

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth*

*Legislature*

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Tuesday, March 16, 1971

Senate called to order by the President.

Prayer by the Rev. Lawrence A. Merckens of Hallowell.

Reading of the Journal of yesterday.

**House Papers**

Bills, Resolve and Resolution today received from the House requiring Reference to Committees were acted upon in concurrence.

**Senate Papers****Appropriations and Financial Affairs**

Mr. Minkowsky of Androscoggin presented, Bill, "An Act to Provide Assistance to Maine's Certified Home Health Agencies." (S. P. 458) (L. D. 1376)

Mrs. Carswell of Cumberland presented, Bill, "An Act Providing Funds for Wildlife Upland at Pine Point, Scarborough." (S. P. 459) (L. D. 1377)

Which were referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

**Health and Institutional Services**

Mr. Hichens of York presented, Bill, "An Act Relating to the Sale and Use of Lead Paint." (S. P. 460) (L. D. 1378)

Which was referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

**Legal Affairs**

Mr. Hichens of York presented, Bill, "An Act Relating to Payments by Town of York to York Harbor Village Corporation." (S. P. 461) (L. D. 1379)

Which was referred to the Committee on Legal Affairs and Ordered Printed.

Sent down for concurrence.

**State Government**

Mr. Minkowsky of Androscoggin presented, Bill, "An Act Relating to the Maine Area Land Development Authority." (S. P. 462) (L. D. 1385)

Which was referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

**Taxation**

Mr. Martin of Piscataquis presented, Bill, "An Act to Provide for the Taxation of Pulpwood and Logs in Place Where Situated." (S. P. 463) (L. D. 1380)

Which was referred to the Committee on Taxation and Ordered Printed.

Sent down for concurrence.

**Orders**

On motion by Mr. Berry of Cumberland,

ORDERED, the House concurring, that the Secretary of the Senate and the Clerk of the House, respectively, be authorized to furnish additional wrappers and postage stamps for each member of the Senate and House not exceeding \$18.00 in amount each, for the purpose of distributing various reports of the Departments of State and other public documents such as they may desire to mail to the citizens of the State. (S. P. 464)

Which was Read and Passed.

Sent down for concurrence.

On motion by Mr. Berry of Cumberland,

ORDERED, the House concurring, that the Secretary of the Senate be authorized to hire a temporary typist or stenographer for the Senate at a weekly rate of \$90 to become effective March 16, 1971 and not to exceed a period of 6 weeks. (S. P. 465)

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: Unfortunately, Mrs. Vautour had an accident over the weekend and is in the Augusta General Hospital with two painful fractures, and this order will provide for a replacement for her.

Flowers have been sent to Mrs. Vautour on behalf of the Senate.

The PRESIDENT: Is it now the pleasure of the Senate that this order receive passage?

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

#### **Committee Reports House**

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Relating to Effective Period for Filing of a Financing Statement under Uniform Commercial Code." (H. P. 550) (L. D. 726)

#### **Leave to Withdraw**

The Committee on Fisheries and Wildlife on, Bill, "An Act to Increase the License Fee for Lobster Fishing." (H. P. 190) (L. D. 247)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

#### **Ought to Pass**

The Committee on State Government on, Bill, "An Act to Create an Interstate Boundary Commission to Establish a Marine Boundary Compact between Maine and New Hampshire." (H. P. 685) (L. D. 920)

Reported that the same Ought to Pass.

The Committee on Judiciary on, Bill, "An Act to Cause the Central Register of Attorneys to be Maintained by the Administrative Assistant to the Chief Justice of the Supreme Judicial Court." (H. P. 195) (L. D. 251)

Reported that the same Ought to Pass.

The Committee on Transportation on, Bill, "An Act Providing for a Feasibility Study of Alternative Methods for Crossing Fore River." (H. P. 404) (L. D. 517)

Reported that the same Ought to Pass.

Come from the House, the reports Read and Accepted and the Bills Passed to be Engrossed.

Which reports were Read and Accepted in concurrence, the Bills Read Once and Tomorrow Assigned for Second Reading.

The Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Carrying Life Saving Devices in Canoes." (H. P. 115) (L. D. 159)

Reported that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed, as Amended by House Amendment "A" (H-48).

Which report was Read and Accepted in concurrence and the Bill Read Once. House Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

#### **Ought to Pass-as Amended**

The Committee on Judiciary on, Bill, "An Act Relating to the Commitment of Persons to Correctional Centers." (H. P. 461) (L. D. 616)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-47).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

#### **Ought to Pass in New Draft**

The Committee on Health and Institutional Services on, Bill, "An Act Providing Handrails for Stairs in Public Buildings." (H. P. 22) (L. D. 31)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1082) (L. D. 1148)

The Committee on Judiciary on, Bill, "An Act Relating to Trespass on Certain State Institutions." (H. P. 50) (L. D. 84)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1084) (L. D. 1150)

Come from the House, the reports Read and Accepted, and the Bills, in New Draft, Passed to be Engrossed.

Which reports were Read and Accepted in concurrence, the Bills, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

### Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act Relating to Health Warnings on Labels on Liquor Bottles." (H. P. 355) (L. D. 475)

Reported that the same Ought Not to Pass.

Signed:

Senator:

MINKOWSKY

of Androscoggin

Representatives:

CUMMINGS of Newport

LESSARD of Lisbon

DOYLE of Bangor

PAYSON of Falmouth

DYAR of Strong

CLEMENTE of Portland

LEWIS of Bristol

McCORMICK of Union

SANTORO of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Sensors:

HICHENS of York

GREELEY of Waldo

Representative:

BERRY of Madison

Comes from the House, the Majority Ought Not to Pass Report Read and Accepted.

Which reports were Read.

Mr. Hichens of York then moved that the Senate accept the Minority Ought to Pass Report of the Committee.

On motion by Mr. Minkowsky of Androscoggin, a division was had. Thirteen Senators having voted in the affirmative, and twelve Senators having voted in the negative, the motion prevailed and the Minority Ought to Pass Report of the Committee was Accepted in non - concurrence.

### Reconsidered Matter

On motion by Mr. Clifford of Androscoggin, the Senate voted to reconsider its action whereby it accepted the Minority Ought to Pass Report of the Committee on Bill, "An Act Relating to Health

Warnings on Labels on Liquor Bottles" (H. P. 355) (L. D. 475)

Thereupon, on the original motion by Mr. Hichens of York to Accept the Minority Ought to Pass Report of the Committee, the Chair ordered a division. Fourteen Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the motion did not prevail.

Whereupon, the Majority Ought Not to Pass Report of the Committee was Accepted in concurrence.

### Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act Relating to the Control of Dogs." (H. P. 270) (L. D. 359)

Reported that the same Ought Not to Pass.

Signed:

Senator:

CLIFFORD

of Androscoggin

Representatives:

BRAWN of Oakland

FECTEAU of Biddeford

CROSBY of Kennebunk

COTE of Lewiston

CURTIS of Bowdoinham

NORRIS of Brewer

GAUTHIER of Sanford

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Sensors:

KELLAM of Cumberland

QUINN of Penobscot

Representatives:

SMITH of Dover-Foxcroft

EMERY of Rockland

SILVERMAN of Calais

Comes from the House, the Minority Ought to Pass Report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-49).

Which reports were Read.

Mr. Quinn of Penobscot then moved that the Senate accept the Minority Ought to Pass Report of the Committee.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: This is an item actually

which certainly comes under the purview of home rule, and I fail to see the need or desirability of the state legislating in fields where communities have shown their ability to legislate.

This is the so-called statewide leash law. Now, there are many communities in the state that have enacted a leash law, and it would certainly seem that there is no better example of the need for home rule to be exercised than right in this area.

I have quite an affection for dogs myself. The newspapers have been replete lately with some of my concern in this area, and I want to assure the dogs that they are going to have hydrants at least in every community I have anything to do with.

I hope you vote against the motion.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: In support of my motion, this particular bill has had a great deal of correspondence, most of it in favor of the bill. And we had a large turnout at the hearing.

We discovered that, while some communities have local ordinances controlling dogs, the majority of the municipalities have no local ordinance of any kind. Consequently, these dogs are running at large all over the community, not only that community, but adjoining communities.

We also discovered at that hearing that people who owned and loved their dogs, and took care of their dogs, kept them under control.

Now, this is a control bill. It has been referred to as a leash bill, but it is also a control bill. It is an attempt to have the owners of dogs keep them under control instead of running at large, raiding herds of sheep and killing them, killing our deer, and interfering with the neighbors' gardens, things such as that.

A lot of people who own dogs pay no attention to them. They let them out and let them run and don't pay any attention to them until they come scratching at the door to be let in.

Home rule will not help the situation at all, because in home rule it is all right for the local community; it gives them a vehicle to act on. But if they don't act on it, then those dogs are running at large, killing our deer and other domestic animals and poultry. So it seems to me this serves a good purpose in areas where the local people have done nothing to control dogs.

Now, dogs know no boundaries between communities. They run at large and many times for miles, and we have had a terrific deer kill this past season by dogs. It seems to me we ought to make it necessary for the owners of dogs, if they are going to own a dog, to take care of those dogs and keep them under control. So I hope you will support my motion, because I think it is in the best interest of the state.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS of York: Mr. President and Members of the Senate: I am not going to belabor the subject any, but I still believe this should be a subject for home rule and not a statewide ordinance.

I am a farmer myself and I have a couple dogs. And no matter how many signs my neighbor may put up, they do not realize that my boundary ends at one point, and when the birds fly across onto his land my dogs follow the birds.

I think this is a measure that the towns should take care of themselves.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: I was present at the hearing during which many people spoke, and I thought many good points were brought out.

I disagree with Senator Quinn, and it is very seldom that I do, but on this point I feel that we already have a state law covering the dogs that do kill deer, so I am really not impressed with that particular argument put forth by Senator Quinn.

Another thing that impressed me at the hearing was the fact that

it was brought out that there are only five dog pounds in the whole State of Maine. I think, the way this bill is written, if you are going to enforce the law you have got to have dog pounds. I know that my community of Lewiston considered a measure similar to this three or four years ago, and they got an estimate of what a dog pound would cost and a dog officer, and it came to somewhere in the vicinity of \$83,000. It was soon after that the people in Lewiston decided to back off. It was an excessive cost.

I think I agree with Senator Berry that this is something, maybe not against the home rule principle, but it certainly is something that should be decided by the individual community. If they want a dog leash law or a dog control law, let them pass it, but don't compel every community to accept this type of law just because a certain few communities are having a problem.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Bernard.

Mr. BERNARD of Androscoggin; Mr. President and Members of the Senate: I am from a community that is having a problem, and that is Auburn, Maine, right across the river from Lewiston. I know that right in my own little neighborhood where I live there is probably as many as fifteen dogs running around, and I might say that half the time they appear to be running wild.

Last summer my two young boys, one is four and one is nine, were bitten by my neighbor's dog. Very politely I went over to my neighbor and tried to argue it out that he should probably attend to his dog or keep it on a leash, and he flatly said, "What are you going to do about it?" So now I have my hunting rifle all set up, and I frankly told him that the next time his dog abuses one of my boys I am going to put an end to it. No doubt one of these days you are going to read where I am in court being sued. That is the way I feel about it.

Now, the mayor of my city didn't have the guts to stand up and pass a dog leash law. We had them

repeatedly, a number of times, when the matter came before the city council. I say that the various communities do not have the ability in this particular area to promote home rule.

I have read the so-called journal of the other branch, and I have pointed out several articles to some of my distinguished colleagues here in the Senate. A certain legislator from Lewiston made a very appropriate pitch, I would call it, to kill this bill. In fact, I would term it "The Gettysburg Address to the Dogs", because it was so poignant. However, I feel that somebody has got to stand up here and speak for the children of this state.

We have heard all about the wild deer being slaughtered, but what about the kids that are continuously being bitten and assaulted by dogs in the neighborhood? Very few of us seem to be really concerned about what the kids are doing.

Now, over the weekend we had a diver that drowned, or we have two divers that drowned - Sensational! Everyone all over the state is talking about it, about the couple that hung up on some ropes. It is a sensational piece of news. There are several hundred people that are killed every year in Maine in automobile accidents, but we overlook that because that is something we accept, and yet we have a set of drownings and it is really sensational. What about the children who are bit every summer, every fall and every winter in the cities here? Nobody seems to pay much attention to that.

My uncle has a dog, and every time I go into his yard somebody has got to throw something at the dog to keep it away from me; it just doesn't like me. But recently my uncle's daughter had her boyfriend over to the house and the dog got up and bit him on the lip. So now he has got a couple of stitches and he has got what you might call a harelip. Then the dog was hauled in and examined, and the Vet said, "You will have to restrain the dog for thirty days. We have got to find out if he has got rabies. So for twenty-nine days we sweated it out. On the

29th day the dog bit my uncle's younger boy, and now the dog has got twenty - nine more days to sweat it out. So I am for standing here and voting with Senator Quinn; I think he has got the right idea.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: As Chairman of the Fisheries and Wildlife Committee, I feel compelled to say something in regard to this particular document.

In one moment I consider myself a proponent of this document and in the next an opponent. As a proponent of this piece of legislation, I think it is a well - known fact that our deer herd is suffering the worst conditions this year that it has ever suffered, and before you members of the Senate is going to come some legislation relative to our deer herd as to whether we will save it or whether the white - tailed deer in the State of Maine will become extinct. A great deal of the possibility of our deer herd becoming extinct is the family dog.

Now, I have two dogs at home. I love dogs and I love cats, but I believe that the dogs and the cats have a place, and their place is on their respective owner's property. We are having dog trouble throughout the entire state, and they are raising havoc with our deer herd, and they are endangering and destroying people's property.

I agree with the home rule concept, and I believe if we are going to practice it that every community should have some form of legislation to control dogs.

On the other hand, this piece of legislation, I believe, is too restrictive. It is requiring people to keep their dogs on leashes or under strict supervision for the entire year. Perhaps some form of compromise could be worked out that dogs must be kept under strict supervision for a certain time of the year, and then the owners of the dogs may a little more fully realize their responsibility, and perhaps the dog may get into the

practice of staying at home instead of running at large.

So, ladies and gentlemen of the Senate, I really cannot speak as a proponent or an opponent. I believe that something must be done to control the dogs in the state, but I particularly do not like this bill as it is written.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Penobscot, Senator Quinn, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act Relating to the Control of Dogs." A division has been requested. As many Senators as are in favor of the Senate accepting the Minority Ought to Pass Report of the Committee will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Fourteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, the motion prevailed.

Thereupon, the Bill was Read Once. House Amendment "A", Filing No. H-49, was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on County Government on, Bill, "An Act Relating to Setting Salaries of all County Officials Except County Attorneys and their Assistants." (H. P. 585) (L. D. 780)

Reported that the same Ought Not to Pass.

Signed:  
Senators:

PEABODY of Aroostook  
MARTIN of Piscataquis  
DANTON of York

Representatives:

DYAR of Strong  
HAWKENS of Farmington  
IMMONEN of West Paris  
CHURCHILL of Orland  
BERNIER of Westbrook  
KELLEHER of Bangor  
KELLEY of Southport  
PONTBRIAND of Auburn  
WIGHT of Presque Isle

The Minority of the same Committee on the same subject matter



reported that the same Ought to Pass.

Signed:  
Representative:

**MILLS** of Eastport

Comes from the House, the Majority Ought Not to Pass Report Read and Accepted. Which reports were Read, and the Majority Ought Not to Pass Report of the Committee Accepted in concurrence.

### Second Readers

The Committee on Bills in the Second Reading reported the following:

#### House

Bill, "An Act Relating to the Property Tax Exemption for Parsonages." (H. P. 1068) (L. D. 1128)

Bill, "An Act Including Escalators and Manlifts in the Elevator Law." (H. P. 1066) (L. D. 1126)

Bill, "An Act Relating to Definition of Wholesaler under Liquor Law." (H. P. 1067) (L. D. 1127)

(On motion by Mr. Shute of Franklin tabled and Tomorrow Assigned, pending Passage to be Engrossed.)

Which were read a Second Time and, except for the tabled matter, Passed to be Engrossed in concurrence.

### House - as Amended

Bill, "An Act Amending Charter of Eliot and Kittery Mutual Fire Insurance Company." (H. P. 450) (L. D. 605)

Bill, "An Act Relating to Payment of Fees to Secretary of State for Reports of Records." (H. P. 486) (L. D. 627)

Bill, "An Act Increasing Indebtedness of Town of York School District." (H. P. 44) (L. D. 76)

Which were read a Second Time and Passed to be Engrossed, as Amended, in concurrence.

### Senate

Bill, "An Act Revising the Law Relating to Traveling Libraries." (S. P. 136) (L. D. 348)

Bill, "An Act Relating to Business Hours for Taverns." (S. P. 299) (L. D. 856)

Which were Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

### Senate - As Amended

Bill, "An Act Relating to Fire Protection for Township 16, Range 4, Aroostook County." (S. P. 108) (L. D. 287)

Which was Read a Second Time and Passed to be Engrossed, as Amended.

Sent down for concurrence.

### Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act to Repeal Tax Exemption for Planting and Cultivating Forest Trees. (S. P. 67) (L. D. 132)

An Act to Clarify Certain Forestry Laws. (S. P. 112) (L. D. 291)

An Act Relating to Payments by the State for Damage by Dogs and Wild Animals. (H. P. 252) (L. D. 334)

An Act Relating to Notice of Hearings before the Administrative Hearing Commissioner. (H. P. 418) (L. D. 545)

An Act Revising Probate Rules and Blanks. (H. P. 456) (L. D. 611)

An Act Relating to Temporary Lodging in County Jails of Returnees from Entrustment and Juveniles Absent Without Leave from Juvenile Institutions. (H. P. 460) (L. D. 615)

An Act Relating to Arson. (H. P. 491) (L. D. 632)

Which were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his Approval.

### Emergency

An Act Amending and Restating the Act to Incorporate Dyer Library Association. (H. P. 350) (L. D. 459)

This being an emergency measure and having received the affirmative votes of 26 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

### Orders of the Day

The President laid before the Senate the first tabled and specially assigned matter:

SENATE REPORTS — from the Committee on Judiciary on Bill, "An Act Providing for Western-Hancock District Court to be Held at Bucksport." (S. P. 97) (L. D. 261) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — March 4, 1971 by Senator Anderson of Hancock.

Pending — Acceptance of Either Report.

On motion by Mr. Berry of Cumberland, retabled and specially assigned for March 23, 1971, pending Acceptance of Either Report.

The President laid before the Senate the second tabled and specially assigned matter:

SENATE REPORTS — from the Committee on State Government on Bill, "An Act Relating to Disposition of Portion of Fees Collected by Maine State Park and Recreation Commission." (S. P. 20) (L. D. 48) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass as Amended.

Tabled — March 9, 1971 by Senator Moore of Cumberland.

Pending — Acceptance of Either Report.

On motion by Mr. Moore of Cumberland, retabled and specially assigned for March 23, 1971, pending Acceptance of Either Report.

The President laid before the Senate the third tabled and specially assigned matter:

Bill, "An Act Relating to Temporary Registration Certificates for Vehicles." (H. P. 313) (L. D. 413)

Tabled — March 12, 1971 by Senator Marcotte of York.

Pending — Passage to be Engrossed.

Thereupon, the Bill was Passed to be Engrossed in concurrence.

The President laid before the Senate the fourth tabled and specially assigned matter:

Bill, "An Act Relating to Maine Chiropractic Association." (H. P. 238) (L. D. 320)

Tabled — March 12, 1971 by Senator Hoffses of Knox.

Pending — Enactment.

Thereupon, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

The President laid before the Senate the fifth tabled and specially assigned matter:

HOUSE REPORTS — from the Committee on Liquor Control on Bill, "An Act Relating to Definition of Class 'A' Restaurant Under Liquor Laws" (H. P. 302) (L. D. 402) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — March 12, 1971 by Senator Violette of Piscataquis.

Pending — Motion by Senator Shute of Franklin to Accept the Majority Ought Not to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: This is probably the first time that I have risen to speak in the Senate on this type of legislation, and I assure you that I speak only as a Senator from District 24, and not as the Minority Leader.

I would hope that the Senate would not accept the Majority Ought Not to Pass Report because I think this bill, as it was amended and accepted in the other branch, has a lot of merit. Basically, what the bill calls for is a lowering of the amount of business that Class "A" restaurants are required to do in order to get their liquor licenses. I know this is the case of some restaurants in my area, that because they are located in small towns and are unable to do the volume of business that is required presently under the Class "A" restaurant license, they are unable to get licenses. The purpose of the bill was to correct this discrepancy.

The bill has been amended, and under the amendment, House Filing No. 42, it raises significantly the amount required for a restaurant to qualify for a license from that of the original bill. I know in one small town next to Van Buren there are a couple of

very, very nice restaurants that have been in business for a long time, that are really very well run and have been for a long time. They cannot qualify for licenses because of the location, the small size of the town, they just do not do the volume of business that would allow them to get a license. Furthermore, they are losing their businesses because the larger towns surrounding them have larger volumes, and the motels and hotels which can qualify for a license as strictly motels or hotels are taking the business away from them. I think this does create an imbalance which I think this bill, as amended, would correct.

So, I would hope that you would not accept the Majority Ought Not to Pass Report and that the Senate would accept the Minority Ought to Pass Report as amended.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I too am reluctant to get into debate with the good Senator from District 24 regarding the merits of this bill, but I feel that I must defend the report of the committee.

I am sure that most of you would agree with me that membership on the Liquor Control Committee is not one of the most sought after posts in the legislature. We have thirteen good men tried and true. Some would admit to being wets, some would admit to being dries, and I imagine some of us would admit to drinking wet and voting dry. However, this report, with all thirteen members of the committee voting, came out with a twelve to one Ought Not to Pass report.

I ask you to look at House Amendment No. 42 and read the statement of fact. It says, "The purpose of the amendment is to raise the minimum amount of food sold by Class A restaurants." This is a gross misstatement of fact, because the current law requires that a Class "A" restaurant, in order to qualify for that classification, do \$40,000 worth of business. A good Class "A" restaurant, I

am sure you will admit, must do much more than \$40,000 worth of business in order to be a productive truly Class "A" restaurant. For less than six months the requirement is \$20,000 worth of gross business.

I remind the members of this Senate that in the beginning the requirement under this law was a quarter of a million dollars in order to qualify for a Class "A" restaurant. Over the years this has been eroded so now the requirement is \$40,000.

The bill, which was unacceptable even to representatives of the Restaurant Association, brought it down to a less than desirable point, so this amendment actually raises the amount of food to be sold, as originally proposed in L. D. 402. This is the reason the statement of fact is as it is. It raises the minimum amount from the bill but it lowers it considerably from what the present law is now.

I would imagine that, if this were passed, you could come to Farmington to George's Hot Dog Stand, where I am sure he does a minimum of \$20,000 worth of business in a year, and enjoy a glass of your favorite beverage. I suggest that when you go to a hot dog stand and call it a Class "A" restaurant that we are bending the law to a far greater degree than we should be bending it. I would be opposed to anything other than the acceptance of the Ought Not to Pass report.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: As one of the members of this prestigious Committee on Liquor Control, I rise in support of the motion of the Chairman of this august Committee, Senator Shute. I was one of the twelve signers of the Ought Not to Pass Report.

The good Senator from Franklin has spoken about the wets on the committee and the dries on the committee. Perhaps we might have another classification of the damp members of the committee. But in all respect, in all cases except one, we voted in commit-

tee to report this out as Ought Not to Pass.

It has been pointed out that a hot dog stand could very easily do this volume of business and thereby classify themselves as a restaurant. The same would apply to a hamburger stand, and we all know today the increase cost of a hot dog. I can remember when a hot dog was ten cents; it no longer is. With the inflation we have today, certainly there are many, many places where a person can go and get hot dogs, hamburgers, pizzas and those things and, if this piece of legislation were passed, they would qualify under the law to serve liquor. I, for another member of the committee, do not believe that we want to lower the bars to this extent.

Mr. President, when the vote is taken I move that it be taken by a division.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Fortier.

Mr. FORTIER of Oxford: Mr. President and Members of the Senate: I too am a member of the Liquor Control Committee. I have been asked a number of times since I was named to the committee whether I was a dry or a wet. I have also been asked if I was a drunk or a wet. I hope my colleagues will be generous in classifying me in that respect.

I signed the Ought Not to Pass Report, but since the amendment has been added to this bill I feel that it has changed the complexion of it considerably. I too was afraid of the probability of a hamburger stand or a hot dog stand qualifying to dispense hard liquor. But I think there are other qualifications besides the volume of business which is required by our Liquor Control Commission before they issue such a license or give such a classification of a Class "A" restaurant.

I am quite familiar with a number of the small towns involved. I do know that some of them have very, very good restaurants that are the equal in quality to some of our restaurants in larger municipalities.

I appreciate this as a compromise, but I am going to vote against the Ought Not to Pass report and would urge my colleagues to do likewise.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS of York: Mr. President and Members of the Senate: You have heard the arguments for and against, but as a member of the Liquor Control Committee in the 103rd Legislature, and as House Chairman in the 104th, this is a very familiar issue to me.

In the 103rd they wanted to lower it from \$50,000 down to a \$40,000 requirement, and it was defeated. In the 104th it was passed. Now this year they want to lower it again. And even though they have come up half way, you can be sure that if we pass this today and let them have their way that next year they will want to go down to the \$10,000 requirement. I will go along with the Senator's motion that the Ought Not to Pass report be accepted.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Franklin, Senator Shute, that the Senate accept the Majority Ought Not to Pass Report of the Committee on Bill, "An Act Relating to the Definition of Class 'A' Restaurant Under Liquor Laws."

A division has been requested. As many Senators as are in favor of accepting the Majority Ought Not to Pass Report of the Committee will please rise and remain standing until counted. Those opposed?

A division was had. Thirteen Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the motion did not prevail.

Thereupon, the Minority Ought to Pass Report of the Committee was accepted in concurrence and the Bill Read Once. House Amendment "A", Filing No. H-42, was Read.

Whereupon, on motion by Mr. Shute of Franklin, tabled and

specially assigned for March 19, 1971, pending Adoption of House Amendment "A".

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**Reconsidered Matters**

Mr. Berry of Cumberland moved that the Senate reconsider its action of yesterday whereby on Bill, "An Act Relating to Length of Certain Motor Vehicles", (H. P. 213) (L. D. 280), the Senate voted to Insist and Ask for a Committee of Conference.

Thereupon, on further motion by the same Senator, tabled and specially assigned for March 19, 1971, pending the motion by that Senator to Reconsider.

Mr. Chick of Kennebec moved that the Senate reconsider its action of yesterday whereby An Act Relating to Licenses for Harness Horse Racing and Stipend Fund, (H. P. 321) (L. D. 430), was Passed to be Enacted.

Thereupon, on further motion by the same Senator, tabled and Tomorrow Assigned, pending the motion by that Senator to Reconsider.

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**(Off Record Remarks)**

On motion by Mr. Hoffses of Knox,

Adjourned until 10 o'clock tomorrow morning.