local Option Questions," House Paper 1494, L. D. 1937, being passed to be engrossed as amended by House Amendments "A", "B" and "C" will vote yes; those opposed will vote no.

A vote in the House was taken.

95 having voted in the affirmative and 23 having voted in the negative, the motion did prevail.

Sent to the Senate.

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

Bill "An Act Authorizing the Supreme Judicial Court to Provide for Juries of Fewer than 12" (H. P. 1478) (L. D. 1921) — Passage to be engrossed reconsidered.

Tabled — February 7, by Mr. Hewes of Cape Elizabeth.

Pending — Passage to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Members of the House: We are in the process of preparing a proposed amendment to the bill, and I would appreciate it if someone would table it for one more day.

Whereupon, on motion of Mr. Martin of Eagle Lake, retabled pending passage to be engrossed and tomorrow assigned.

Off Record Remarks

On motion of Mr. Porter of Lincoln,
Adjourned until nine-thirty o'clock tomorrow morning.