

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Sixth

Legislature

OF THE

STATE OF MAINE

1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, March 6, 1973

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

Prayer by the Rev. Mr. John Karsten of Wiscasset.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Communication: (S. P. 396)

STATE OF MAINE
Executive Department
State Planning Office
189 State Street
Augusta

December 29, 1972

To the Governor, Legislature and People of Maine:

I am very happy to have the opportunity to submit this annual report on the major activities of the Maine State Planning Office. It is a report on a new and unique office in Maine State government; an office which began its operations during a period of great change at the state level.

This formative period for the State Planning Office also was a time for many changes in Maine State Government Organization with a movement away from a fragmented structure which was little more than an aggregate of special and clientele interests with governmental powers toward a system more responsive to the direction of our elected officials.

It was a period in which the State of Maine enacted a series of environmental and land use laws which placed the state among the leaders in "The Quiet Revolution in Land Use Control." It was also a period in which a statewide system of Regional Planning Commissions was established providing a "Regional Home" for every local government in the state.

State planning is mainly concerned with relationships: among the many state agencies, the eleven Regional Planning Commissions, multi-state regional organizations, local governments and private groups. I want to thank all of these groups and individuals

for their generous assistance and fine cooperation.

Sincerely,

(Signed)

PHILIP M. SAVAGE

State Planning Director

Came from the Senate read and with accompanying papers placed on file.

In the House, the Communication was read and with accompanying papers ordered placed on file in concurrence.

From the Senate:

Bill "An Act Providing Funds for Continued Operation of Regular Ferry Service between Rockland and Matinicus Island" (Emergency) (S. P. 391) (L. D. 1137)

Came from the Senate referred to the Committee on Transportation.

In the House, referred to the Committee on Transportation in concurrence.

Reports of Committees**Ought Not to Pass**

Report of the Committee on Transportation reporting "Ought not to pass" on Bill "An Act Relating to ReflectORIZED Bicycle Pedals" (S. P. 247) (L. D. 698)

In accordance with Joint Rule 17-A, was placed in the legislative files.

The SPEAKER: Will the Sergeant-at-Arms kindly escort the gentleman from Bridgewater, Mr. Finemore to the rostrum.

Thereupon, Mr. Finemore assumed the Chair as Speaker pro tem and Speaker Hewes returned to his seat on the floor of the House.

Leave to Withdraw

Report of the Committee on Judiciary on Bill "An Act to Prohibit the Use of Unmarked Police Cars" (S. P. 239) (L. D. 690) reporting Leave to Withdraw.

Report of same Committee on Bill "An Act Relating to Parking of Spectators' Vehicles During a Fire" (S. P. 240) (L. D. 691) reporting Leave to Withdraw.

Report of the Committee on Transportation on Bill "An Act Relating to Display of Lights on Certain Motor Vehicles During the

Daytime" (S. P. 241) (L. D. 692) reporting Leave to Withdraw.

Report of the Committee on Fisheries and Wildlife on Bill "An Act Creating the Eustis Sanctuary, Franklin County" (S. P. 244) (L. D. 695) Reporting Leave to Withdraw.

Came from the Senate with the Reports read and accepted.

In the House, the Reports were read and accepted in concurrence.

Petitions, Bills and Resolves Requiring Reference

The following Bills, Resolves and Resolution were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Agriculture

Bill "An Act Relating to Animals Imported into the State of Maine for Resale" (H. P. 968) (Presented by Mr. Murray of Bangor)

Bill "An Act Increasing License Fee for Nurserymen" (H. P. 1019) (Presented by Mr. Webber of Belfast)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act Providing Funds for Study of Bicycle Traffic" (H. P. 969) (Presented by Mr. Murray of Bangor)

Bill "An Act to Provide Additional Federal-State Services" (H. P. 1011) (Presented by Mr. Hobbins of Saco)

Bill "An Act Relating to Housing and Food Supplies Furnished to State Employees" (H. P. 1020) (Presented by Mrs. McCormick of Union)

Bill "An Act Amending the Law Relating to the Provision of Housing and Meals to State Employees" (H. P. 1021) (Presented by Mr. Soulas of Bangor)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Providing for No-fault Motor Vehicle Insurance" (H. P. 1022) (Presented by Mr. Trask of Milo)

(Ordered Printed)

Sent up for concurrence.

County Government

Bill "An Act Increasing Payments to Knox County Law Library" (H. P. 970) (Presented by Mr. Hoffses of Camden)

Bill "An Act Increasing Salaries of County Officers of Kennebec County" (H. P. 971) (Presented by Mr. Farrington of China)

Bill "An Act Relating to Probate Fees" (H. P. 972) (Presented by Mr. Jalbert of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act Relating to Tuitional Equalization Fund for Maine Students Entering Maine Private Colleges" (H. P. 1017) (Presented by Mr. Susi of Pittsfield) (Emergency)

Bill "An Act Providing Funds for a Garage at Central Maine Vocational-Technical Institute" (H. P. 1023) (Presented by Mr. Jalbert of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act Relating to Voting Checklists as Public Records" (H. P. 973) (Presented by Mr. Bustin of Augusta)

Bill "An Act Relating to Voting Machines or Electronic Voting Systems in Certain Municipalities" (H. P. 1012) (Presented by Mr. Emery of Rockland)

Bill "An Act Permitting a Dollar Check-off on Income Tax Returns for Election Campaign Fund" (H. P. 1010) (Presented by Mr. Murray of Bangor)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Relating to Open Season on Beaver on Passamaquoddy Indian Lands" (H. P. 1013) (Presented by Mr. Mills of Eastport)

Bill "An Act Relating to Wild Animals in Captivity" (H. P. 1024) (Presented by Mr. Theriault of Rumford)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Change the Term of Office of the Board of Barbers" (H. P. 974) (Presented by Mr. Bustin of Augusta)

Bill "An Act to Exempt House Parents at Boys Training Center from Law Dealing with Housing and Food Supplies Furnished by State Departments" (H. P. 1025) (Presented by Mrs. Berry of Madison)

Bill "An Act to Establish a Discharge Board to Review Recommendations of Discharge of Patients from State Mental Hospitals" (H. P. 1026) (Presented by Mr. Lewis of Bristol)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act to Protect Families with Children and Recipients of Certain Benefits Against Discrimination in Rental Housing" (H. P. 975) (Presented by Mr. Murray of Bangor)

Committee on Reference of Bills suggested the Committee on Human Resources.

The SPEAKER pro tem: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, I would like to have item 21 sent to the Legal Affairs Committee.

Whereupon, on motion of Mr. Simpson of Standish, tabled pending the motion of Mr. Carrier of Westbrook to refer to the Committee on Legal Affairs and tomorrow assigned.

Human Resources

Bill "An Act to Appropriate Funds for the Purpose of Creating an Office of Off-reservation Indian Development within the Department of Indian Affairs" (H. P. 976) (Presented by Mr. Haskell of Houlton)

Bill "An Act Providing Free Licenses for Passamaquoddy Indians to Dig Clams on Reservation Lands" (H. P. 1016) (Presented by Mr. Mills of Eastport) (Reconsidered)

Bill "An Act to Provide Indian Warden Service on Penobscot Tribal Lands" (H. P. 1027) (Presented by Mr. Dyar of Strong)

(Ordered Printed)

Sent up for concurrence.

On motion of Mr. Mills of Eastport, the House reconsidered its action whereby Bill "An Act Providing Free Licenses for Passamaquoddy Indians to Dig Clams on Reservation Lands" (House Paper 1016 was referred to the Committee on Human Resources.)

On further motion of the same gentleman, referred to the Committee on Marine Resources, ordered printed and sent up for concurrence.

Judiciary

Bill "An Act to Revise Functions and Purposes of the Panel of Mediators" (H. P. 977) (Presented by Mrs. Baker of Orrington)

Bill "An Act Relating to Shoplifting" (H. P. 978) (Presented by Mr. Trask of Milo)

Bill "An Act to Make Murder Punishable by Death" (H. P. 979) (Presented by Mr. Fecteau of Biddeford) (By request)

Bill "An Act Relating to Appointment of Persons to Act as Policemen on Property of the Vocational - Technical Institutes" (H. P. 980) (Presented by Mr. Santoro of Portland)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act Relating to Withdrawal from Participation in the Cumberland County Recreation Center" (H. P. 981) (Presented by Mr. Peterson of Windham)

Committee on Reference of Bills suggested the Committee on Judiciary.

(On motion of Mr. Henley of Norway, tabled pending reference and tomorrow assigned.)

Bill "An Act to Improve the Pauper Relief System" (H. P. 982) (Presented by Mr. Talbot of Portland)

Bill "An Act to Provide a Minimum Fine for Obstructing Justice" (H. P. 983) (Presented by Mr. Dudley of Enfield)

Bill "An Act Prohibiting Law Enforcement Officers from Purchasing or Consuming Liquor While on Duty" (H. P. 984)

(Presented by Mr. Faucher of Solon)

Bill "An Act to Eliminate the 5-Day Waiting Period for Marriage" (H. P. 1028) (Presented by Mr. Brown of Augusta)

Bill "An Act Relating to Penalties for Assaulting or Killing an Officer of the Law" (H. P. 1029) (Presented by Mr. Theriault of Rumford)

Bill "An Act Changing the Number of Parole Board Members and Modifying the Qualifications for Eligibility for Appointment" (H. P. 1030) (Presented by Mrs. McCormick of Union)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Provide that Wages Earned by Prisoners in State Correctional Institutions shall Draw Interest Pending Release of Prisoner" (H. P. 1031) (Presented by Mr. Dyar of Strong)

The Committee on Reference of Bills suggested the Committee on Judiciary.

On motion of Mr. Dyar of Strong, referred to the Committee on Health and Institutional Services, ordered printed and sent up for concurrence.

Judiciary cont'd.

Bill "An Act to Permit Board of Directors of a Corporation to Act by Conference Telephone Equipment" (H. P. 1032) (Presented by Mr. Brown of Augusta)

Bill "An Act Relating to the Practice of Nursing" (H. P. 1033) (Presented by Mrs. Wheeler of Portland)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Include Holiday Pay for Purposes of Employment Security Law" (H. P. 985) (Presented by Mr. Farnham of Hampden)

Bill "An Act to Exempt Hairdressers who Hold Booth Licenses from Eligibility for Unemployment Compensation" (H. P. 1014) (Presented by Mr. Mills of Eastport)

Bill "An Act to Clarify the Definition of Misconduct under the Employment Security Law" (H. P. 1034) (Presented by Mr. Brown of Augusta)

Bill "An Act Relating to Hours of Work and Minimum Wages for Taxicab Drivers" (H. P. 1035) (Presented by Mr. Genest of Waterville)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act Prohibiting Bringing Animals Into Food Stores" (H. P. 986) (Presented by Mr. Bustin of Augusta)

Bill "An Act Changing Name of Maine Association of Real Estate Boards" (H. P. 987) (Presented by Mr. Shaw of Chelsea)

Resolve Authorizing the Forest Commissioner to Convey the State's Interest in Lot in Codyville, Washington County, to Clarify Title (H. P. 988) (Presented by Mr. Mills of Eastport)

Bill "An Act Designating Columbus Day a Legal Holiday" (H. P. 989) (Presented by Mr. Santoro of Portland)

Bill "An Act Relating to Payments by Town of York to York Harbor Village Corporation" (H. P. 990) (Presented by Mr. Rolde of York) (By request)

Resolve in Favor of Harvey H. McNally of Sherman Station (H. P. 991) (Presented by Mr. Birt of East Millinocket)

Bill "An Act Relating to Payments by Town of York to York Beach Village Corporation" (H. P. 992) (Presented by Mr. Rolde of York) (By request)

Bill "An Act Relating to Organization of Unincorporated Townships" (H. P. 993) (Presented by Mr. Donaghy of Lubec)

Bill "An Act Creating the Swimming Pool Licensing and Safety Act" (H. P. 994) (Presented by Mr. McKernan of Bangor)

Resolve in favor of George W. Mitchell of Peter Dana Township, for Personal Injuries (H. P. 1015) (Presented by Mr. Mills of Eastport)

Resolve to Reimburse Bass Shoe Employees Federal Credit Union for Damage to Property by Escapees of Women's Correctional

Center (H. P. 1036) (Presented by Mr. Maxwell of Jay)

Bill "An Act Authorizing Food Stamp Program for Certain Municipalities" (H. P. 1037) (Presented by Mr. Mulkern of Portland)

Bill "An Act Relating to the Registration of Private Employment Agencies" (H. P. 1038) (Presented by Mr. Farnham of Hampden)

(Ordered Printed)

Sent up for concurrence.

Liquor Control

Bill "An Act Relating to Carrying Firearms by Officers who Enforce the Liquor Laws" (H. P. 995) (Presented by Mr. Faucher of Solon)

Bill "An Act Relating to Duties of Officers who Enforce the Liquor Laws" (H. P. 996) (Presented by Mr. Faucher of Solon)

Bill "An Act Relating to Proximity of Liquor Licenses to Churches" (H. P. 1039) (Presented by Mr. Tanguay of Lewiston)

Bill "An Act Permitting Sealed Tickets to Promote Attendance on Premises of Liquor Club Licensees" (H. P. 1040) (Presented by the same gentleman)

Bill "An Act Relating to Special Permit for Entertainment in Clubs" (H. P. 1041) (Presented by the same gentleman)

Bill "An Act Relating to Enforcement of the Liquor Law" (H. P. 1042) (Presented by Mrs. Berry of Madison)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act to Repeal the Over-size Lobster Law" (H. P. 997) (Presented by Mr. Greenlaw of Stonington)

Bill "An Act to Allow for Escapement of Sublegal Lobsters from Lobster Traps" (H. P. 998) (Presented by the same gentleman)

Bill "An Act to Increase the Minimum Size of Lobsters 1/16 of an Inch for 5 Consecutive Years" (H. P. 999) (Presented by the same gentleman)

(Ordered Printed)

Sent up for concurrence.

Natural Resources

Bill "An Act to Permit Log Landings Along Route Numbered Public Roads" (H. P. 1043) (Presented by Mr. Herrick of Harmony)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act Providing that Public Utility Construction Contracts be Awarded by Competitive Bidding" (H. P. 1000) (Presented by Mr. Hancock of Casco)

Bill "An Act to Amend the Charter of the Bath Water District" (H. P. 1044) (Presented by Mrs. Chonko of Topsham)

(Ordered Printed)

Sent up for concurrence.

State Government

Resolution, Proposing an Amendment to the Constitution Providing for Early Inauguration of the Governor (H. P. 1001) (Presented by Mr. Birt of East Millinocket)

Bill "An Act to Change Name of Bureau of Labor and Industry to the Bureau of Labor" (H. P. 1002) (Presented by Mr. Peterson of Windham)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Establish a State Hospital Training and Development Center Advisory Board" (H. P. 1003) (Presented by Mr. Santoro of Portland)

The Committee on Reference of Bills suggested the Committee on State Government.

On motion of Mr. Dyar of Strong, referred to the Committee on Health and Institutional Services, Ordered Printed and sent up for concurrence.

Bill "An Act Revising the Reorganization of the Department of Manpower Affairs" (H. P. 1004) (Presented by Mr. Bustin of Augusta)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act to Create a Commission to Prepare a Revision of

the Probate Laws and the Administration Thereof" (H. P. 1045) (Presented by Mr. Bragdon of Perham)

The Committee on Reference of Bills suggested the Committee on State Government.

(On motion of Mr. Bragdon of Perham, tabled pending reference and tomorrow assigned.)

Bill "An Act Providing a State Lottery for Housing for the Elderly" (H. P. 1046) (Presented by Mr. Maxwell of Jay)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Exempting Sales to Inmates from Canteens in State Institutions from the Sales Tax" (H. P. 1005) (Presented by Mr. Santoro of Portland)

Bill "An Act Relating to Collection of Excise Tax in Unorganized Places" (H. P. 1006) (Presented by Mr. Birt of East Millinocket)

Bill "An Act Exempting Hearing Aids and Accessories from the Sales Tax" (H. P. 1007) (Presented by Mr. Murray of Bangor)

Bill "An Act Exempting Blind Property Owners from Real Property Tax" (H. P. 1047) (Presented by Mr. Goodwin of South Berwick)

Bill "An Act Exempting Retail Store Stock of Goods from the Personal Property Tax" (H. P. 1048) (Presented by Mr. Maxwell of Jay)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Provide for Evaluation of Traffic Control on Drawbridges" (H. P. 1049) (Presented by Mr. Perkins of South Portland)

Resolve Designating Augusta Bridge as "Father John J. Curran Bridge" (H. P. 1050) (Presented by Mr. Brown of Augusta)

Bill "An Act Relating to Tread Depth of Motor Vehicle Tires" (H. P. 1051) (Presented by Mr. Goodwin of South Berwick)

(Ordered Printed)

Sent up for concurrence.

Veterans and Retirement

Bill "An Act Relating to Credit for Merchant Marine Service Under Retirement Law" (H. P. 1008) (Presented by Mr. Bustin of Augusta)

Bill "An Act Relating to Service Retirement for Certain Members of the State Police" (H. P. 1009) (Presented by Mr. Farrington of China)

Resolve Relating to Retirement Benefit for Frederick E. Freise of Portland (H. P. 1052) (Presented by Mrs. Kilroy of Portland)

(Ordered Printed)

Sent up for concurrence.

At this point, Speaker Hewes returned to the rostrum.

The SPEAKER: The Chair thanks the gentleman. It was a very difficult morning.

Thereupon, the Sergeant-at-Arms escorted Mr. Finemore to his seat on the floor, amid the applause of the House and Speaker Hewes resumed the Chair.

Orders

Mr. Gauthier of Sanford was granted unanimous consent to address the House.

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: It is with great pleasure that I would like to inform you people that yesterday was the birthday of a dedicated and faithful member of this House. He was 75 years young, no other than my good friend and yours, Ray Curran of Bangor. (Applause)

Mr. Hoffses of Camden presented the following Joint Order and moved its passage:

WHEREAS, the Windjammers of Camden-Rockport High School are the Western Maine basketball champions for 1973; and

WHEREAS, these skilled young men further fought long and hard for the State crown only to fall short in overtime of the final game; and

WHEREAS, the citizens of Maine share a special pride and sense of accomplishment for the achievements of this unique basketball team and recognize the hard work and dedication to purpose that

these accomplishments represent; now, therefore, be it.

ORDERED, the Senate concurring, that We, the Members of the House of Representatives and the Senate of the One Hundred and Sixth Legislature, now assembled, take this opportunity to recognize and congratulate this outstanding basketball team, its co-captains, Daniel Hart and Tom Hibbert, and commend coach Gary Heald and athletic director, Bearl Leach, for the brilliant job they did in bringing the team to the final game; and be it further

ORDERED, that duly attested copies of this Order be transmitted forthwith to the principal and coach of Camden-Rockport High School in token of the sentiments expressed herein. (H. P. 1055)

The Order was read and passed and sent up for concurrence.

Consent Calendar

First Day

Tabled and Assigned

(H. P. 35) (L. D. 42) Bill "An Act Relating to Disqualification of Ballots" — Committee on Election Laws reporting "Ought to pass" in New Draft and New Title "An Act Relating to Use of Red Pen or Pencil in Counting Ballots" (H. P. 1053) (L. D. 1185)

On the request of Mr. Hancock of Casco, was removed from the Consent Calendar's First Day list.

(On motion of the same gentleman, tabled pending acceptance of the Committee Report and specially assigned for Thursday, March 8.)

(H. P. 286) (L. D. 360) Bill "An Act Relating to the Cultivation of Coho Salmon" — Committee on Marine Resources reporting "Ought to pass"

(H. P. 322) (L. D. 440) Bill "An Act Relating to Motor Vehicle Licenses for Persons on Active Duty in the Armed Forces" — Committee on Transportation reporting "Ought to pass" as Amended by Committee Amendment "A" (H-75)

(H. P. 456) (L. D. 605) Bill "An Act to Provide Free Hunting and Fishing Licenses to Maine Indians Excluded from Present Law" — Committee on Fisheries and Wild-

life reporting "Ought to Pass" as amended by Committee Amendment "A" (H-78).

(H. P. 570) (L. D. 749) Bill "An Act to Increase Payments to Forestry Department for Forest Fire Protection in Baxter State Park" — Committee on Taxation reporting "Ought to pass"

(H. P. 609) (L. D. 807) Bill "An Act Relating to Field Trials for Dogs" — Committee on Fisheries and Wildlife reporting "Ought to pass" as amended by Committee Amendment "A" (H-77)

(H. P. 612) (L. D. 810) Bill "An Act Relating to Trapping Muskrats and Beaver on Lands of the Passamaquoddy Indian Tribe" — Committee on Fisheries and Wildlife reporting "Ought to pass" as amended by Committee Amendment "A" (H-76)

No objection having been noted, the Bills were assigned to the Consent Calendar's Second Day list.

Consent Calendar

Second Day

(H. P. 225) (L. D. 298) Bill "An Act Relating to Penalty for Failure to Stop Vehicles on Signal of Officer Enforcing Fish and Game Laws"

(H. P. 310) (L. D. 412) Bill "An Act Relating to Suspensions under the Motor Vehicle Laws"

(H. P. 325) (L. D. 443) Bill "An Act Relating to Reservation of Same Motor Vehicle Registration Number"

(H. P. 331) (L. D. 449) Bill "An Act Relating to Permits for State Entry of Animals and Birds"

(H. P. 333) (L. D. 451) Bill "An Act Relating to Equine Infectious Anemia (Swamp Fever) in Equidae" (Emergency)

(H. P. 334) (L. D. 452) Bill "An Act Providing Funds for Purchase of Electronic Milk Testing Equipment"

(H. P. 401) (L. D. 530) Bill "An Act to Prohibit Contraband in County Jails"

(H. P. 436) (L. D. 585) Bill "An Act Relating to Permits to Engage in Business of Propagating Wild Animals or Wild Rabbits"

(H. P. 449) (L. D. 598) Bill "An Act Creating the Rangeley Plantation Sanctuary"

(H. P. 487) (L. D. 641) Bill "An Act to Revise Laws Relating to Dance Hall Licensing"

(H. P. 490) (L. D. 644) Bill "An Act to Revise the Maine Passenger Tramway Safety Board Law"

(H. P. 546) (L. D. 727) Bill "An Act to Clarify the Law Relating to Motor Vehicle Air Pollution Control Systems"

No objection having been noted, the Bills were passed to be engrossed and sent to the Senate.

Tabled and Assigned

(H. P. 311) (L. D. 413) Bill "An Act Relating to Identity of Defendant in Suspension Cases under Motor Vehicle Laws" (C. "A" H-74)

On the request of Mr. Mulkern of Portland, was removed from the Consent Calendar's Second Day list.

(On motion of the same gentleman, tabled pending acceptance of the Committee Report and tomorrow assigned.

(H. P. 47) (L. D. 54) Bill "An Act Relating to Removal or Destruction of Landmark Boundaries by State Department" New Draft (H. P. 966) (L. D. 1151)

(H. P. 368) (L. D. 497) Bill "An Act to Revise the Maine Weights and Measures Law" New Draft (H. P. 967) (L. D. 1152)

No objection having been noted, the Bills were passed to be engrossed and sent to the Senate.

Passed to Be Engrossed

Bill "An Act Relating to Lights on Volunteer Emergency Rescue Squad or Ambulance Service Vehicles" (H. P. 459) (L. D. 608)

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

An Act to Authorize Satellite Centers for Vocational Education (H. P. 176) (L. D. 218)

An Act to Clarify the Municipal Records Law (H. P. 178) (L. D. 220) (C. "A" — H-48)

An Act Increasing Renewal Fee of Certificate to Practice Chiropractic and Increasing Compensation

of Board of Chiropractic Examination and Registration. (H. P. 224) (L. D. 297) (C. "A" H-59)

An Act Relating to Vocational Education (H. P. 239) (L. D. 320)

An Act Relating to Deer Doing Damage to Blueberry Lands (H. P. 290) (L. D. 364) (H. "A" H-61)

An Act Relating to Penalty for Sale of Liquor in Violation of Law (H. P. 355) (L. D. 470)

An Act Relating to Census and Membership in the Passamaquoddy Tribe of Indians (H. P. 826) (L. D. 971)

Finally Passed

Resolve Providing Funds for Cerebral Palsy Centers (S. P. 102) (L. D. 247)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed. Bills passed to be enacted. Resolve finally passed, 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 Reimbursement of Municipalities for Expenses and Costs in General Assistance to Nonsettled Paupers" (H. P. 929)

Tabled — March 1, by Mr. Carrier of Westbrook.

Pending — Reference.

On motion of Mr. Carrier of Westbrook, referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

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

Bill "An Act Relating to Fees for Forest Lands and Wild Lands Posted Against Trespass" (H. P. 58) (L. D. 70)

Tabled — March 1, by Mrs. Baker of Orrington.

Pending — Adoption of House Amendment "A" (H-72).

The SPEAKER: The Chair recognizes the gentlelady from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Ladies and Gentlemen of the House: I move the indefinite postponement of L. D. 70 and all

accompanying papers and would speak to my motion.

The SPEAKER: The gentlelady from Orrington, Mrs. Baker moves the indefinite postponement of L. D. 70. The Chair recognizes that lady.

Mrs. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: This may seem like an unimportant bill, but I think it is a rather important one, and I would ask that you look at the bill, L. D. 70, and look at the amendment. It is a rather lengthy amendment and not too clear.

I would point out, first, that I am concerned about the basic philosophy of this bill. I think the intent was to somehow get at out-of-state buyers of property, and I question whether this is the approach. I think we would have to do something about the people who have land to sell and how could we protect them from the appeal of high prices.

It seems to me that if a person has land to sell, that it does not really make that much difference to them whether they sell to a resident of the State of Maine or someone from out of the state. But possibly this bill has been brought about by the purchase of land by out-of-state owners. I think that is one of the basic philosophies we have to think about. If it is our attempt to keep out-of-state people from buying property here, I don't think this bill will accomplish it.

There has been some question too, raised about the constitutionality of this bill, and I think that is still unclear. To my knowledge, it has not been determined. The fact that we are enacting a bill here that would apply only to owners of five hundred acres or more seems to be the point in question, the point of constitutionality.

Then too, I would raise the problem of enforcement of this bill. In the amendment, it refers to the department in several places and I assume that this means the Department of Parks and Recreation. Also involved is the Bureau of Taxation, near the end of the amendment. About all this amendment really accomplishes I think is that it reduces the fee

from three dollars to one dollar per acre. However, that fee becomes a dedicated revenue.

It seems to me that there are many problems with this bill and the amendment that simply muddies the waters a little further. When the vote is taken, I would ask for a division.

The SPEAKER: The Chair would apologize to the lady, the pending motion is the adoption of House Amendment (A).

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

Mr. KELLEHER: Mr. Speaker, I move this lie upon the table for two legislative days.

Thereupon, Mr. Norris of Brewer requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that this matter be tabled for two legislative days pending the adoption of House Amendment "A". All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

83 having voted in the affirmative and 35 having voted in the negative, the motion did prevail.

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

Bill "An Act to Increase Outdoor Advertising License and Permit Fees and Extend Controls" (S. P. 276) (L. D. 764)

Tabled — March 1, by Mr. Briggs of Caribou.

Pending — Passage to be engrossed.

On motion of Mr. Curran of Bangor, retabled pending passage to be engrossed and specially assigned for Thursday, March 8.

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

Bill "An Act Requiring Liquor Inspectors to Wear Uniforms While on Duty" (H. P. 412) (L. D. 561)

Tabled — March 1, by Mr. Martin of Eagle Lake.

Pending — Acceptance of Majority "Ought not to pass" Report.

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

Mr. GENEST: Mr. Speaker and Ladies and Gentlemen of the House: As a signer of the minority "ought to pass" report of this bill, I would like to explain my position. I have received several complaints from my constituents relative to the tactics used by the state liquor inspectors in the performance of their duties. One complaint in particular stands out vividly in my mind.

This past summer, a stranger walked up to the bar at the American Legion in Waterville and asked to be served a drink. The bartender asked to see his membership card and explained that he either had to be a member or a guest of a member. The stranger said that he was a member of the American Legion, that he lived in Massachusetts, he was working on construction in Waterville and did not have his card with him. The conversation for the next minute or two, went something like this. "I am very dry and I am very sorry." Finally, a member seated at the end of the bar told the bartender to serve the stranger a drink and he could be considered his guest. About the time he was serving him the drink, another stranger walked in. It turned out that both strangers happened to be state liquor inspectors and the result was the suspension of the Legion's liquor license for two weeks.

While I personally am not a member of any private club, the Legion or any other club, I do take strong exception to the tactics that are used by the state liquor inspectors. I don't feel that these gestapo tactics should be used and I don't know if uniforms are the answer to the problem but certainly some identity would be in order. For this reason I hope that you will vote against the motion of "ought not to pass."

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I can appreciate the situation of the gentleman that voted this "ought to pass" but I checked specifically with restaurants up home that sell drinks, class A

restaurants and the ones that I checked are bitterly opposed to liquor inspectors in uniform. They said, I think almost without exception — there were three places that I checked. They said, "We abide by the law and consequently if anybody comes around no matter how they are disguised, we have nothing to fear, but I don't want liquor inspectors in uniform nosing around because it would hurt our business. It would make the public feel that there is something wrong, that there has been violations reported." He said, "I would rather this law did not pass." Now that is about the only thing I can report on it. So I feel that we should go along with the majority report, that it "ought not to pass".

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

Mr. TANGUAY: Mr. Speaker and Ladies and Gentlemen of the House: I had not planned to speak on this measure because I am more or less a licensee indirectly through a social club. The reason I would like to speak on this measure is the fact that the way that the laws are enforced for the few and the way that our law enforcement officers act in their capacity. They enforce the law on those they wish to. They act as judges.

Mr. Henley just spoke up for one of his licensees of class A restaurants. Oddly enough, here I have an ad, quarter page size, "Country Way, entertainment," strictly against the laws of this state. No entertainment in class A restaurants. This was just last week. I did not go into it any further because it just happened to strike the eye.

Also last week, Sings in Lewiston. They didn't go as elaborate as the Country Way because they are just moving into the State of Maine, outside interest. They just bought probably a \$60 ad advertising entertainment in a class A restaurant. I would like to note that tomorrow you can check whether I know what I am talking about or not. In the Androscoggin County courtroom, we are going to have liquor hearings. I

dare say there are six clubs who will appear for hearings and at least four of them are in there for entrapment.

Now these violations are going on throughout the whole state. Many of us are aware of it, none of us tend to do anything about it. I say that if we polled our liquor inspectors, we will know they have been to the establishment. Therefore, they will not be able to act as judges. Let all the violations come before the judges, not just for the few.

So I say it would be in the best interests of all the licensees of the state as well as protection to the licensees whereas the public knows that the laws are being enforced and the law enforcement officers are present in these establishments. Why hide it? We are not in the police state and I doubt very much that many of you who are not tied in with the liquor industry would like to actually be a licensee and you never know who is coming into your establishment and you have to shake every time somebody comes in. In other words, you live in a pillbox and it is exactly the way that many licensees are living today.

So I hope that you vote against the motion and that we can accept the minority report.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I am a member of the Liquor Control Committee and I signed the majority "ought not to pass" report. I did it simply for this reason: There are sixteen liquor inspectors that work for the State Enforcement Commission. Now if these people — for example, there are one or two living in the Bangor area. If they are working in Bangor, I don't mind them going around wearing their uniforms on routine business, but occasionally we have violators all over the state. These people go in, they are not undercover people but they are upholding the laws that this legislature has passed over the many years that we have had liquor in this state and this simply I think

is a hindrance to the Liquor Enforcement Division on violators and the real violators are the bootleggers and there are still bootleggers in this state.

We do not want them and I think that it would be a very serious mistake if we passed this bill making these sixteen individuals have to wear uniforms. They are going in and they investigate. You can't very well investigate someone who is violating the law if you advertise and say, hey, I am a policeman or I am a liquor enforcement officer when they are violating the laws that these people are trying to enforce.

I am very much against Mr. Tanguay's motion. I think that we would be doing a disservice to the Liquor Enforcement Division if we passed this law.

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

Mrs. BERRY: Mr. Speaker and Members of the House: I don't see any difference in having plainclothes inspectors in the liquor industry than in the police end of it. We have unmarked police cars. I shake sometimes when I come down the turnpike but it is when I am driving faster than I know I should and when I am not, I don't shake. So I don't think there is any need in shaking if they are doing what they should. They are exempt from court procedures. They have their own little thing going, that when somebody breaks the law, why nobody else knows about it. If they are taken in for violation, it is quiet. It is confidential. I think we have too many confidentials in the liquor end of it. I would urge that you would vote against this.

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

Mr. STILLINGS: Mr. Speaker and Ladies and Gentlemen of the House: I would like to point out that at the hearing for this bill there were three proponents, one was the sponsor, another was the president of the Veterans' Club in Lewiston and the third was the proprietor of another licensed premise in Lewiston. It is interesting to note that the club that was represented

at the hearing is scheduled to appear before the administrative hearing commissioner this week, I understand, on two charges of selling to nonmembers. The other licensee who appeared at the hearing, I have his record here before me, in the last year and a half or two years or so has something like eight violations and his license has been suspended on five different occasions and he is now teetering on the brink of disaster. If there is another violation prior to February 1, he would receive 60 days additional sentence. Another item that does not appear in the bill and incidentally, the bill does say that liquor inspectors must wear uniforms at all times—an item that does not appear in the bill is the cost of the uniforms. It would cost about \$13,000 in the biennium to put these people in uniforms.

I think most importantly we should consider the duties of the liquor inspector. They do many more things, of course, than just go into clubs and try to get a drink so they can arrest the proprietor. They are involved in district court, administrative court hearings. They do investigations and many times of course, it is simply inappropriate for them to wear a uniform. I could go on and on I am sure talking about some of the enforcement activities with which they are involved and that I am sure you would all understand. It is just impractical for these people to be required to wear uniforms and I would hope that you would vote to accept the majority "ought not to pass" report.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: Just briefly in answer to Mr. Tanguay's accusations on Country Way. In fact, it was Country Way, a proprietor and his wife who is a joint proprietor, are one of the people that I contacted and insisted that they are wide open to censor if they are breaking the law. So I feel there may have been an unjust accusation. The entertainment that is supplied at Country Way is not used in the

restaurant proper. They do have convention rooms. It is a big establishment and I believe that their license must cover certain limited entertainment in their convention rooms.

Whether the ad reads in the first class restaurant or not, I don't know and I am not familiar with the law on it, but it would seem to me that they have been in business long enough so that they would not be flagrantly violating the law so that their entertainment is in the convention rooms and not in the restaurant proper.

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

Mr. TANGUAY: Mr. Speaker and Ladies and Gentlemen of the House: You are getting a perfect example today of what is going on the liquor industry in the State of Maine. I have been tied in with nonprofit organizations. They are known as clubs but we have a flagrant violation here: "The Malibu's." That is entertainment. Check your liquor laws. You cannot have entertainment in class A restaurants. They cannot advertise entertainment. So, therefore the outside interests come in and they take over and you have it at Sing's, the same thing.

The enforcement officers, you ask them about it and they say, "I have been there and I have talked to them." They are not supposed to go talk to them, they are supposed to write them up. So actually they enforce the laws of a few and protect the bigwigs.

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

Mr. GENEST: Mr. Speaker and Members of the House: In answer to the gentleman from Norway, Mr. Henley, in regards to the class A restaurants, I have not heard of any complaints from the class A restaurants. They don't seem to be being bothered by these inspectors. For some reason the private clubs seem more vulnerable to the inspectors.

Again, I would point out perhaps the uniforms is not the answer to the problem. Perhaps the cost of the uniform is excessive. Maybe we could have the inspectors wear

some fluorescent orange so we can see them coming.

The SPEAKER: A vote has been requested. The pending question is on the motion to accept the Majority "Ought not to pass" Report.

A vote of the House was taken. 88 having voted in the affirmative and 36 in the negative, the motion did prevail.

Mrs. Lewis of Auburn presented the following Order and moved its passage:

ORDERED, that Mary Ellen Edwards, Mary Tarr, Stephen Peterson and Mark Larrabee of Auburn be appointed Honorary Pages for today.

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

Mr. Bustin of Augusta presented the following Joint Order and moved its passage:

WHEREAS, Tuesday, the sixth day of March, 1973, marks the one hundredth birthday of a grand Augusta lady; and

WHEREAS, Mrs. Alice H. Young, daughter of Martha Pierce and Oliver Prescott Robbins of Vassalboro was born a century ago today at Riverside; and

WHEREAS, she will be joined today by family and a host of friends throughout the State in the celebration of her birth; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the One Hundred and Sixth Legislature of the State of Maine now assembled, pause in our deliberations to join this celebration in her honor and to extend to Mrs. Young our warmest congratulations and best wishes on this the one hundredth anniversary of her birth; and be it further

ORDERED, that a duly authenticated copy of this Order be transmitted forthwith to this remarkable centenarian in honor of the occasion. (H. P. 1054)

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

By unanimous consent, ordered sent forthwith to the Senate.

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

Bill "An Act Relating to Content of Ballots" (H. P. 442) (L. D. 591)

Tabled — March 1, by Mr. Snowe of Auburn.

Pending — Motion of Mr. Ross of Bath to Accept Majority "Ought not to pass" Report.

On motion of Mr. Simpson of Standish, tabled pending the motion of Mr. Ross of Bath to accept the Majority "Ought not to pass" Report and specially assigned for Thursday, March 8.

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

Bill "An Act to Increase Salaries of Certain Somerset County Officials" (H. P. 301) (L. D. 403)

Tabled — March 1, by Mr. Lawry of Fairfield.

Pending — Motion to recede and concur.

Thereupon, the motion prevailed.

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

Bill "An Act Transferring Responsibility for all Municipal Roads to the Counties" (H. P. 963)

Tabled — March 5, by Mr. Farrington of China.

Pending — Reference.

On motion of Mr. Maxwell of Jay, referred to the Committee on County Government, ordered printed and sent up for concurrence.

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

Bill "An Act Establishing Daylight Saving Time for All Year" (H. P. 542) (L. D. 724)

Tabled — March 5, by Mr. Ferris of Waterville.

Pending — Acceptance of "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: After researching this bill yesterday, I am now convinced that it will not affect our present law on daylight saving time be-

cause of the effective date clause which was contained in the last paragraph was not mentioned yesterday.

However, the whole thing may well be unconstitutional, since we are letting six other states determine our legislative action in 1976. Nevertheless, this was not my objection. No one may ever question it. The other states may not go along and 1976 is a long ways off, so I now move that we accept the "ought to pass" report.

Thereupon, the unanimous "Ought to pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

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

Bill "An Act Relating to Absentee Voting by Persons Serving Sentences in Jails and Penal Institutions" (H. P. 299) (L. D. 401)

Tabled — March 5, by Mr. Ross of Bath.

Pending — Acceptance of Report A, "Ought not to pass."

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, Members of the House: In regards to this bill, I feel that these people who are serving sentences in jails, penal institutions, should not be allowed to vote by absentee ballot. Therefore, I now move that this bill with all its accompanying papers be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Dunleavy.

Mr. DUNLEAVY: Mr. Speaker, Members of the House: This is my bill and I must admit that when I was first approached to sponsor it I had some reservations about it. But I would tell the gentleman from Old Town that persons serving sentences in jails and penal institutions do have the right to vote. Under the Federal Voting Rights Act they have the right to vote in presidential and vice-presidential elections. As a matter of fact, at considerable expense to the State of Maine, these special

ballots are printed up to enable them to do so.

Also, at the present time, there is a suit pending which some of you may be aware of, brought by inmates of Thomaston claiming that denial of the right to vote is a denial of their constitutional rights.

Now this bill is supported by the Department of Mental Health and Corrections of the State of Maine. It is supported by the Bureau of Corrections of the State of Maine and it is supported by the various directors and superintendents of our penal institutions.

I would like to read a letter from Mrs. Dorothy Hanauer, the Superintendent of the Stevens School and the Women's Correctional Center. It is dated February 15, 1973 in support of this bill and she says, "We have many young women who are entering their adult life. The program of rehabilitation encourages responsibility for self and community. They now have the right to vote in the federal elections through the absentee ballot; I believe that the same privilege should be extended to state and local elections. I hope this comes out of committee ought to pass."

I have a letter here from William Kearns, the Commissioner of Mental Health and Corrections. It says, "Dear Mr. Dunleavy: During the last presidential election in November, 29 residents of the Men's Correctional Center and almost every resident of the Maine State Prison over the age of 18 exercised their right to obtain absentee ballots, which indicates more than a passing interest in the right to vote. The Federal Constitution guarantees the right of every citizen to vote in presidential and vice-presidential elections. L. D. 401 would simply be extending that right to include state and local elections."

I have a communication here from Ward Murphy, Director of the Bureau of Corrections. She says, "The privilege of voting in itself is not excluded from the offender. Any individual in the process of serving a sentence from a state institution who, for any reason is

in the community by way of furlough, work release or escorted visit, is eligible when properly registered to vote. The only individuals who are not allowed to exercise their franchise are those who must be confined the day of the election."

Ladies and gentlemen of the House, it is possible for somebody to have spent ten years in prison for murder and get out the day before election and vote. It is possible for somebody going in the day before election for five days for some minor traffic violation to be denied the right to vote. The only reason he cannot vote is because he is locked up and there is no polling place in the institution.

The lawsuit which is presently going on is entitled White versus Edgar and it is a class - action suit which is challenging the constitutionality of this very statute that we are considering today. It specifically excludes from the definition of absentee voter anyone serving a sentence in a jail or penal institution. The constitutional right which is allegedly denied is the right to vote. The plaintiffs in this case have requested that the warden of the Maine State Prison authorize furlough for each of them to vote in their home city of Portland in both the recent federal and municipal elections. Alternatively, they have requested escorts and transportation to Portland to vote in each of these elections. Now, I am not for that, I am not for all of these special considerations being given to inmates. I am not for taxpayer expense to transport everybody in a penal institution or a correctional institution back home on election day so they can vote.

If you will take a look at the statement of fact under the L. D., you will see that a very small percentage of people are denied the voting privilege by this matter. Nobody spoke in opposition to this bill, by the way, in committee. I fail to see what rationalization behind opposing this measure anyone could have other than to further punish and downgrade people who are already being punished.

I have several reports on corrections. One of them reads this way by an expert in the field: "Convicted offenders should retain all rights that citizens in general have except those that must be limited to carry out the criminal sanction or to administer a correctional facility or agency. Administering criminal sanctions does not require general suspension of basic rights. Since criminal sanctions impinge on the most basic right, liberty, it is imperative that restrictions be used fairly and only for cause."

Our state has to go to the expense of printing up special presidential and vice-presidential ballots for these inmates. We could use ordinary absentee ballots if this statute, which we have on the books and which is probably unconstitutional, were removed. A lot of taxpayers' money is going down the drain in this court fight which is presently going on and it appears extremely likely that the plaintiffs in this case will win and that the court will declare this restriction unconstitutional.

If we don't strike this law down, let me tell you what could happen. It is possible that the inmates who brought this suit would be adjudged entitled to furloughs home for election day or escorts and transportation for the purpose of voting on the first Tuesday after the first Monday in November. This expense and impracticality of such an undertaking would be immense. Let's end it all here by striking down this law and to accept the minority report and to vote against the motion to accept the majority report.

Ladies and gentlemen, the legislature, not the courts should make law and this is exactly what this court will do if you don't take the opportunity away from them and render this question moot. Rehabilitation we profess and training for responsible citizenship we claim are two important objectives of the incarceration philosophy. Yet, we deny access to voting, an act which we have long regarded as one of the prime indicators of responsible citizenship to people that we are trying to make responsible citizens of. I urge you to vote against the motion.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, may I request that the Clerk read the numbers, not the names, the numbers of persons who voted "ought not to pass".

Thereupon, the number of signers of Reports A, B and C was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, Members of the House: I signed the "ought not to pass" report because I did not believe that these people who were confined to these institutions should have this right and privilege, which we all deem a privilege to vote. It does not differentiate whether they are there on a misdemeanor or a felony.

Mr. Dunleavy mentioned the case in front of the courts. Five inmates from Thomaston have filed a case and they wanted to go to Portland and this case is being heard by a three-judge court and I am not sure that that court is going to uphold this. I will admit that the Supreme Court ruled that they could vote for president and vice-president. I do not agree with that. The Supreme Court also ruled on another bill we will be hearing later that a person can come into this state and vote the very next day rather than waiting six months. I do not agree with that.

In summary, it was the opinion — the majority opinion of the Election Laws Committee that these people are in jail. They are in jail for a purpose and that they should not have the rights and privileges of those of us who have not committed these crimes and are free and able to utilize and justify our franchise to vote.

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: I wish I could have written fast enough to take down some notes when my friend, Mr. Dunleavy, was making his appeal for this bill. You know I feel so many times in a case like this like really

taking off the padded gloves. It seems to me that we are being fenced in year after year and month after month by the Supreme Court and by groups of—to use the old term, the cliché — do-gooders and we are spending more time coddling our criminals than we are in defending the people that they have committed crimes against. I say that a person serving time loses a lot of the rights that you and I have.

Back during the campaign of last year I had a meeting with a group of adult students at one of the schools. I was asked about my opinion on the right to vote, by one, illiterates and two, by people in institutions, both the mental institutions and house of correction. I said, "Yes, I am opposed to their being allowed to vote under any circumstances." I realize that the Supreme Court of the country has given the right of institutionalized people to vote in presidential elections. I don't have to agree with that. I violently disagree with it. I feel that the time has come when we have got to bear down on criminals and that is one way of doing it.

I have got a little something here I would like to read into the record. This is something that applies in general to the situation. "In the first 33 days of this year a dozen law enforcement officers across the country have been slain. More than 12 others wounded. Six were killed while making routine checks of automobiles. Four of the dead police officers were shot by gunmen holed up in buildings and engaged in spectacular shooting sprees. For instance, on January 7, gunfire erupted from atop the downtown Howard Johnson motel in New Orleans. In the shootout that followed several officers were wounded and three were killed. On January 4, two sheriff deputies of Los Angeles County were murdered while approaching the residence of a Long Beach college student who was suspected of committing a murder only a few hours before. A man and a woman who attempted to help the deputies were also killed. Officer Robert Wentzel of Chicago was shot to death on January 19 when he stopped a car

for a traffic violation. Two Milwaukee patrolmen were killed the last day of January while checking an automobile they believed had been stolen. On February 3, two sheriff deputies were murdered while making a registration check of a motorvan. On that same day, a New York state trooper was fatally shot by the driver of a car he had stopped near Richfield Springs."

Now, on the same page there is a short paragraph of much interest. "Juan Carona, the 38-year-old California farm labor contractor who was recently convicted in the nation's most notorious mass murder case has been sentenced to 25 consecutive life terms in prison." It says consecutive here but apparently it was not. There were 25 murders. "Earl Halde- man, spokesman for the California Authority, now explains that the murderer will come up for parole in a mere seven years. Such leniency for a mass murderer may furnish added impetus for a drive to reinstatement of capital punishment."

Now, one might say, what has that got to do with this bill? I think it has got a lot to do with it. I told this group last fall, they wanted to know why I stated that a person in prison should not be allowed to vote. I said, supposing you have got \$5,000 up here in the bank and I go up and I heist it, I take it out at gunpoint, possibly killing someone or wounding someone in the attempt. By so doing I have stepped outside the laws of society. I have given up my right to protections. I have given up a lot of rights and I feel that those rights should be given up until such time as I have paid society.

Whether the Supreme Court or whether this case pending is going to change our Constitution, is going to say that we are going to have to cut out this mention in our laws is another thing but I have always been one that I would not quit until the last ditch was fought over and I feel the same about this. I am going to have to take a licking. I am not going to quit before

I am licked. I say this bill should never be passed.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I have just done a little checking on our own constitution and re-searching something that was in the back of my mind and I find actually that the citizens of this state did authorize people in criminal institutions to vote in 1965. There is an inconsistent point in the statutes in the fact that it said that they cannot vote by absentee ballot. The point that I believe is at least apparent to me is that this is inconsistent with a constitutional change that was made by the people of the state. I would think that the move to be made now is to table this bill until we have a chance to check it out.

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

Mr. NORRIS: Mr. Speaker, I move this item be tabled two legislative days.

Thereupon, Mr. Finemore of Bridgewater requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Brewer, Mr. Norris, that this Bill be tabled for two legislative days, pending the motion of Mr. Binnette of Old Town that the Reports and Bill be indefinitely postponed. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

86 having voted in the affirmative and 28 in the negative, the motion did prevail.

The Speaker announced the appointment of the following public members to the Legislative Compensation Committee which were appointed by the House:

Robert A. G. Monks
of Cape Elizabeth
Marion Fuller Brown
of York
Richard Morgan
of Harpswell

Mr. Jalbert from Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: This morning during the debate on the proposition as to whether or not the liquor inspectors would and should or should not wear uniforms, I kept still. I listened to the debate and I am not commenting, certainly, against any of the remarks that the gentleman from Berwick, Mr. Stillings, made because the remarks are both factual from the good, thoroughly honest legislator. But, you know, if the average players on a ball park come from one community, the errors are to be made more by that community. In Lewiston, we happen to have possibly as many clubs almost as all the rest of the state put together. It is not illegal, it is legal. So, naturally, errors are to be made. When the word "Lewiston," which is my birthplace, is mentioned, I am fiercely proud of my community as I am of my heritage.

I voted against the bill because I spoke to a great many people and I spoke to the Maine Restaurants Association about six weeks ago and unofficially they all informed me they are against the measure as proposed by the gentleman from Lewiston, Mr. Ricker. I recognize their wish in that area of four or five inspectors barging into a restaurant or barging into a place and then, I mean, there being some scare tactics among the customers and they leave.

That is not my point this morning. My point was brought out by the gentleman from Lewiston, Mr. Tanguay, when he mentioned the word entrapment. Now, as far as I am concerned, it does not involve me because I very, very rarely go to clubs. I don't smoke, I don't drink and I stay home nights. There are those who say that's a switch. Switch or not, that is a fact. But I will tell you what does exist in Maine. The word was brought out by the gentleman from Lewiston, Mr. Tanguay—and I am not picking up his cudgels either — and it was the word entrapment.

I voted for the reorganization, which threw the enforcement division into the State Highway Department, and I am sorry that I did because I am sad in clubs. I have been in places. I have gotten phone calls. It has been proven to me that people have gone into these clubs — not restaurants, clubs — and stated that they were members. You know when a place is busy and there is a membership of two to three thousand, it is rather difficult to recognize everybody that comes along. And somewhere along the line, some people's words are being taken. And so a drink is served to a person who testifies to the steward that he is a member and two seconds after he takes his first sip, the second man with him, who is also an inspector, moves in and there you go.

I have seen time and time again and have known of time and time again when a man has gone in with a beard this long, not a beard this long, which is perfectly proper with me, but with the beard of a man who deliberately has not shaven for a couple of days, dressed as a lumberman, begged for a drink because he was sick, been served a drink, and then boom, the arm is put on him.

The reason for my remarks is this: The enforcement division, as presently worked upon by the state highway police is just as bad as it was when it was under the Liquor Commission. And it is confusing possibly to some, but it is not to me. The word entrapment was justifiably used. It should be stopped; and if it is not stopped, personally I will see to it that a thorough and complete investigation of the enforcing division of the Liquor Department or the state highway of the State Police end of the liquor inspection division will be thoroughly investigated for their actions.

Mr. Martin of Eagle Lake was granted unanimous consent to address the House.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: The past couple of weeks I have been the target of what I think in part is a little bit of

fun, in attempts to try to prove that I was all wet and all wrong in reference to social services from Alert Number One, Alert Number Two and the Portland Sunday Telegram. I have seen my name batted around and have not really responded because I thought that perhaps the time would come when the record, at least, ought to be set straight.

I hope that the remarks that I make today in reference to social services and the funding will rest the matter once and for all, that, hopefully, from now on we can devote ourselves to solving the serious problems of providing for the needs of the people of Maine rather than attacking one another.

The gentleman from Augusta, Mr. Sproul, stated in the Maine Sunday Telegram of March 4 that Maine had no cutback in federal funds for social welfare programs, and there is still nearly \$6 million waiting for Maine to pick up in Washington. Unfortunately, that is not true. As a result of the Social Services Amendment to the Revenue Sharing Act, Maine was allocated a potential of \$12.3 million to support social services for fiscal year 1973. In order to claim these federal dollars, Maine would have to come up with approximately \$4 million in seed money. At this point, it is projected that Maine will obligate more than \$9 million of its \$12 million potential by June 30, 1973.

Had it not been for the restrictions passed by Congress and the regulations drafted by HEW to implement these restrictions, Maine would have been able to take advantage of the entire \$12 million in federal funds.

To put it very simply, the federal government made the money available but then placed restrictions on it so that it could not be spent. Therefore, there is no \$6 million waiting for us in Washington. For

this reason, there has indeed been a severe cutback in funds that can actually be spent in the State of Maine.

The gentleman from Augusta indicated that I did not know what I was talking about in reference to the 10 percent. The figure was batted around that 25 percent state share is available to serve non-welfare recipients. Unfortunately, that is not true. The 25 percent state dollars that we put up and the 75 percent federal matching that the federal government gives us are bound by the same restrictions of the federal government and imposed by HEW. And that says very simply the following: No more than 10 percent of the total dollars can be expended to serve non-welfare recipients.

I have with me material that comes from the National Legislative Office in Washington in Augusta to verify the facts I have given you, if any of you care to review them. Basically, we can say that the funds available for social services have been severely curtailed. Thousands of Maine people will be denied vital services because they are not on welfare.

The time is going to come in the next week when we are going to be asked to try to solve some of these problems. I make these comments this morning, hopefully, to put to rest the bugaboo that we had funds that were not there and that we now have to face the problem of solving the needs of the people that we, hopefully, were elected to serve.

I hope that these remarks have been helpful and I have the copies of the documents I suggested and you may see them in my office at any time.

On motion by Mr. Birt of East Millinocket, adjourned until 10 o'clock tomorrow morning.