

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Fifth
Legislature***

OF THE

STATE OF MAINE

Volume III

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Index

1st Special Session

January 24, 1972 to March 10, 1972

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**KENNEBEC JOURNAL
AUGUSTA, MAINE**

HOUSE

Tuesday, February 15, 1972

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

Prayer by the Rev. Mr. Kenneth Brookes of Augusta.

The journal of yesterday was read and approved.

Orders Out of Order

Mr. Cooney of Webster presented the following Order and moved its passage:

ORDERED, that Carol Letourneau, Shelly Wilson, Matt McMorreau and Silverio Souza of Lewiston be appointed to serve as Honorary Pages for today.

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

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

ORDERED, that Carl Gould 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
Non-Concurrent Matter**

An Act relating to Municipal Finance (S. P. 700) (L. D. 1881) which was passed to be enacted in the House on February 7 and passed to be engrossed as amended by Committee Amendment "A" on February 4.

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

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

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act relating to Housing and Food Supplies Furnished by State Departments" (H. P. 1504) (L. D. 1946) which was passed to be engrossed as amended by House Amendment "A" in the House on February 4.

Came from the Senate passed to be engrossed as amended by House

Amendment "A" and Senate Amendment "A" in non-concurrence.

In the House: On motion of Mr. Porter of Lincoln, tabled pending further consideration and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act Authorizing Oakfield to Withdraw from the Four Corners Elementary Community School District" (H. P. 1568) (L. D. 2023) which was passed to be engrossed in the House on February 8.

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

In the House: On motion of Mr. Finemore of Bridgewater, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act relating to Use of Drugs on Animals at Agricultural Fairs" (H. P. 1569) (L. D. 2025) which was passed to be engrossed in the House on February 9.

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

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

Orders

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

Mr. KELLEHER: Mr. Speaker, I ask if the House is in possession of L. D. 1938.

The SPEAKER: The answer is in the affirmative, the House is in possession of Bill "An Act relating to Retail Sale of Wine," House Paper 1495, L. D. 1938, on which the House voted to recede and concur yesterday in the acceptance of the Majority "Ought not to pass" Report.

Mr. KELLEHER: I move that we reconsider our action of yesterday whereby we voted to recede and concur.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Mrs. Lincoln.

Mrs. LINCOLN: Mr. Speaker and Members of the House: I certainly hope we don't reconsider.

This has been in here, I don't know how many times; this is the wine bill. Yesterday we killed it, and I hope you don't reconsider.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I am not going to take very much time on this this morning, nearly everything has been said on this. It has been in and out and in and out. Yesterday it was really, when we receded and concurred with the other body, it was quite conclusive. The only thing is, it was not a recorded vote, possibly it should have been. I am just going to say a few words here and I think perhaps there was an item in the paper that said it even better than I can, and I would like to read a paragraph.

"There seems ample evidence that more and more young people are turning to alcohol. . . because of their greater availability than drugs. The best argument forwarded for the change was that it would make more space available for hard liquor in the state stores and warehouses. That was not a very persuasive argument. The convenience of the Liquor Commission is not the paramount concern in such matters."

As I stated the other day, it is the wish of the Liquor Commission, the Chairman, Mr. Ingraham, that they get out of the wine business so that they will get more room. Mr. Ingraham and his Commission work for us and the people of the State of Maine. It has been stated many times, and I have checked with people back home, that it is not particularly the stores or the people that want fortified wine in grocery stores. It is liquor interests and nothing but liquor interests.

I think that I will leave it there. Let's kill this this time and vote against reconsideration, so that it will not bother us again in this session.

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

Mr. LIZOTTE: Mr. Speaker, Ladies and Gentlemen of the House: Being the sponsor of this bill, I feel it only my duty to get

up once again. I specified before that the only reason I presented this bill was because of the referendum vote that the people voted on; and the people voted two to one to have wines in stores. I was told that in the bill it specified the alcoholic content of table wines. There were 200 people, approximately, that were aware of the alcoholic content, but there were 300,000 people who voted on the referendum, and on the referendum it never specified what the alcoholic content was in table wines. I was always under the impression that the people were unaware that there was any difference.

So that was the reason that I presented the bill, because the people voted for the service, and I believe that the people are entitled to get what they voted for. I hope that you will reconsider the motion.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Jutras.

Mr. JUTRAS: Mr. Speaker, Ladies and Gentlemen of the House: I voted for this bill yesterday. I thought it would pass because I thought it would mean an accumulation of economy for the State of Maine. But, however, today I have reserved sensations about this bill and for this reason I will speak against it. I will vote in the negative today.

The wine industry, or the beer industry, have a particular interest in this bill and for that reason I shall vote no. That is all I will say today.

The SPEAKER: The Chair recognizes the gentleman from Dixmont, Mr. Millett.

Mr. MILLETT: Mr. Speaker and Members of the House: I have listened to debate on this bill this time and also spent some time listening to it in the 104th. I have always voted dry, mainly because I have tried to represent the thinking of my constituents. However, when questions have gone to local option, I have intended to let the decision of the voters be the final decision in my judgment.

But I have heard some comments made on the floor of this House in the course of this debate

that lead me to believe we are not being told an entirely true picture about this particular bill. Two or three comments that have come out in the course of the last week, one of which is that this is just a housekeeping bill. Secondly, that the voters didn't know what they were voting about. And thirdly, that this is a high moral issue where we all ought to go along with it because it will produce a greater convenience for the customer and a source of increased revenue for the State of Maine.

I did a little reading over the weekend and I went back through the Legislative Record of the 104th session, and if this is a housekeeping measure I fail to see the connection because the debate was sprinkled time after time with very specific references to just what the issue was. More often than not, each speaker who spoke to defend the issue of retail sale of wines started his speech by saying, "Remember, we are only talking about those wines of light alcoholic content, less than 14 per cent. Remember also, that this is a local option question, the voters will have the final say." To imply that this measure at this time is a housekeeping measure just doesn't sit well with my conscience because I remember that debate and I can quote many instances where the issues were laid quite clearly in the 104th.

The second question of whether or not the voters understood what they were voting for is also one that I think could be refuted. I have always maintained that we should know what we are voting for and Section 1 of the original bill, L. D. 1502 from last session started out with a very clear and concise definition of what are table wines, and it makes very specific reference to the less than 14 per cent alcoholic content. If we didn't understand it, it is our own fault. If our voters didn't understand it, it is also our fault because I think the referendum question was clear. The use of the word "table" in wines was printed clearly on the ballot. It occurs dozens and dozens of times in a legislation. If we haven't done our job of educating the public, then I don't think we

should fall back on this as a crutch to now prove that this bill was really what the people were voting for.

The third issue of whether or not, morally, we ought to allow the general public to purchase fortified wines in the grocery stores is one that bothers me even more. I am of the opinion that the people who would most take part in purchasing fortified wines in the grocery stores would be two categories of people which I would like to protect, and I realize we don't have the right to protect people in their individual decision making. But I am thinking of the low income wage earner, who has little enough money to support his wife and family, who is tempted by virtue of convenience to pick up the alcoholic beverages that he desires at the local grocery store.

Now, it is pretty far thinking for me to think that we ought to protect him in how he spends his money, but my feelings honestly lean in that direction. If we can remove one more source of temptation, to what I consider a waste of his money, then I would feel that we have done something that is worthwhile.

I am also concerned with another group of taxpayers, potential and also present, that of our young people. And I don't think we are doing justice to them by allowing them further temptations and further availability of fortified wines. I think we might look back and see many lessons from the prior debate on this issue in the 104th, and I don't like to quote individuals, so I will not name names. But one of the individuals who is supporting this bill the most at this point in time made these remarks, and I think it is almost prophetic to think of them at this point in time.

"But I am fearful that this is just a wedge that would open wider and wider. If you put these table wines, these wines of light alcoholic content in the grocery stores, the retailers won't be able to sell them in quantity enough to make anything like a sizeable profit. So two years hence they will be back and they will say, we want all the

wines. So as an appeasement, because they have suffered for two years, you give them the wines with alcoholic content and pretty soon they will be back after whiskey and rum and what you have and your monopoly system in this state is gone. It has worked well. Ladies and gentlemen of the House, I will not belabor the question. I could only ask you this morning to support this motion that you might not destroy a system that has worked well over the years in the State of Maine.”

This was in speaking in behalf of a motion to indefinitely postpone the bill. I think this is a fitting way for this bill at this time to also die, and I would hope that we would not reconsider the motion.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I am never one that is doubtful of trying something new or venturing into a field that one may consider to be a little dubious. But let me just say this this morning.

My good friend from Dixmont said that he doubts that this is a housekeeping bill; well, he is 100 per cent wrong because it certainly is. We have got half the wines in the State of Maine in the grocery stores and another part of the wines that are supposed to be selling into the state liquor stores, that are creating a problem not only as far as storage is concerned, but they are not moving that well.

He is concerned somewhat about the youngsters being able to go in and procure these wines. I say that these storekeepers are very capable, conscientious citizens; I give them credit for that. They are certainly not going to make these wines available for people that aren't qualified to be able to purchase them.

I don't know who he was quoting in the last session of the 104th concerning the wine bill, but I know it certainly wasn't me. I feel that there is a certain group in this particular body that may be very much against any type of

liquors being put out to the general public so that they are able to procure it. This is a bill that will help generate some money for the state. As we all know, we are going to need it in the next session for whoever may happen to be back here.

I am not trying to second guess the public, I am only trying to put out something to them that they can use. And if they don't want to purchase these wines, then they don't have to. But it is a housekeeping bill, and I hope that this House reconsiders this morning.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Lawry.

Mr. LAWRY: Mr. Speaker and Members of the House: I think Mr. Millett covered the situation very well. I just would like to add that my people haven't phoned me once asking for the convenience, which is one of the things that we have been asked for of purchasing fortified wines in the grocery store. No storekeeper has indicated that they would like it. And on that basis, I hope that we defeat the motion. While I am here, I would like to ask for the yeas and nays.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen: I think there is some information here we should all have knowledge of, and that is the person who has the monopoly on the fortified wines being sold to the state. This big purpose here on this thing is to break up that monopoly more or less, to avoid the transportation costs that would have to be utilized by that person who has the monopoly in supplying all the little stores that might want to use this wine in their sales.

There is something behind this whole thing that we haven't heard about, and that is this, to protect the monopoly of one person on selling fortified wines to the state.

The SPEAKER: The yeas and nays have 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 Bangor, Mr. Kelleher, that the House reconsider its action of yesterday whereby it voted to recede and concur on Bill "An Act relating to Retail Sale of Wine," House Paper 1495, L. D. 1938. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA —Albert, Bedard, Bernier, Berry, P. P.; Binnette, Boudreau, Bourgoin, Bustin, Call, Carey, Carter, Clemente, Conley, Cooney, Cote, Cummings, Curran, Curtis, T. S., Jr.; Dow, Doyle, Dyar, Emery, E. M.; Farrington, Fecteau, Fraser, Genest, Gill, Hancock, Hodgdon, Jalbert, Kelleher, Keyte, Kilroy, Lebel, Lewis, Lizotte, Manchester, Marsh, Martin, McCloskey, McKinnon, Mills, Murray, Norris, O'Brien, Orestis, Pontbriand, Pratt, Rocheleau, Santoro, Sheltra, Slane, Smith, D. M.; Smith, E. H.; Tanguay, Vincent, Wheeler, Whitzell.

NAY —Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown, Bunker, Carrier, Churchill, Clark, Collins, Cottrell, Curtis, A. P.; Cyr, Dam, Donaghy, Emery, D. F.; Evans, Finemore, Gagnon, Good, Goodwin, Hall, Hardy, Haskell, Hawkens, Hayes, Henley, Hewes, Immonen, Jutras, Kelley, K. F.; Kelley, P. S.; Lawry, Lee, Lewin, Lincoln, Littlefield, Lucas, Lund, Lynch, MacLeod, Maddox, Mahany, Marstaller, McCormick, McNally, Millett, Morrell, Mosher, Murchison, Page, Parks, Payson, Porter, Rand, Rollins, Ross, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Stillings, Susi, Theriault, Trask, Webber, White, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT —Berube, Crosby, Drigotas, Dudley, Faucher, Gauthier, Herrick, Kelley, R. P.; Lessard, McTeague, Tyn d a l e, Whitson, Wight.

Yes, 58; No, 79; Absent, 13.

The SPEAKER: Fifty-eight having voted in the affirmative and seventy-nine in the negative, with thirteen being absent, the motion does not prevail.

**House Report of Committee
Leave to Withdraw
Covered by Other Legislation**

Mr. McCloskey from the Committee on Taxation on Bill "An Act to Encourage Improvement in Forest Growth by Creating a Method of Taxation Based upon the Productivity of Various Classes of Forest Lands" (H. P. 1556) (L. D. 2017) reported Leave to Withdraw, as covered by other legislation.

Report was read and accepted and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act Implementing the Reorganization of the Department of Commerce and Industry" (S. P. 726) (L. D. 1995)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

**Third Reader
Tabled and Assigned**

Bill "An Act relating to Disclosure of Economic Interests by Legislators" (H. P. 1572) (L. D. 2029)

Was reported by the Committee on Bills in the Third reading and read the third time.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker and Members of the House: I am in the process of having an amendment drawn up on this bill, and I would appreciate it if someone would table this for one day.

Whereupon, on motion of Mr. Jutras of Sanford, tabled pending passage to be engrossed and tomorrow assigned.

Resolve to Reimburse School Administrative District # 37 for Funds Paid for School Construction in 1965 and 1966 (S. P. 692) (L. D. 1873)

Was reported by the Committee on Bills in the Third Reading, read

the second time, passed to be engrossed and sent to the Senate.

Amended Bills

Bill "An Act relating to Fees for Marketing and Advertising Farm Products" (H. P. 1448) (L. D. 1891)
 Resolve in Favor of Helen G. Pearson for Injuries Sustained as a State Employee (H. P. 1540) (L. D. 1998)

Were reported by the Committee on Bills in the Third Reading, Bill read the third time, Resolve read the second time, both passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Passed to Be Enacted

An Act Implementing the Reorganization of Department of Military, Civil Defense and Veterans' Services (H. P. 1542) (L. D. 2014)

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

Orders of the Day

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

Bill "An Act relating to Kindling Out-of-door Fires" (H. P. 1480) (L. D. 1923)

Tabled — February 14, by Mr. Hancock of Casco.

Pending — Passage to be engrossed.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

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

Bill "An Act to Provide for Administrative Enforcement of the Municipal Public Employees Labor Relations Law" (H. P. 1548) (L. D. 2007) (Committee Amendment "A" H-535 adopted)

Tabled — February 14, by Mr. Cote of Lewiston.

Pending — Passage to be engrossed.

On motion of Mr. McTeague of Brunswick, retabled pending passage to be engrossed and tomorrow assigned.

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

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)

Tabled — February 14, by Mr. Martin of Eagle Lake.

Pending — Passage to be enacted.

Mr. Martin of Eagle Lake moved the pending question.

Thereupon, this being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of same and 7 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

On motion of Mr. Porter of Lincoln,

Adjourned until nine o'clock tomorrow morning.