

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

1st Special Session

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

1974

Kennebec Journal
Augusta, Maine

HOUSE

Friday, February 15, 1974

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

Prayer by the Rev. John Wright of Brunswick.

The journal of yesterday was read and approved.

Papers from the Senate Reports of Committees Ought to Pass

Committee on Transportation on Bill "An Act Authorizing the Secretary of State to Extend Expiration Date of all Motor Vehicle Registrations under Emergency Conditions" (S. P. 906) (L. D. 2507) pursuant to Joint Order (S. P. 900) reporting "Ought to pass"

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the Bill read once and assigned for second reading the next legislative day.

Divided Report Later Today Assigned

Majority Report of the Committee on Liquor Control on Bill "An Act Relating to Licensing under the Liquor Law of Managers, Bartenders, Clerks, Servants or Agents Employed by Licensees" (S. P. 855) (L. D. 2424) reporting "Ought not to pass"

Report was signed by the following members:

Messrs. OLFENE of Androscoggin
SCHULTEN of Sagadahoc
FORTIER of Oxford

— of the Senate.

Messrs. STILLINGS of Berwick
CHICK of Sanford
CRESSEY of North Berwick
IMMONEN of West Paris
FARNHAM of Hampden
TANGUAY of Lewiston
GENEST of Waterville
RICKER of Lewiston

— of the House.

Minority Report of the same Committee on same bill reporting "Ought to pass" in New Draft (S. P. 904) (L. D. 2505).

Report was signed by the following member:

Mr. KELLEHER of Bangor

— of the House.

Came from the Senate with the Majority report "Ought not to pass" accepted.

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, I move acceptance of the "ought not to pass" report.

Thereupon, on motion of Mr. Martin of Eagle Lake, tabled pending the motion of Mr. Farnham of Hampden to accept the Majority "Ought not to pass" Report in concurrence and later today assigned.

House Reports of Committees Leave to Withdraw

Mr. Bunker from Committee on Marine Resources on Bill "An Act to Clarify the Law on Interstate Transportation of Shellfish" (H. P. 1764) (L. D. 2232) reporting Leave to withdraw.

Mrs. Najarian from Committee on State Government reporting same on Bill "An Act to Transfer the Water Resources Planning Unit of the State Planning Office to the Department of Conservation" (H. P. 1855) (L. D. 2348)

Mr. Wood from Committee on Transportation reporting same on Bill "An Act to Amend the Motor Vehicle Laws" (H. P. 1866) (L. D. 2360)

Mr. Webber from same Committee reporting same on Bill "An Act Transferring Responsibility for Student Driver Education to the Motor Vehicle Division" (H. P. 1904) (L. D. 2412)

Mr. McNally from same Committee reporting same on Bill "An Act Transferring School Bus Driver Qualifications Duties from Transportation and Safety, Department of Educational and Cultural Services to the Motor Vehicle Division" (H. P. 1905) (L. D. 2413).

Reports were read and accepted and sent up for concurrence.

Ought to Pass Printed Bills

Mr. Norris from the Committee on Appropriations and Financial Affairs on

Bill "An Act Appropriating Funds to Provide for Secretarial Assistance to the Members of the Legislature" (H. P. 1927) (L. D. 2462) Emergency, reporting "Ought to pass"

Report was read and accepted, the Bill read once and assigned for second reading the next legislative day.

Ought to Pass in New Draft New Drafts Printed

Mrs. Baker from Committee on Judiciary on Bill "An Act Relating to the Installation of a Uniform Crime-reporting System" (H. P. 1869) (L. D. 2368) reporting "Ought to pass" in New Draft (H. P. 1971) (L. D. 2511) under same title.

Report was read and accepted, the New Draft read once and assigned for second reading tomorrow.

Mr. Brown from Committee on Marine Resources on Resolve Authorizing the Department of Marine Resources to Determine Disposition of the Statue, "The Maine Lobsterman" (H. P. 1712) (L. D. 2105) Emergency, reporting "Ought to pass" in New Draft (H. P. 1969) (L. D. 2509) under new title "An Act Relating to the Statue, "The Maine Lobsterman"

Report was read.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I most certainly will not take much of your time this morning, and I was cautioned by a gentleman just before I arose to speak very briefly.

I do want to tell you what I want to do with this, though. This is a very famous, right now, plaster of Paris statue. For years, several persons have tried to have this cast in bronze. It was our opinion at that time that it should be moved to Washington, D.C. Mr. Tupper received approval to do that once, and then he could not get the money from the state. Two times I tried to do it. It was enacted in this House and passed in the other body but was killed on the Appropriations Table.

That has been lying dormant for several years, but this last summer the man who modeled for it died, and upon

his death the papers published a picture of the statue again. So several people became interested and we received many inquiries about it and how various organizations could keep this plaster statue and have made a bronze statue at their own expense.

We had a public hearing, and I think it was the opinion of the committee that the statue would be placed in Portland or the environs, since Mr. Kahill lived there all his life and made it there, but that also another statue should be cast from the same pattern and placed somewhere in the vicinity of our museum complex.

I went and met with the man who is in charge of our fine arts and humanities. He agreed to this. We went to Boothbay and saw the statue. We went to the foundry and determined that they were competent to do the work, and so we are all set. But I do not want the whole thing to die on the Appropriations Table, so this bill says that a statue shall be placed in the Portland area and it says that the lot shall be determined by the city council there. I intend to amend it Monday or Tuesday to say that another copy be made for our complex here in Augusta. That will have a state appropriation on it.

I am doing that because I don't want the whole thing to die on the Appropriations Table again. And if this goes through, and if they don't have the appropriation, they will just then kill off my amendment and we finally will have in the City of Portland a bronze statue of "The Maine Lobsterman."

Thereupon, the Report was accepted, the New Draft read once and assigned for second reading the next legislative day.

Mrs. Berry from Committee on Transportation on Bill "An Act to Regulate Procedures for Obtaining Short-term Permits for Farm Motor Trucks" (H. P. 1790) (L. D. 2262) reporting "Ought to pass" in New Draft (H. P. 1970) (L. D. 2510) under new title "An Act to Regulate Procedures for Obtaining Short-term Permits for Motor Trucks"

Report was read and accepted, the New Draft read once and assigned for second reading the next legislative day.

Order Out of Order

Mr. Curtis of Orono presented the following Order and moved its passage:

ORDERED, that William D. MacDonald of Winthrop be appointed Honorary Page for today.

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

Divided Report

Majority Report of the Committee on State Government on:

Resolution, Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature and to Limit the Matters Which May be Considered in the Second Regular Session; to Provide for Single Member Districts in the House of Representatives; to Provide for Reduction of the Number of Representatives and Reapportionments of the House of Representatives and Senate in 1983; to Establish an Apportionment Commission to Plan for all Reapportionments of the House of Representatives and Senate; to Abolish the Executive Council and Reassign Certain Constitutional Powers to a Legislative Council and to Provide that Oaths and Subscriptions of Office of the Governor, Representatives and Senators Shall be Taken Before the Chief Justice of the Supreme Judicial Court. (H. P. 1678) (L. D. 2071)

Reporting "Ought to pass" in New Draft (1972) (L. D. 2513) under new title, Resolution, Proposing an Amendment to the Constitution to Provide for Single Member Districts in the House of Representatives; to Provide for Reduction of the Number of Representatives to One Hundred Thirty-two, and Reapportionment of the House of Representatives before the General Election of 1976; to Provide for Further Reduction of the Number of Representatives to Ninety-nine, and Reapportionment of the House of Representatives and the Senate before the General Election of 1984; to Provide for Annual Sessions of the Legislature and to Limit the Matters which may be Considered in the Second Regular Session; to Establish an Apportionment Commission to Plan for all Reapportionments of the House of Representatives and Senate; to Abolish the Executive Council and Reassign

Certain Constitutional Powers to a Legislative Council; and to Provide that Oaths and Subscriptions of Office of the Governor, Representatives and Senators shall be Taken before the Chief Justice of the Supreme Judicial Court.

Report was signed by the following members:

Messrs. SPEERS of Kennebec
CLIFFORD of Androskoggin
— of the Senate.

Mrs. NAJARIAN of Portland
GOODWIN of Bath

Messrs. CURTIS of Orono
FARNHAM of Hampden
GAHAGAN of Caribou
COONEY of Sabattus
CROMMETT of Millinocket

— of the House

Minority Report of the same Committee on same Resolution reporting "Ought not to pass"

Report was signed by the following members:

Mr. WYMAN of Washington
— of the Senate.

Messrs. SILVERMAN of Calais
STILLINGS of Berwick
BUSTIN of Augusta
— of the House.

Reports were read.

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

Mr. CURTIS: Mr. Speaker and Members of the House: This bill in redraft is before us this morning for the first time, L. D. 2513. I know it is a complicated measure and many people would like to spend some time looking at it. I am sure it will be debated again in the future. Right for the moment, I would like to move acceptance of the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Orono, Mr. Curtis, moves the acceptance of the Majority "Ought to pass" Report.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Although I am one of the major opponents of this legislative reform package, I agree with the gentleman from Orono, Mr. Curtis. I think that we should accept the committee report and then, Monday or Tuesday, in the second reading, we can debate it as long as we would like to. But

I agree that today we should accept the committee report.

Thereupon, the Report was accepted, the New Draft read once and assigned for second reading the next legislative day.

Consent Calendar Second Day

(H. P. 1910) (L. D. 2446) Emergency — Bill "An Act Increasing Indebtedness of Stonington Water Company"

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

Passed to Be Engrossed

Bill "An Act to Amend the Charter of Augusta Sanitary District" (H. P. 1967) (L. D. 2506)

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

Second Reader Tabled and Assigned

Bill "An Act Relating to Transporting School Children to Other than Public Schools" (S. P. 880) (L. D. 2466)

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

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, I would pose a question through the Chair in regard to L. D. 2466. I would inquire if Joint Rule 12 has been complied with? I would inform you that I have consulted with the Department of Education, and it is their feeling there should be an appropriation accompanying this bill.

The SPEAKER: The Chair would inquire of the gentleman from Cumberland, Mr. Garsoe, did you say that there should be some state money involved in this particular bill?

Mr. GARSOE: That is my understanding, sir. Last year this bill carried an appropriation of \$300,000 for the limitation, and checking with the department this morning, they indicated that there would be a cost factor that should be with the bill.

The SPEAKER: The Chair recognizes

the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Members of the House: During the last session, we appropriated the money necessary to fulfill the expense of this legislation. There is no need for additional funding whatsoever. I don't know what member of the Department of Education was contacted, but at least the individuals I have spoken to have indicated that there is no cost factor involved in this bill whatsoever.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to agree very much this morning with Mr. Martin. I am not as interested in this bill as he is, but I have done some work on it and I find that this bill is needed and it is a fair bill. I hope this morning we will go along with it.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker and Members of the House: I don't want to get anyone in trouble in the Department of Education, but I talked with Asa Gordon this morning, and he indicated to me that this would require an appropriation of money, L. D. 1994 notwithstanding.

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

Mr. MURRAY: Mr. Speaker, Ladies and Gentlemen of the House: The Commissioner of Education was at the hearing and answered the questions on this bill, and he never raised any issue as far as the finances of the bill. I think it was already pointed out that the money has already been appropriated in the regular session.

The SPEAKER: In view of the debate, the Chair would inform the gentleman from Cumberland, Mr. Garsoe, that the Chair does not know if there should be an appropriation, and it is not going to be referred back to committee.

The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, I move this item lie on the table one legislative day.

Thereupon, Mr. Martin of Eagle Lake requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that this matter be tabled pending passage to be engrossed and specially assigned for Tuesday, February 19. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

74 having voted in the affirmative and 39 having voted in the negative, the motion did prevail.

Bill "An Act to Repeal Certain Due Process of Law Provisions by Governmental Agencies" (S. P. 717) (L. D. 2129)

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

Mrs. Baker of Orrington offered House Amendment and moved its adoption.

House Amendment "A" (H-687) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

Second Reader Tabled and Assigned

Bill "An Act Relating to Price Information on Prescription Drugs and Permitting Advertising of Prescription Drug Prices" (H. P. 1964) (L. D. 2503)

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

(On motion of Mr. Dyar of Strong, tabled pending passage to be engrossed and specially assigned for Wednesday, February 20.)

Passed to Be Enacted

An Act Relating to Deductions from Sentences of Inmates in County Jails (H. P. 1839) (L. D. 2331)

An Act Relating to Motor Vehicle Accident Reports (H. P. 1874) (L. D. 2373)

An Act Relating to Certified Copy of Regulations Promulgated by Commissioner of Inland Fisheries and Game as Evidence (H. P. 1954) (L. D. 2489)

Were reported by the Committee on Engrossed Bills as truly and strictly

engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Relating to Nullification of Criminal Records (H. P. 1956) (L. D. 2491)

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

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

Mr. CARRIER: Mr. Speaker and Members of the House: This bill regarding the nullification of criminal records to me is one of the important bills in this session. It is important in the fact that I think it isn't in the good of the people of this state. I think it is real bad. I think if any bill ever should have gone to referendum, I think this one should have. I don't think the legislators should be the judges of whether we should eliminate the records of these people and keep them clear of the ones they have victimized.

I am not in favor of this bill. I am going to vote against it. I did let number one go, which I think is another bad bill, and we have many others. But I just want to call to your attention today, and you can remember the day, that I truly believe that in a year or two years from now you will be coming back here and your constituents will be after you to let these people out on the streets and to do away with all their records, and I truly believe that this is not what the people of Maine want. For these few reasons and many others, I could not, under any conditions, support such a bill. I don't make any motion, but I just want to call your attention to what is going on there.

The SPEAKER: The Chair will order a vote. The pending question is passage to be enacted. All in favor of this bill being passed to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken.

62 having voted in the affirmative and 40 having voted in the negative, the motion did prevail.

The Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

From the Senate: The following Joint Order: (S. P. 907)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn until Tuesday, February 19, at ten o'clock in the morning.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

Orders of the Day

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

Bill "An Act to Exempt Charter and Tour Buses as a Public Place under the Liquor Laws" (H. P. 1853) (L. D. 2346)

Tabled — February 14, by Mr. Simpson of Standish.

Pending — Motion of Mr. Stillings of Berwick that the House accept the Majority "Ought not to pass" Report.

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

Mr. LaCHARITE: Mr. Speaker, Ladies and Gentlemen of the House: I hope this morning that you do not go along with the majority report on this bill. There is an amendment being prepared now, I have a copy of it, and it will be on your desks either this morning or Monday. What the amendment does is amend the word "tour" from this. In other words, we are exempting only charter buses. Also, define the charter bus as being a chartered bus under Public Utilities Commission regulations.

I think one of the problems is that people are afraid that maybe a ski club or something at a high school would charter one of the school buses to go on a ski trip and they would find alcoholic beverages on those buses. We have done away with that portion to relieve that part of the bill.

The reason for this bill, and I introduced it without putting "by request" on it, but it was at the request of the bus companies, three of the bus companies in the state. They plan on chartering buses to organizations such as the Elks, Knights of Columbus and various organizations. It is very difficult for the bus driver to police the action of those people, and he is subject to arrest when they tip a little bit. They don't find that there is a whole lot of a problem in their drinking. They like to have one or

two beers, possibly, on the way down to Boston. I think the bill is not that bad a bill, and I think it would relieve the pressures of the bus drivers tremendously.

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

Mr. DAM: Mr. Speaker and Members of the House: I rise to support the motion "ought not to pass," because I think what Mr. LaCharite has just said, that the bus driver has a problem now, I think he would have even more of a problem if this were to be allowed. When you have 50 or 60 people on a bus, if they were all drinking, it would be kind of hard for the bus driver to concentrate on his driving and at the same time to keep looking in the rear view mirror to see what was going on in the back of the bus and to expect that at any moment someone would send a bottle down to the front and hit him in the back of the head.

This was one of the first liquor bills that I have ever spoken on in committee in my six years here, but I did have a lot of feeling on this bill. I have been on bus tours and on parties, and as I have said before the committee, when people are drinking, everybody is not of the same. Some become very happy and some become very ugly. Usually with the drinking there also comes a fight. If this started on the bus, it is quite evident that the bus driver just by instinct would turn his head to see what was going on, and in that one instant there could be an accident.

The other reason I opposed it was because, and again, it has happened that at parties and on a party, it would be no different than being on a bus. As you drink, you become a little more loud in your conversations or a little more rowdy, and drinking at a party on a bus tour is not like social drinking. I would hate to think of a bus from the State of Maine going through a neighboring state or another state with a bunch of intoxicated people on that bus, bottles flying out of the windows or obscene remarks being made on the streets; I do not think this would reflect a very good image on the State of Maine.

I do not think that this is emergency legislation. I don't think the bill should have been allowed in this session, and I

think the people of the State of Maine realize that there are a lot of things coming before the emergency session in hopes of getting passed that wouldn't get passed in a regular session. This is done a lot of times in your towns with town meetings. Things that won't pass at an annual session will slip by at a special session. I would hope that we would accept the majority "ought not to pass" report, because I think the Liquor Control Committee came out with an excellent report.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to support the bill. I think we have just heard a gross exaggeration of what really happened. Most of the time, these people on a trip to Boston, an hour and fifteen minute ride, they enjoy a ballgame for three or four hours, get on the bus, stop at a restaurant on the way home and go home from there. This happens in reverse also. People come into the State of Maine, visit our beaches, our lakes, and do the same thing. We would be driving maybe some of those tours out here also, and I don't think we can afford that.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Deshaies.

Mr. DESHAIES: Mr. Speaker, Ladies and Gentlemen of the House: I attended the public hearing on this bill, and there have been several newspaper articles concerning this problem. Drinking on charter buses is not unheard of, and I am not a "dry." But it would seem to me that if a particular organization in the southern part of the state is having problems with the Liquor Commission, then they should resolve their problems without dragging the rest of the state in on it.

The present law regarding drinking on charter buses may be broken on occasion, but that is no valid reason we should change it simply to accommodate a social club in the name of highway safety.

I hope we accept the majority "Ought not to pass" report.

The SPEAKER: The Chair recognizes

the gentleman from Brunswick, Mr. LaCharite.

Mr. LaCHARITE: Mr. Speaker, Ladies and Gentlemen of the House: I was sort of hoping that such an organization in the southern part of Maine was not brought up today. That wasn't the reason for this bill, although there has been some publicity on this.

One of the things I would like to say in answer to Mr. Dam is that most of these buses that are now the new new buses, the charter buses, do not have windows that open. Therefore, bottles cannot be thrown out the windows.

Most of the groups police themselves. I think you know, if you are a member of an organization, when you charter a bus, you want that bus the following year. If you get too rowdy, you are not going to get that bus. These organizations police themselves and they watch out for themselves. And I think it is not necessarily for highway safety, but it relieves the pressure, again, of the driver subject to arrest and also the members of that organization were out to have a good time on that day, not take their cars and drive behind the wheels. I think this bill, for that reason, has merit to pass.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I wish to thank the gentleman from Brunswick, Mr. LaCharite, for enlightening our bus tours, because I haven't been on that many bus tours, and I did not think that all buses had windows that did not open. But one point I would like to point out to him, as he mentioned, this would save them from driving their automobiles. I would like to point out that assuming a bus would be coming back from Massachusetts with 50 intoxicated people on it and that bus were to stop at the bus depot and discharge these people, these 50 people are going to get in their own automobiles and drive home.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker and Members of the House: This is one bill that on the surface I thought I could go along with until we had the hearing and

many points were brought out. The gentleman from Biddeford, Mr. Farley, mentioned that it was only an hour and a half to Boston. That may be true from Biddeford or Portland or those areas, but let's assume a bus starts out from Caribou, Maine, to go to the ball game in Boston. That bus is going to go through many dry towns, and if they should be stopped there by a state trooper, they would be drinking in public in a dry town, and all of the people aboard the bus could be in trouble.

There is a safety angle, and I would ask you to remember that. In New Hampshire and Massachusetts it could also be illegal to have liquor on the bus. So we might be creating more of a problem for these people than we are solving.

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

Mr. TANGUAY: Mr. Speaker, Ladies and Gentlemen of the House: I sit here. Very seldom do I get up and speak. Most of the time I get on what we call social activities. As a Representative of this state, we all owe it to our social activities. Naturally, it is a vacation state, and we do have social activity. But when I see Representatives who talk from both sides of their mouths, it sort of makes me angry inside.

I remember one little trip, it was a chartered bus leaving the state quarters right here, and some of the gentlemen who took the trip along with us happened to be sitting in the same bus that I was on. These same gentlemen are against the fact that some of the social clubs throughout the state that have these chartered buses, they are against these people having a social drink on their trip. They get up here and they try to censor the other people throughout the state, but yet, they themselves are inebriated in the back of the same bus that I was sitting on, and the young man from Skowhegan, I believe, when we went to Bangor to see the International Airport. So what are we going to believe here, sitting here? Those people don't know the facts.

Most of the time these trips are not to go out and have liquor. Generally it is just a social drink in between one location to another. So if we are going to

a ball game in Bangor, what is wrong with having a few drinks? How many drinks can you drink in an hour or an hour and a half from anywhere in the state going to Bangor or going to Lewiston from Bangor?

Mr. Dam of Skowhegan was granted permission to speak a third time.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I reply to the good gentleman who just spoke, Mr. Tanguay, this is true on the bus trip. Sure I felt good, I had a good time. But afterwards I realized — I could say, I realized by using my last name and putting it with the word "fool," that is just the way I felt afterward. And I can say this, that I am not against liquor, and if people want to drink it, they can drink it. But I am happy to say that for the last eight months I have not, because I realize that even one drink can cause impairment when you are driving. And again, when these people come back from the bus tour and get in their automobiles and you put 50 automobiles on the road with impaired drivers behind the wheel, you are causing more of a hazard than you are letting them ride in a bus without getting drunk.

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

Mr. SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I think there is an air of extremism here this morning. I don't believe that permissiveness means drunkenness. Actually, I am sure that the majority of us go to licensed cocktail lounges; we find our way home all right and the majority of us don't overdo it. I think this is something that we are all aware of, if we want to acknowledge the truth of it all, that on these private bus club tours that there always is drinking. It is a question of once in a great while that a message gets through to the proper authorities and it is stopped, and as a rule it is some sadism of some sort that occurs that somebody is downright disgusted or has an axe to grind with someone. So I think all we are doing here this morning is just making it legal, legalizing something that already exists, just like your hitchhiking law for instance.

Now, my good friend Mr. Dam

mentioned earlier that this was thrown in a special session and it didn't belong here. Well, I could go through this log of bills that we have and I would say 200 at least that don't belong here, so that is no argument. Also, insofar as rear view vision on the bus, the outside mirror does the job. The driver doesn't particularly use the inside mirror.

Actually, all we are doing here, if you want to face reality, as I said before, is just allowing something that is already in existence, and just being right about the whole situation. I certainly hope you would concur and go along with this bill.

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

Mr. LYNCH: Mr. Speaker and Members of the House: I would like to ask, have the bus companies had any input in this bill? Are they in favor of it? Are they opposed to it? If there are restrictions in New Hampshire and Massachusetts, are the operators of the bus company going to be liable for drinking on the buses in New Hampshire and Massachusetts?

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, poses a question through the Chair to any member who may answer if he or she wishes.

The Chair recognizes the gentleman from Brunswick, Mr. LaCharite.

Mr. LaCHARITE: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question, Hudson Bus Lines in Lewiston, Brunswick Transportation Company, Continental Trail way, these companies have shown that they are in favor of the bill.

At the hearing, only one representative could be available due to the owner of Hudson Bus Lines being out of the state. Brunswick Transportation did have a representative there that did speak in favor of the bill.

As far as out-of-state travel, inter-state-travel, the laws are, in Vermont there is no law pertaining to this measure. In New Hampshire there is no law, but some of the towns are dry, and therefore when a bus goes through I would imagine that it would be drinking in a dry town. Again, the same thing happens there as in Maine. I believe that

the passengers and the bus driver are the ones that are liable in that case.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mr. Willard.

Mr. WILLARD: Mr. Speaker, Ladies and Gentlemen of the House: This is a bad bill. There is no reason to do away with the law just because some people break it. If we did that, we certainly could do away with most of our laws. Lord knows, we need them.

Mrs. Clark of Freeport requested a roll call vote.

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

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen of the House: In my opinion, there shouldn't be drinking of any kind on a bus, even if it is soft drinks. Just recently a group of boys and girls were going to a basketball game. They had Coca Cola that they were drinking on the bus. They weren't supposed to be drinking on this bus. When the bus driver looked in the mirror and saw them, the young fellow hurled a bottle at the bus driver. Gentlemen, if this had hit the bus driver side of the head, what do you think would have happened to the rest of these people on this bus? And if this happens with just a soft drink, what can happen when you are intoxicated?

Now they say this ride is only an hour, an hour and a half. I don't drink but I have helped take a lot of people home that have been drunk, and I know they weren't gone from home an hour and a half.

Mr. LaCharite of Brunswick was granted permission to speak a third time.

Mr. LaCHARITE: Mr. Speaker, Ladies and Gentlemen of the House: I submit to you that all other common carriers other than a taxi and a charter bus allows drinking on it. As a matter of fact, they are licensed premises and they sell liquor. I think this here is a charter bus. We are not even going to the common carrier bus, just the charter bus. Please, let this go to the second reading and let the amendment go on and let's have passage of this bill.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and

voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Berwick, Mr. Stillings that the House accept the Majority "Ought not to pass" Report on Bill "An Act to Exempt Charter and Tour Buses as a Public Place under the Liquor Laws," House Paper 1853, L. D. 2346. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Bunker, Bustin, Cameron, Carrier, Carter, Chick, Chonko, Churchill, Clark, Connolly, Cooney, Cottrell, Cressey, Crommett, Curran, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Dow, Drigotas, Dudley, Dunleavy, Dunn, Dyar, Emery, D. F.; Evans, Farnham, Farrington, Faucher, Finemore, Flynn, Fraser, Gahagan, Garsoe, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Haskell, Herrick, Hoffses, Huber, Hunter, Immonen, Jackson, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Lynch, MacLeod, Maddox, Mahany, Martin, McCormick, McHenry, McMahon, McNally, McTeague, Merrill, Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, Palmer, Parks, Perkins, Peterson, Pratt, Rolde, Rollins, Shaw, Shute, Simpson, L. E.; Smith, D. M.; Snowe, Soulas, Sproul, Stillings, Strout, Susi, Talbot, Theriault, Tierney, Trask, Twitchell, Walker, White, Willard, Wood, M. E.

NAY — Brown, Carey, Cote, Farley, Ferris, Hancock, Hobbins, Jacques, Jalbert, Knight, LaCharite, Maxwell, McKernan, Mills, Morin, L.; Ricker, Sheltra, Tanguay, Wheeler.

ABSENT — Briggs, Conley, Donaghy, Fecteau, Gauthier, Genest, Hamblen, LaPointe, Littlefield, O'Brien, Pontbriand, Ross, Santoro, Silverman, Smith, S.; Trumbull, Tyndale, Webber, Whitzell.

Yes, 112; No, 19; Absent, 19.

The SPEAKER: One hundred twelve

having voted in the affirmative and nineteen in the negative, with nineteen being absent, the motion does prevail.

Sent up for concurrence.

Mr. Farnham of Hampden was granted unanimous consent to address the House.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: Twenty-eight years ago I was involved in a conspiracy, and it is about time I confessed to my sins. It was a cold, clear day in Millinocket. I was peacefully at home enjoying the luxury of watching five children fight and play both. My telephone rang and the Parson who lived next door said "Rod, I have a couple over here that are badly in need of support." I said, "Now just what do you mean by support?" "Well," he said, "they are under the influence of St. Valentine, and they think they ought to get married." Well, I changed into my good clothes, and put on a necktie, and shuffled over to the Parson's house — it was next door — and there I saw a very blushing young lady dressed in all her finery. There was a man standing there, too, and he was lately out of the Navy and he hadn't quite gotten over his rolling gate and I thought he was intoxicated but it turned out he was stone sober. Although stone sober, he obviously didn't have all his mental faculties with him or he would not have been in that situation. So I did my duty. I propped the young man up. The minister went through his usual performance. The minister got paid, but I didn't. Ladies and Gentlemen, that young lady now sits in the balcony and she is as pretty today as she was a bride of twenty-eight years ago. The gentleman has somehow survived and he sits in the right hand corner next to Mr. Simpson of Standish, and ladies and gentlemen, this is the twenty-eighth wedding anniversary of Walter and Dottie Birt. (Applause)

(Off Record Remarks)

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

Bill "An Act to Clarify the Power of the Commissioner of Maine Department of

Transportation and the Chief of the Maine State Police to Lower Speed Limits in order to Provide Energy Conservation" (H. P. 1857) (L. D. 2350) Emergency

Tabled — February 14, by Mr. Deshaies of Westbrook.

Pending — Passage to be enacted

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: This morning I would like to ask for suspension of the rules for the purpose of reconsideration later. This requires two thirds and I hope you will be kind enough to let me have suspension of the rules. I have an amendment prepared and it is on your desk, I think. It is on mine, and I think it has been distributed, and if you will be kind enough to do that we will consider the amendment and if you don't think it is fair then we can still go on with business as usual. I would like to have this right now, I would like to have a two-thirds vote so that we can, for the purpose of reconsideration, have suspension of the rules, please.

Thereupon, on motion of Mr. Dudley of Enfield, under suspension of the rules, the House reconsidered its action whereby this Bill was passed to be engrossed.

The same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-690) was read by the Clerk.

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

Mr. MORTON: Mr. Speaker, I would like to pose a question through the Chair. What is the thrust of this amendment, please?

The SPEAKER: The gentleman from Farmington, Mr. Morton, poses a question through the Chair to the gentleman from Enfield, Mr. Dudley, who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. DUDLEY: Mr. Speaker and Members of the House: I will endeavor to explain the amendment the best I can.

The intent of the amendment, and I hope it does it, is that we reduce the speed limit to 55 miles an hour in the bill.

We will still have a penalty if they are caught driving over this speed, but it does save the points. In other words, the points will be as they are now. In other words, we feel as though a lot of people are having hard trouble with their points, and it is making a lot of hearings before the Secretary of State. Some of them are granted and some are not. So we are willing to accept the bill, but not to take away their points for the difference between 55 and what the speed was. We will still take away points, but only as we did before we passed this bill. In other words, it will be a little bit lenient on the points but not the fine and other considerations.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker and Ladies and Gentlemen of the House: I am speaking for this amendment, but I also want to open some broader questions in regard to this bill. This is one of our first energy bills, and it is being pushed on two points; one safety, and one, conservation of energy. I cannot accept the safety because our roads are now engineered for the prior posted speed limits, and if they weren't safe at those limits they wouldn't have been posted at them in the first place. So I don't think we can argue safety as a valuable factor in lowering the speed limits.

This places us with the consideration of economy of fuel. And I question, and I would like to have an answer whether once we lower this and make this a law whether it can be moved up again, or whether we are going to have a law on the books that is going to take an act of the legislature to move them up? I think this should be something that one or two people have the ability to move up and down as needed. I would point out in connection to the economy that you can use a gallon of gas in many ways. I can take a gallon of gas and I can walk to Portland and it will take me two days and I will have a gallon of gas left when I get there. I can put a gallon of gas in a motorcycle and I can probably be in Portland in about an hour and I might even have some left. I could put a gallon of gas in a Cadillac Eldorado and about eleven miles outside of Augusta I will be

walking to Portland and it will take me two days again.

The thing that is important to consider here is that time is money and we have a good road system in this state. It makes a difference whether I can go from Caribou to Portland in four hours or whether it is going to take me five or six hours. And I think we should consider from the point of view of this state that we have an immediate crisis with energy, and we want to save gasoline. But I don't think we should find ourselves locked into a position where the speed limits can't be readjusted when either gasoline becomes more available to people, and we want to be able to change this without having to waste six months for the legislature to act.

And my feeling is that this should not be done this way. I would like to see one or two individuals responsible who can adjust this, or at least, an amendment put on this that it will be reviewed every three months or something like that. If we are going to enact it in this form, I certainly would not want to see people charged points for going over the speed limits, particularly when our roads are engineered for far higher speed limits generally.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Dunn.

Mr. DUNN: Mr. Speaker and Ladies and Gentlemen of the House: This bill is supposed to do just about what it says, clarifying the powers of the Commissioner of the Department of Transportation and the Chief of the State Police to lower speed limits in order to provide energy conservation. As I understand it, this has nothing to do with points.

Its intention is designed to insure compliance with the Federal Emergency Highway Energy Conservation Act. The reason for that is so that by reposting these roads, replacing signs and so forth, it would give them a chance to receive federal money if there is any available. The power would still remain with the same department.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker and Ladies and Gentlemen of the House: I oppose the adoption of this motion. I don't believe that I would have ever backed a bill to give anyone the power to reduce speed limits on a safety basis. I perhaps would have looked at it as an infringement on our rights. But having had it come about the way it has, and having an understanding from statements in the newspapers and from our various departments that this has had a profound effect on safety on our highways, I think that to adopt this amendment would be going against what seems to be something that I think the people of this state are now willing to live with. Lower speed limits obviously are having an impact on safety that perhaps was generated as a result of this energy crisis. I feel that to remove the threat of points is going to be to take the heart right out of what I hope to be an ultimate, highly favorable impact on our safety.

The SPEAKER: The Chair recognizes the gentlelady from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker and Members of the House: I question the need for this bill at all. The speed limits have been reduced. I go back and forth from Auburn to Augusta to come here, and I haven't seen any cars exceeding the speed limit at all. Why do we need this particular law?

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Deshaies.

Mr. DESHAIES: Mr. Speaker and Ladies and Gentlemen of the House: Perhaps the lady from Auburn, Mrs. Lewis, and I are using different roads, because I come up on the turnpike daily, and I go 55 miles an hour, and they go by me like I am backing up.

The SPEAKER: The Chair recognizes the gentlelady from Auburn, Mrs. Lewis.

Mrs. LEWIS: We do use a different road; I don't use the turnpike.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I was hoping that the lady from Auburn would make just the very remark that she made.

I am unable to drive, so I have to get a ride here and there. And I ride a great deal of the time with the good gentleman from Auburn, Mr. Drigotas. I ride a great deal of time at quarter to seven in the morning with the Security Chief and former Police Chief in Lewiston, Mr. Farrand, and I take the same road that Mrs. Lewis takes. At least, every morning at least 15 to 25 cars go by us just like we were tied, and he never exceeds the limit. He goes along with the law. He insists I wear my seat belt. He drives me up a wall. But I go along with him. After all, what am I going to do, walk?

Yesterday was the day for the lovelies. I don't want to hurt the lady from Auburn's feelings, but you know, yesterday is gone and today is today. And one of us if I'm not right and she is right, one of us operating on the Braille system.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: When all is said and done here this morning, I offered this amendment for a lot of people in my area that carry a dinner pail. And a dinner pail now is hardly worthy to carry. They don't have much to carry in it.

These people working for jobs now, with the price of gasoline and food, they used to carry sometimes an egg sandwich. And now the egg sandwich doesn't have any egg anymore. I feel sorry for these people, and I don't want them to lose their points, because I know the extra weight we are putting on our welfare load. Because an awful lot, as I told you the other day, they don't mind that much because their neighbors are living better on welfare.

And I can show you, if I had the time, in black and white, why, because they are earning such small money and driving so far to work, by the time you take out the price of their gasoline, and sometimes these cold mornings their car won't start and the cost of getting it started, they obviously end up sometimes with less money than the fellow living next door that is having a ball fishing and playing around a little.

So I think I am trying to accomplish

two things with this amendment. I am trying to make it so we won't increase the welfare load of the people in my area, and I am also trying to be sensible about it. I don't say that they shouldn't be penalized, pay a fine or any other penalty, but I think when you take their license away, it is a bit harsh. And you can take it away pretty fast with these points. I hope that you will see fit to adopt the amendment, because we will still reduce the speed law. We will still have penalties, and we just won't take away their license because there is other things involved.

They are entitled to a hearing. We will have to have more hearing examiners, and these cost a lot of money. These people are entitled to a hearing by law, by statute. You are going to have to have a lot of hearings, and you are going to have a lot of extra persons on that, too.

So it is going to save the state in at least two areas quite a lot of money if we accept this amendment, and I am positive of what I am talking about.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Dunn.

Mr. DUNN: Mr. Speaker and Members of the House: At our hearing, I asked the question if these same people didn't have the powers to do this without this bill? They said they do. The only reason this is put in is to clarify what their powers are in order to obtain federal money, if there is any, to help repaving of roads or put signs up on the highways.

As I understand it, it doesn't affect the point system or change the powers of anybody. They can still post them as they have been doing. So I would be opposed to this amendment.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Talbot.

Mr. TALBOT: Mr. Speaker and Members of the House: I think I am a little bit ahead of the game. I just can't buy this amendment, the reason for it being that if you ask the gentleman from Portland, Mr. Mulkern, he will tell you that we have debated this bill, the philosophy of the law, the law of the road conditions, the horsepower of the car, from Portland all the way to Augusta, from the time we started to the time we ended. And I am just going to have to

have a better story than what I have heard for me to buy this amendment. So I do hope you vote for indefinite postponement.

The SPEAKER: The pending question is on the motion of the gentleman from Enfield, Mr. Dudley, that House Amendment "A" be adopted. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

67 having voted in the affirmative and 52 having voted in the negative, the motion did prevail.

Thereupon, the Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

Bill "An Act Exempting Machinery and Equipment Used for Manufacturing and Research from Sales and Use Tax" (S. P. 746) (L. D. 2158)

Tabled — February 14, by Mr. Kelleher of Bangor

Pending — Passage to be enacted

Mr. Talbot of Portland requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: As I understand the background of this bill, it represents an attempt to really carry through a hundred percent something we discussed and I believe intended to do during the regular session. L. D. 2158 makes clear that the exemption of the sales tax regarding machinery and parts in businesses, which we hope will create jobs in this state, should apply to used or reconditioned equipment as well as new equipment. It is not an assistance to business directly, but rather is a means of assisting our economy in providing

jobs, and I think this is a good and worthwhile measure. There is a cost to it estimated at not to exceed \$500,000 in a fiscal note.

I favor this idea. I hope that it will be helpful to the state. We certainly need to attract good industry, good employers to the state.

I am only a little bit dismayed that there seems to be a certain order or priority on some bills, but they go through on an emergency basis whereas other bills go through on another basis. I do support the concept, though, and I think it is worthwhile for the state, not as a break to business but rather as an encouragement to employment which we certainly need.

The SPEAKER: A roll call has been ordered. The pending question is passage to be enacted. All in favor of this bill being passed to be enacted will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Brawn, Briggs, Brown, Bunker, Bustin, Cameron, Carey, Carrier, Carter, Chick, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Dow, Drigotas, Dudley, Dunleavy, Dyar, Emery, D. F.; Farley, Farnham, Farrington, Faucher, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Haskell, Herrick, Hobbs, Hoffses, Huber, Hunter, Immonen, Jackson, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Lynch, MacLeod, Maddox, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McNally, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, Palmer, Parks, Perkins, Peterson, Pratt, Rolde, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Snowe, Soulas, Sproul, Stillings, Strout, Susi, Tanguay, Theriault, Tierney, Trask, Twitchell, Walker, Wheeler, White, Willard, The Speaker.

NAY — Dunn, Talbot.

ABSENT — Bragdon, Conley,

Crommett, Donaghy, Evans, Fecteau, Jacques, LaPointe, Littlefield, Mahany, O'Brien, Pontbriand, Ricker, Santoro, Sheltra, Smith, S.; Trumbull, Tyndale, Webber, Whitzell, Wood, M. E.

Yes, 128; No, 2; Absent, 21.

The SPEAKER: One hundred twenty-eight having voted in the affirmative and two in the negative, with twenty-one being absent, the motion does prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Bill, "An Act Relating to Expunging of Certain Records of Arrest" (H. P. 1957) (L. D. 2492)

Tabled — February 14, by Mr. McTeague of Brunswick.

Pending — Motion of Mr. Talbot of Portland that the House adopt House Amendment "A" (H-686)

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: The good gentleman from Brunswick, Mr. McTeague, yesterday requested information in regard to statutory provisions as to dissemination of criminal records, records of arrest, insofar as any other agency or concern or organization other than law enforcement officials. I did some checking in the afternoon to determine precisely what statutory provisions there might be. I recalled that we had taken this up in committee but could not recall specifically what the basis was. There is one statute that does require the records of the State Police and the Bureau of Identification to be confidential and therefore not disseminated to anyone.

Also, the basic bill that is being offered here today, the statute presently on the books, Title 16, Section 600, refers to expungement of all records concerning arrest or dismissal of cases other than investigative materials involving arrests, such as photographs, mug shots and so forth. And during the committee hearing, as I recall, the question came

up, when we talk in terms of expungement does it in fact mean nondissemination to credit bureaus, employers, et cetera? The reason we have come out with the new draft of the bill is that there is no definition in that statute that specifically says that dissemination will not be had when records are expunged.

You will note that the basic bill before us does clarify what dissemination means, what expungement means, and in that effect basically is one of the reasons we did come with the bill as it is, to make clear that if a person is acquitted or there is dismissal, that all records will be held confidential and not disseminated, and it spells it out in the various sections.

The amendment that is being offered here today is to include investigative materials such as mug shots and photographs. I might add that in checking through the statutes yesterday that there is a question in my mind on page two of the basic bill before us that uses the words "conviction or correctional supervision." I am not entirely certain that should be in there, and I would only hope that we first of all not accept the motion of Mr. Talbot of Portland to amend the bill and then perhaps table the main bill to clear up that last section.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Talbot.

Mr. TALBOT: Mr. Speaker and Members of the House: I hope you do go along with the amendment. The maintenance and dissemination of records of a person's arrest not resulting in conviction is a severe and unconstitutional form of punishment.

While the purpose of maintaining and disseminating arrest records is presumably to enable the nation's law enforcement agencies to control and reduce crime, it is increasingly doubtful that this purpose is served by that practice. In light of all the information now known about the effects of arrest records on those who bear them, a question arises. Is crime controlled or reduced if large numbers of people are prevented from getting jobs, license, homes, credit or admission to schools because of their record? In other words,

you can have a criminal record without having committed a crime.

The criminal dossier of an arrested person continues to haunt him even though he has not been proven guilty of any crime. According to the FBI, law enforcement agencies make some 8.6 million arrests per year for all criminal acts, including traffic offenses. Of those arrested, about 4 million are never prosecuted or have their charges dismissed, but they cannot escape their arrest record.

I think it is very important, because I have had people talk to me about not being able to get a job because somewhere in the background they have been arrested for a minor charge and the charge has been dismissed or thrown out of court. They have been found not guilty. And even though these people are innocent, they are haunted by their mug shots, by their photographs, by their communication records, investigation records and fingerprints.

I know what happens. Usually when somebody applies for a job as a civil service employee, they have a form to fill out. If you have been arrested, then acquitted, found not guilty or your charge is dismissed, you still have to put down on that form that you have been arrested, and usually, that closes the door.

I would just throw this statistic at you, and these are statistics, they are not mine. I have read them and I would just point them out to you, that the black urban male, his chances of being arrested at least once in his life is 98 percent. And a white urban male, his chances of being arrested at least once in his life is 58 percent, and for all white males, it is 50 percent. And I won't read the ladies out because the ladies, their chances of being arrested at least once in their life is 28 per cent. That means that just about everyone in this room has a chance of being arrested at least once in your life. And you have a chance of having a record behind you somewhere in the background saying that even though you are innocent, in a sense you are guilty. Because that will haunt you in employment, schools, jobs, whatever.

I would hope that you would adopt the amendment because it specifically says, which they are not doing now, it

specifically says that they will expunge your investigative and communication records, your fingerprints and your mug shots, which they are not doing now under the present law. They are only stamping the back and saying, "Expunge — Do not release." But these records are going, and it is a fact, these records are going to credit bureaus, employment agencies, police departments. They are going out and it must be stopped. It must be stopped because an innocent person is innocent and should be that way. It should always be that way. It should not be halfway in between. So I would hope that you would vote for the amendment.

The SPEAKER The Chair recognizes the gentleman from South Portland, Mr. Perkins.

MR. PERKINS: Mr. Speaker and Members of the House: In part I couldn't agree more with the gentleman from Portland, Mr. Talbot, because I think he is arguing the basic bill which we put out of committee, which refers specifically to the dissemination of this information to credit bureaus, to employers, to licensing agencies, et cetera. And I agree with him 100 percent. Those records where an individual has had his case dismissed, or where he has been acquitted, should not be available to those agencies. I don't think it is necessary.

However, I am concerned, extremely concerned, that law enforcement is being hampered enough as it is with court decisions being what they are, technicalities being what they are. In order to protect all of us, they must comply with many things that seem unnecessary. And I don't think that we need to sit here today and make it even more difficult for them in terms of investigative materials, mug shots, and information of that character which they should retain and possibly use for future prosecutions.

And I am reminded, unfortunately, of the boy of eight or ten years old in Freeport, Maine, this summer that recently, after several weeks, his body was found under the bed of an individual who had sodomized him and killed him. And it was only because of the investigative materials that were available to the police departments that

they were ultimately to learn that this particular individual had, if you would, a quirk upstairs, and possibly, because of his nearness to the boy, might be involved. So I urge you, please, not accept this amendment.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: Initially, I would like to thank every member of the House for your courtesy in tabling this yesterday. I am thankful to the gentleman from South Portland for his research and explanation of the matter, and also the very interesting facts brought to us by the gentleman from Portland, my seatmate, Mr. Talbot.

It seems to me that the amendment that Mr. Talbot has offered comes out of a desire to do the right thing in preventing injustice. Certainly, I think we would all agree it is wrong, that information regarding a person who has not been convicted can get from law enforcement agencies to credit bureaus, employers, or anyone outside of a government official charged with law enforcement duty. On the other hand, the point made by the gentleman from South Portland, Mr. Perkins, about the need for retention of investigative files, the example he gave about a tragedy in our area not so long ago is something that must move us all. I think we must seek to be just to all people in our society. But that includes justice to the potential victims of crimes as well as those who may have been accused falsely or inaccurately of the crimes.

It seems to me, Mr. Speaker and Ladies and Gentlemen, the fundamental problem is that some of our law enforcement agencies in this state have not taken the prior action of this legislature seriously. It is doubtful that any of them are listening, but perhaps we can talk to them individually. It would handicap law enforcement and it would hurt the people of this state if we were to adopt the amendment offered. And I shall not, and would not in good conscience be able to vote for it. Although I respect the gentleman who offered it. I know his motivations are the highest.

I think we ought to try today to send a

message to law enforcement. The law applies to the police officer as well as the citizen. When this legislature has said, "Expunge — Do Not Release" you knew what we were talking about. You can use it within law enforcement. We want you to. We want crimes solved. But you work for the people of the State of Maine, not an employer and not a credit bureau. If you don't cut it out, probably some day it is going to be a tragedy on the other side, and law enforcement will use this very reasonable and valid tool it has, because some members of law enforcement abuse it.

I hope, Mr. Speaker, that we do not adopt the amendment, but I suspect that if there continues to be failure to obey the law or to be aware of the law on the part of law enforcement officers, that some of those who cry about restrictive decisions from the court ought to take heed where these restrictive decisions come from. They come from abuses. In this society we are all under the law. That includes the legislature; that includes the judge; and that includes the law enforcement officer.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Kelley.

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House:

I would like to direct a question to either Mr. McTeague of Brunswick or Mr. Perkins of South Portland. You people have mentioned the people found guilty. You have mentioned the people found innocent. You have mentioned the cases that have been dismissed. What happens to the people who have had their cases filed, who have paid a substantial penalty? It seems desirable to me that these records should stand and be held over these people in case they sin again and are convicted.

The SPEAKER: The gentleman from Southport, Mr. Kelley, poses a question through the Chair to anyone who may answer if he or she wishes.

The Chair recognizes the gentleman from South Portland, Mr. Perkins.

Mr. PERKINS: It is my understanding that the status of a filed case is a distinct status as compared to that of an acquittal or a dismissal. A filed case means it is filed and may be brought forward at any given point in

time should it be necessary. It does not have the finality that goes with acquittal or dismissal. You are right, but it does not pertain to this particular bill.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I truly don't know where to start here because this sounds like so great a bill. But the thing is that such questions as Mr. Kelley and many others are asking, actually, this is some of the hidden facts about this bill.

Actually, to understand this bill, I suppose you would have to work around the courts or know the procedures of the court. And I expect most people don't, and I surely am not an expert on it.

But I am going to make a motion. I am going to move that we table this for two days. And I want to state my reasons for it.

I wish to all of you, if you are interested in your constituents and the people that have been victimized within your communities, if you will take a copy of this bill with you, L. D. 2492, and take the amendment with it. But I don't think that has much value as far as I am concerned. Really study this bill, especially the part about the dismissal. There are many cases that are dismissed. Why? Because the County Attorney doesn't show up. So the thing is dismissed.

Recently, probably six or eight months ago, I had a case in Cumberland County — probably a year and a half ago — and the case was dismissed. It was aggravated assault. And the County Attorney never sent anybody down there to take care of it. Now, is this correct? I submit to you that these people, the parents of the girl on whom this assault took place, are not very happy about this. They are not very happy, and if these people ever run for election again they will never get elected. But that is not the point; the point is justice.

Somebody said over here that we desire to do the right thing. Well, let's do the right thing. What are we doing; making it easier for the people that have committed crimes to get away with it? I don't think that this is right. We seek to be just. Let's straighten out the courts down there. This is where this comes out.

If you don't believe it, just look at the recent appointment we had down in Cumberland County as far as qualification for court judges down there. If you don't believe it, you ask the lawyers about the new court judges that we have down there. This is where justice begins; right in the court. And if you, by your behavior, go on record — I submit to you that if I go on record because of bad behavior, I am willing to stay on record. And I suggest to you to look at this bill and inquire about it, and inquire of the enforcement people around there, the cop on the street that puts his life on the line every day to bring somebody to court and the thing is dismissed or discharged for some technicality. It still does not make the crime any less nor the victim any happier.

I submit to you, and I make the motion that this, for the purpose of having a good discussion on this, that this be tabled for one day. So next Tuesday when you come back I will disseminate to you some wise words and comment about this bill. And I want the full House to be here at that time to enjoy it.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Deshaies.

Mr. DESHAIES: Mr. Speaker, I move this lie on the table two legislative days.

Mr. McTeague of Brunswick requested a vote.

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

A vote of the House was taken.

Thereupon, Mr. Simpson of Standish requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from

Westbrook, Mr. Deshaies, that this matter be tabled pending the adoption of House Amendment "A" and specially assigned for Wednesday, February 20. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Baker, Berry, G. W.; Berube, Binnette, Boudreau, Bragdon, Brawn, Cameron, Carey, Carrier, Carter, Chick, Cottrell, Dam, Deshaies, Dow, Drigotas, Dudley, Dyar, Farrington, Faucher, Flynn, Fraser, Genest, Hobbins, Jackson, Jacques, Kauffman, Kelleher, Kelley, Lawry, Lynch, Mahany, Maxwell, McCormick, McHenry, McNally, Morin, L.; Parks, Peterson, Ross, Shaw, Sheltra, Shute, Sproul, Strout, Twitchell, Wheeler.

NAY — Ault, Berry, P. P.; Birt, Bither, Briggs, Brown, Bunker, Bustin, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cressey, Curran, Curtis, T. S., Jr.; Davis, Dunleavy, Dunn, Emery, D. F.; Farley, Farnham, Finemore, Gahagan, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Haskell, Herrick, Hoffses, Huber, Hunter, Immonen, Kelley, R. P.; Kilroy, Knight, LaCharite, Lewis, E.; Lewis, J.; MacLeod, Maddox, Martin, McKernan, McMahon, McTeague, Merrill, Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, Palmer, Perkins, Rolde, Rollins, Silverman, Simpson, L. E.; Smith, D. M.; Snowe, Soulas, Stillings, Susi, Talbot, Theriault, Tierney, Trask, Walker, White, Willard, Wood, M. E.

ABSENT — Conley, Crommett, Donaghy, Evans, Fecteau, Ferris, Good, Jalbert, Keyte, LaPointe, LeBlanc, Littlefield, Mills, O'Brien, Pontbriand, Pratt, Ricker, Santoro, Smith, S.; Tanguay, Trumbull, Tyndale, Webber, Whitzell.

Yes, 49; No, 77; Absent, 24.

The SPEAKER: Forty-nine having voted in the affirmative and seventy-seven in the negative, with twenty-four being absent, the motion does not prevail.

The pending question now before the House is on the motion of the gentleman from Portland, Mr. Talbot, that the House adopt House Amendment "A". All in favor of adopting House Amendment

"A" will vote yes; those opposed will vote no.

A vote of the House was taken.

7 having in the affirmative and 116 in the negative, the motion did not prevail.

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

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

Bill "An Act to Correct Errors and Inconsistencies in the Education Laws" (S. P. 895) (L. D. 2488) Emergency

Tabled — February 14, by Mr. Ross of Bath.

Pending — Motion of Mr. Dyar of Strong that the House adopt House Amendment "A" (H-682)

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

Mr. MURRAY: Mr. Speaker, Men and Women of the House: I would ask for a division on the adoption of House Amendment "A", and I would like to explain to you my interpretation of this amendment.

Under the present law, people are required to be voters of a community when they go into a school budget meeting. As you know, a lot of people in the unorganized territories are going to schools in districts in organized territories. Also, a number of people in our unorganized territories are on voting lists of organized towns. What this amendment would do, it would allow everyone who is on a voting list of a particular town to go into a budget meeting and vote on the school budget. I think that there are two ways to look at it. Some people have young people attending the schools and would like to go to these budget meetings and vote on the school budget for the next year. And in essence, when you are voting on a budget you are voting on school policy. The problem is, though, that the people in the unorganized territories who happen to be on local voting lists are really not taxpaying citizens of that community. So in essence what this bill will do, it will allow representation without taxation. I think that this is the issue that we have to decide on today.

I think that if you feel that people should have the right to vote whether

they are going to be paying taxes or not, you would vote for the adoption. If you believe that these people in the unorganized territory that aren't paying local property taxes which then fund these school budgets, then you vote against the adoption of this amendment. I hope that we have a division.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: I am glad the gentleman from Bangor brought this up. He says taxation without representation can reverse. But it is taxation without representation, because these people in the unorganized territories are represented by the Commissioner of Education, and I have yet to see the Commissioner at a local budget meeting voting for these people who are disenfranchised from voting.

Now this does not pertain to the City of Bangor. I don't believe there are any unorganized townships in that area, but there happens to be many school administrative districts here in the state.

I talked to the House Chairman of the Committee on Education last Monday morning. The question I asked him was, "Does a person in an unorganized township who is a registered voter in a municipality that is a member of the school administrative district have the right to vote?" And he said "Of course they do. We took care of this a session or so ago." And I said "Well, there is some conflict." I said, "People that I represent were denied the right to vote at the meeting held last Saturday night." He said, "This is entirely wrong, they can not be denied this right to vote." So we went to a former member of this House who is now, I believe a lobbyist for the principals and superintendents and I asked him this question. He smiled, he said "Yes, we changed that." And he was very able to turn right to the page and chapter where this had been changed in the regular session.

Now I feel that a person in an unorganized township is paying taxes. They are taxed by the state and they are taxed by the county. They are taxed by the state for education, specifically; it is in the tax. They pay a tax for education, but they have no right to vote. In the

particular school district that I represent, the school complex is in the unorganized township, and yet the people living there can not have a say in this. And yet from a tax basis, the school administrative district has taken land that was previously taxed from those people, and these people are paying more tax since they lost this tax base.

Now in the Equal Protection Clause of the Constitution of the United States, it states we cannot deny these people the right to vote. We have had this in our laws previously. I feel it was devious when it was eliminated, and all I am trying to do is get it back in. You have an amendment before you here this morning here on this floor. It hasn't been introduced yet, on the vocational schools, and this goes even further. It says, "Any person registered in a municipality within the vocational district." They are not restricted there. So if we are going to pass the amendment that the Senate Chairman put on this bill, vocational bill, it will be in direct conflict of what I am asking. His amendment says that they shall have the right to vote.

Again, what the gentleman from Bangor insinuated is not right; these people are being taxed without representation.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a question of someone that can answer it. In the municipality of where I live, in the town of Oakland, we have people there from Piscataquis County, unorganized territory of Indian Pond, that is registered within our municipality. The law says very clearly that they can register and enroll to vote in any municipality. The law says very clearly that they can register and enroll to vote in any municipality in the state they want to, not within their own county, and this we have happening. Now if these people come down here and they have children that go to Bingham to school, their children do, are they going to be able to vote up there in Bingham and come down and vote in Oakland on our budget too? That is my question.

The SPEAKER: The gentleman from

Oakland, Mr. Brawn, poses a question through the Chair to any member who may answer if he or she wishes.

The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker, and Members of the House: If they are registered voters in the town of Oakland, and I have to assume the way the gentleman speaks they must be residing in the town of Oakland, they have that right to vote. If they live up in Somerset County in an unorganized township next to Bingham, and if they are registered voters in the town of Bingham, and the town of Bingham is a member of a school administrative district, they would have the right to vote. But if they are registered voters in Oakland and have children going to school in Bingham, I doubt if anybody would allow them to vote in Bingham. They would have to be on the voting list up there, you supposedly don't hold dual registration in two towns.

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

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen of the House: These people do not reside in the town of Oakland, they reside at Indian Pond. That is exactly where they live. But due to the fact the law says they can register and enroll in any municipality they want to within the state if they are an unorganized territory, it doesn't say they have to be in their own county, this is the thing we are up against. But their children are going to Bingham to school. If this amendment goes through my question is this, he is registered and enrolled, this family is, in the town of Oakland, can he vote in our budget meeting and his family, then can he go where the child goes to school and vote there too? Will they be able to participate in both? I think this could be clarified.

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

Mr. MURRAY: Mr. Speaker and Members of the House: My understanding of the amendment would allow these people from Indian Pond to vote in Oakland at that town budget

meeting. The present law says that you have to be a registered voter and a resident of the community.

Mr. Dyar's amendment strikes out the portion that says you have to be a resident. All you have to be is on the voting list. So some people are in unorganized territory but on Oakland's voting list, and they can go in to Oakland's budget meeting and vote. That is my understanding.

The SPEAKER: The pending question is on the motion of the gentleman from Strong, Mr. Dyar that the House adopt House Amendment "A". All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

73 having voted in the affirmative and 30 in the negative, the motion did prevail.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

Bill "An Act Relating to Licensing under the Liquor Law of Managers, Bartenders, Clerks, Servants or Agents Employed by Licensees" (S. P. 855) (L. D. 2424)

Pending — Motion of Mr. Farnham of Hampden to accept the Majority "Ought not to pass" Report in concurrence.

Thereupon, the Majority "Ought not to pass" Report was accepted in concurrence.

On motion of Mr. Simpson of Standish, the House voted to take from the table the first tabled and unassigned matter:

Bill "An Act to Authorize a Food Stamp Program in Cumberland County" (H. P. 1898) (L. D. 2402)

Tabled — January 31, by Mr. Simpson of Standish.

Pending — Further consideration.

(The House passed the bill to be engrossed on January 24. The Senate indefinitely postponed the Bill in non-concurrence.)

On motion of Mr. Simpson of Standish, the House voted to recede and concur.

Mr. Birt of East Millinocket was

granted unanimous consent to address the House.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I have a copy of the report which came yesterday afternoon from the Supreme Court relative to the apportionment. This report contains about a 16 or 17 page brief at the front of it describing and discussing the various Supreme Court decisions at the federal level and how the court arrived at their decision as to the approach that they would make. I think it is a very excellent job the brief has done. It is something I am quite familiar with, and in following through it I think it has been well researched, and I find nothing that I can fault in any way in the effort that they have done.

The commission that worked on this spent a great deal of time on this. I think the most satisfying statement I found in it in which the courts said that they felt the plan that had been adopted by the commission meets in a remarkably substantial measure the principles they had asserted. I felt that was, at least, a very fine endorsement of the work that we had put into this, and I say this "we" in speaking of all of the eleven members who worked on this.

In reviewing the report, as far as I can find out, it is substantially the same as L. D. 2351 and the report that came from the Apportionment Commission. I find at least two areas where there is in one case clarification, in another case, variance. The description of Limestone Air Base, which is a real problem to us, has been clearly defined in the report from the court.

The second area was that the commission plan called for making Bath, West Bath, and a part of Brunswick a multi-member district. Now this decision was not unanimous in the commission, but this was the majority vote on that particular item. The court did decide to follow the standard principle that has been used in all of the rest of the areas in the state in which the town had more than enough population for one district but not

enough for two, and did take a part of that in combining with adjoining areas to make two single-member districts.

Outside of that, basically I find very little difference, at least from what I have done, I haven't reviewed it completely, but what I have done, I find very little difference between what the L. D. did, the commission plan and this court plan.

Now, some people have asked where they can get copies. It is in the process of being printed. I understand that there will very shortly, if there hasn't been so far, copies sent up to the Clerk's Office. There were 100 copies that came over a short while ago within the last 15 or 20 minutes from the printer, and they will be sent up to the Clerk's Office and additional copies will be sent up so that at least every member can have one copy before they go home. It might be a few minutes before they do this, but shortly they will be available in the Clerk's Office.

The one statement that was in the press this morning, and I have discussed this with the press, they recognized that there is a possibility they made a mistake in putting it out. The write-up done by the press was hurriedly done, but the press this morning indicates that Auburn does have five representatives, and the plan does not say that. The plan indicates that District No. 4, and these are numbered, but every district is not numbered and then if you have got four seats, it jumps to eight, but they call it District No. 4 and it consists of the City of Auburn, that part of the town of Minot not included in District No. 2, four representatives to be chosen at large. So that is a mistake in the press and if you happen to see it in the paper that Auburn has four seats and not the five, it is indicated in the paper.

(Off Record Remarks)

On motion of Mr. Birt of East Millinocket.

Adjourned until Tuesday, February 19, at ten o'clock in the morning.