

# 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**

Wednesday, March 6, 1974

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

Prayer by the Rev. Royal J. Parent of Eagle Lake.

Our Father who art in heaven.

Look over your sons and daughters this day.

Hallowed be thy name in all our dealings.

Thy kingdom come, a kingdom of peace and love.

Thy will be done on earth as it is in heaven.

Your way is truth.

Give us this day our daily bread,  
Material and spiritual.

And forgive us our trespasses

As we forgive those who trespass against us.

This is the beginning of brotherhood and community spirit.

And lead us not into temptation  
but deliver us from evil,

Especially the kind that harms children, youth, the aged.

For Thine is the Kingdom, the power and the glory forever, Amen.

The journal of yesterday was read and approved.

**Orders Out of Order**

Mrs. Berry of Madison presented the following Order and moved its passage:

ORDERED, that April Ellingwood, Vicky Sevison, Cari Gibson and Lloyd Cowan of Madison 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 Order and moved its passage:

ORDERED, that Julie Jones and Lisa Gollihue of Augusta be appointed Honorary Pages for today.

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

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

ORDERED, that Barbara Pullen of

Gardiner and Julie Griffin and Penny McIntosh of Pittston be appointed Honorary Pages for today.

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

**Papers from the Senate  
Reports of Committees****Leave to Withdraw****Covered by Other Legislation**

Committee on Appropriations and Financial Affairs on Bill "An Act Providing Funds for Implementation of a State-wide Program of Safety of Dams and Reservoirs" (S. P. 740) (L. D. 2152) reporting Leave to Withdraw, as covered by other legislation.

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted in concurrence.

**Ought to Pass with  
Committee Amendment**

Committee on Appropriations and Financial Affairs on Bill "An Act to Establish a Small Grants Program for Municipal Conservation Commission in the Department of Conservation" (S. P. 818) (L. D. 2320) reporting "ought to pass" as amended by Committee Amendment "A" (S-377).

Came from the Senate with the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, the Report was read and accepted in concurrence, the Bill read once. Committee Amendment "A" (S-377) was read by the Clerk and adopted in concurrence and the bill assigned for second reading tomorrow.

**Ought to Pass**

Committee on Appropriations and Financial Affairs on Bill "An Act to Expand the Line Budget in the Department of Mental Health and Corrections" (S. P. 846) (L. D. 2415) 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 tomorrow.

**Messages and Documents**

The following Communication:

The Senate of Maine

Augusta

March 5, 1974

E. Louise Lincoln  
Clerk of the House  
First Special Session  
106th Legislature  
Dear Madam Clerk:

The Senate voted to Adhere to its action whereby it Indefinitely Postponed the following Bills:

An Act to Simplify the Occupational Disease Law and to Conform with the Recommendations of the National Commission on State Workmen's Compensation Laws in Regard to Occupational Disease (H. P. 1993) (L. D. 2542).

An Act to Amend the Workmen's Compensation Law and to Conform with Certain Recommendations of the National Commission on State Workmen's Compensation Laws. (H. P. 1994)

An Act Relating to the Commutation of Payments in Workmen's Compensation Law. (H. P. 1995) (L. D. 2544)

Respectfully

(Signed)

HARRY N. STARBRANCH

Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

State of Maine

House of Representatives

Augusta

March 5, 1974

The Honorable Richard D. Hewes  
Speaker of the House  
State House  
Augusta, Maine  
Dear Dick:

The Committee on Fisheries and Wildlife is pleased to report the following:

The total number of bills being 7.

1—ought to pass

1—ought not to pass

1—leave to withdraw

1—divided report

3—ought to pass in new draft

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

(Signed)

REP. HERSCHEL L. GOOD

House Chairman

The Communication was read and ordered placed on file.

**House Reports of Committees****Leave to Withdraw**

Mrs. Boudreau from the Committee on Business Legislation on Bill "An Act to Clarify the Itinerant Vendor Law" (H. P. 1760) (L. D. 2228) reporting Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

**Covered by Other Legislation**

Mr. Curtis from the Committee on State Government on Bill "An Act to Clarify the Industrialized Housing Act" (H. P. 1803) (L. D. 2283) reporting Leave to Withdraw as covered by other legislation.

Report was read and accepted and sent up for concurrence.

**Ought to Pass in New Draft****New Draft Printed**

Mr. Cooney from Committee on State Government on Bill "An Act to Establish the Maine Building Code Council" (H. P. 1916) (L. D. 2453) reporting "Ought to pass" in New Draft (H. P. 2016) (L. D. 2557) under new title "An Act to Provide for the use of Building Code Standards in the Design of State Buildings"

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

**Order Out of Order**

Mr. Emery of Rockland presented the following Order and moved its passage:

ORDERED, that Richard Hiller, Patrick Flanagan, Donna Prescott and Pamela Barter of Rockland be appointed Honorary Pages for today.

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

**Divided Report**

Report "A" of the Committee on Liquor Control on Bill "An Act Relating to the Sale of Spirituous and Vinous

Liquor at Post-secondary Schools" (H. P. 1785) (L. D. 2257) reporting "Ought to pass" in New Draft (H. P. 2012) (L. D. 2552) under same title.

Report was signed by the following members:

Mr. OLFENE of Androscoggin  
—of the Senate.

Messrs. STILLINGS of Berwick  
KELLEHER of Bangor  
FAUCHER of Solon  
RICKER of Lewiston  
GENEST of Waterville

—of the House.

Report "B" of same Committee on same Bill reporting "Ought not to pass"

Report was signed by the following members:

Mr. FORTIER of Oxford  
—of the Senate.

Messrs. FARNHAM of Hampden  
CHICK of Sanford  
TANGUAY of Lewiston  
IMMONEN of West Paris  
CRESSEY of North Berwick  
—of the House.

Reports were read.

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

Mr. STILLINGS: Mr. Speaker, I move the House accept Report A, "Ought to pass."

Thereupon, Mr. Ault of Wayne requested a vote on the motion.

The SPEAKER: A vote has been requested. The pending question is on the motion of the gentleman from Berwick, Mr. Stillings, that the House accept Report A. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Murray of Bangor 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.

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 Bangor, Mr. Murray.

Mr. MURRAY: Mr. Speaker, Men and Women of the House: I am the sponsor of this L. D. that we are going to vote on in a few minutes. I think that I ought to explain the reasons why I sponsored the bill and why I think it is important that we pass this bill.

First of all, I would like to point the fact that the sale of liquor on post-secondary campuses is allowed by law presently. This bill doesn't change the fact that campuses will be wet or dry. The present law allows post-secondary campuses to engage in the practice of selling liquor in on-premise establishments. What this bill does, it allows for the actual corporation, the post-secondary school as a corporate entity to hold a license. Under our existing law, the trustees could waive the 300-foot requirement that bans liquor establishments within 300 feet of schools, churches, et cetera. The present law allows them to waive that, but the present law does not allow them to hold a license. So in essence, what can happen is that an outside firm can come in and open an establishment on campus or it can open one within 300 feet. That is the existing law.

What this bill would allow would be for the campus administration to hold the license. And my feeling is that this is a lot more control than under our present system. I think that we should allow campuses, their administration in particular, to be responsible for the license that the Commission would grant.

I think that we also ought to point out that institutions, for instance like the University of Maine at Orono, engage in a lot of activities in the area of conferences and institutes where people from the outside come on campus for a day or two and have a conference or a convention, whatever. Often these people would like to have at their banquets a cocktail hour before the banquets or just an open cash bar or something like this.

This bill would also allow the food services department at the University to cater liquor at these type banquets. The main thrust of the bill would allow for

the administration to hold a license for a pub on campus.

I think that we have to realize that first of all this presently can be done, but it would have to be done by an outside concern, and I feel that this is a necessary measure so that the most control will always be available. I think we also ought to remember that probably 97 percent of the students on post-secondary campuses or better are adults and that we should remember this and treat them thusly. I think that this measure is actually a very conservative measure when we are talking about giving our administrations the kind of acting that they need so that these pubs will be controlled properly.

I hope that you will vote in favor of the "Ought to pass" Report.

#### **Order Out of Order**

From the Senate: The following Joint Order: (S. P. 925)

WHEREAS, the title of State Champion is awarded only to those who have obtained the highest standards of excellence, and

WHEREAS, the Windjammers of Camden-Rockport High School earned that distinction in tournament play at Bangor on March 1st to become the Class B basketball title holders for 1974; and

WHEREAS, this long awaited victory climaxed a triumphal march resulting in the school's first gold basketball by a group of outstanding young men and their able and inspired coach; now, therefore, be it

ORDERED, the House concurring, that we, the Members of the Senate and House of Representatives of the One Hundred and Sixth Legislature, now assembled in Special Legislative Session, take this opportunity to recognize and honor this championship basketball team and its coach for their accomplishments in the field of sports and wish them continued success in bringing honor to their community, school and state; and be it further

ORDERED, that duly attested copies of this Order be transmitted forthwith to the Principal and Coach Gary Heald of Camden-Rockport High School in token of the sentiments expressed herein.

Came from the Senate read and passed.

In the House, the Order was received out of order by unanimous consent and read.

The SPEAKER: The Chair recognizes the gentleman from Camden, Mr. Hoffses.

Mr. HOFFSES: Mr. Speaker, Ladies and Gentlemen of the House: I don't plan to offer any adverse comments or move that this order be rejected. As a matter of fact, I am extremely proud of this team. I would point out to you just a few of its many accomplishments.

In the last 44 games that this outstanding team has played, they have won them all with the exception of one, which they lost in an overtime play to the very able team from Orono, and that was in an overtime play, as I mentioned.

We are proud of this team, of their outstanding sportsmanship and their fair play which they have demonstrated both on and off the court.

Mr. Speaker, I move the adoption of this order.

Thereupon, the Order received passage in concurrence.

Mr. Emery of Rockland was granted unanimous consent to address the House.

Mr. EMERY: Mr. Speaker and Members of the House: I would like to join with Representative Hoffses from Camden in congratulating this tremendous basketball team. As many of you know, the Rockland Tigers unfortunately didn't make the tournament this year, and I would just like to point out to the House that we sort of adopted this team in Rockland as our favorite son team in the tournament. And on behalf of the citizens of Rockland, we are certainly very pleased and proud of their success on the basketball court this year.

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

Mr. STILLINGS: Mr. Speaker, Ladies and Gentlemen of the House: I think perhaps a word would be in order in defense of the six members of the Liquor Control Committee who reported this bill "ought to pass."

First of all, it seems to me that we here have the feeling that the thrust of this

bill is for the University of Maine in Orono, and that is not true at all. There are many other college campuses both public and private in the State of Maine. One of the campuses whose trustees were most vocal in trying to get some degree of control of the consumption of alcoholic beverages on their campus was St. Francis College in Biddeford. Husson College, I might point out to the members of this House, already has a licensed pub on its premises. The problem is that our public colleges, as the law now stands, may not have a license, yet there is absolutely nothing that we or the Liquor Enforcement Bureau or anyone else can do to control drinking on the campuses.

This is a control measure. Trustees at the University and in the University system and many of our other colleges want to be able to control the consumption of alcoholic beverages on their campuses. I think we must be realistic and recognize the fact that there are many places in this state where alcohol will be consumed. We are a control state. We require licensing, and licensed premises are subject to enforcement by the Bureau of Liquor Enforcement. Any other place, and there are many other places where liquor may be consumed, it is completely uncontrollable.

We have a communication from the trustees at the Maine Maritime Academy who feel that a pub there would be appropriate.

You will note that the new draft of the bill applies only to incorporated post-secondary schools. You will note that it would not be allowable for the vocational-technical institutes to have a license, and it would allow the other schools, both public and private, to have a license. Under the laws now, they are not the kind of corporation that is entitled to a liquor license. This would do it. The decision is made by the trustees of the University, in the case of the University, and by all of the other post-secondary schools in the state in the case of those schools.

I think it is a reasonable measure. I think in a state where we want to control the consumption of alcoholic beverage, where we want to police licensed

premises, this is the solution to one of our many problems.

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

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen: In regard to what the gentleman has just told us, if they cannot control liquor now where there is a law against it, how are they going to control it if they opened it wide open and it is legal to do it? I just don't see the following.

Right now we have 24-hour service and the co-dorms. We have streaking; we have homosexuals; we have dope, and I hope everyone votes against this here this morning so we can teach something so that we will have young people who will go out here and be clean, honest citizens. This is what I thought we were paying tax money for, to send these students to college to learn something, not to come out of there doped, drunk and homosexuals.

The SPEAKER: The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker and Members of the House: My record would show that I am a conservative when issues come before this body regarding liquor. The bill before us today is a good bill. It is sound, it is constructive, positive legislation. It would control liquor on the campuses of incorporated post-secondary schools.

I am not standing here today to talk about the streakers or homosexuals. I am standing here today as a Representative from my area. I have been contacted by constituents, young adults, on incorporated post-secondary campuses across our state to support this bill; namely, some students at the University of Maine. These students are responsible, young adults. They are members and executive assistants of the Student Government Organization at the University of Maine of sound, moral character, elected leaders of the student body, and the members of the Student Government Organization have been associated closely in the drafting of this bill which would promote control of liquor and assorted spirits on the campuses of incorporated

post-secondary institutions in the state.

I would ask you not to vote on the emotions prevailing as exhibited by some members of this House, but vote reasonably. Read the bill.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have cooled off just a little since the gentleman from Oakland sat down, but I deeply resent the implication of the remarks of that gentleman. These young people who are at the University of Maine, Bowdoin, Colby, campuses at Farmington are 80 percent products of the homes of the people of this State of Maine. They are your youngsters, and they are not the kind of folks that the implication would indicate. I hope, as we vote on this this morning — and I voted against this the first time around — but the remarks of the gentleman from Oakland, Mr. Brawn, convinced me that I should vote the other way, and that is what I shall do.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: I have listened with a great deal of interest to the proponents of the Majority "Ought to pass" Report, but I am afraid that I am going to have a great deal of difficulty explaining the need for this bill to my ultra-dry constituents, so I am going to continue to vote against the "ought to pass" report.

To continue further, I had a very lengthy letter from the Northern Maine Vocational-Technical Institute from Mr. Mailman, and he definitely does not want to see us put the Northern Maine Vocational-Technical Institute into the liquor business.

I shall have to continue to vote against the "ought to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Trumbull.

Mr. TRUMBULL: Mr. Speaker, Ladies and Gentlemen of the House: I am a graduate, not too recently but not too far back from the University of Maine system, and this problem has

gone on for time immemorial, and I believe it is time we got our heads out of the sand and looked at the problem and tried to get a reasonable solution to it.

I would ask any member of the committee that signed out the "ought not to pass" report what their solution to the problem is?

The SPEAKER: The Chair recognizes the gentleman from Camden, Mr. Hoffses.

Mr. HOFFSES: Mr. Speaker, Ladies and Gentlemen of the House: I do feel compelled to speak on this particular issue because of the fact that when we were proceeding to begin this special session I raised the question as to the emergency nature of a number of the bills, and I took particular exception to this one as to its emergency nature.

First off, I think perhaps I should have to voice a word of criticism of the Bangor Daily News photo of myself which appeared in that edition, because the photo would indicate that I was of much greater avoirdupois than what I really am.

Seriously, ladies and gentlemen, I received a note from one of my colleagues sitting up back when this issue was being debated, and the gentleman, in his note, said, "Due to the energy crisis and the shortage of gasoline, the young folks at the University did not have gasoline to drive down to Bangor to get their liquor." Well, I am concerned about the energy crisis, but I am more concerned about the morals of our University. And I do not believe that it is necessary at this time to pass this type of legislation.

I look over at my friend and colleague, the gentleman who was the chairman of this Liquor Control Committee when I was on it two years ago, and I hope that he does not raise any questions as to how I responded to some of the other liquor bills when I was on that committee. If he should arise and make any accusations, I want here and now to assure you that they are all false. But I hope that you people, in your wisdom today, will not vote in favor of this piece of legislation.

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

Mr. KELLEHER: Mr. Speaker, Ladies



and Gentlemen of the House: I think the actions of the Committee on Liquor Control to pass this out with a majority report was correct, because if you listen to Mr. Murray from Bangor, if you listened to him early this morning, he told you in a nutshell that we had already passed this bill but it wasn't plain enough for the Attorney General to determine who could have a license. You want the University of Maine, the campus, trustees or the administration to handle the administration of this supposed pub, or do you want the opportunity for outsiders to come in? It is as simple as that.

It is a bill that has been passed by this legislature as a law, and in the haste of its being passed it was somewhat muddled. I think that the actions of the gentleman from Bangor simply clarifies this and it clarifies the position of this legislature, and I think you should support the majority report because in the final analysis, in my opinion, anyone can go in there, if they can get an acceptance from the Liquor Commission, to operate a pub, and we certainly don't want this. What we want is it to be controlled and run by the University itself.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: I defend this bill's presence here in the special session, because I think this bill is a very important bill. I would much rather have students — I'm still in school, I'm still a University of Maine student. A few years in between I was out but I am back in the University of Maine, and I know what goes on in colleges. People that are 18 years or older can drink alcoholic beverages. I would much rather have them stay on a campus and drink, rather than go to a pub off campus and drive back to the campus where an accident could occur and we could lose a life of a student. Now I think that's the only reason and a very important reason why this bill should be here, because this bill might save somebody's daughter or son's life. They wouldn't be on the roads. If they want to drink, and we know 18-year-old students do drink, it's

reality, and if they are going to drink, let's try to have it in a controlled situation. Let's try to keep it contained within a campus of a university or incorporated post-secondary institution.

This is a very important piece of legislation. Don't let your previous positions about alcoholic beverages sway you on this one. Your sons and daughters are involved and you know the reality of life. People are going to indulge, so let's try to make it as safe as possible.

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

Mr. TANGUAY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain my position in voting "ought not to pass." I agree with the previous proponents of this bill that liquor should be controlled on the campuses. The existing law today authorized these campuses to have a liquor license, which is a malt liquor license. But hidden in this bill, none of the proponents would come out and speak the truth, they want to add hard liquor to this bill. I consider 18, 19, 20-year-olds — I have held a license in my name for the past 14 years as an officer of a social club. I know what an 18, 19, 20-year-old young man can do. The majority of them like malt liquor.

Now, what we are going to try to do now on the campus level is introduce them to hard liquor. If you introduce them to hard liquor at a young age like that, such as 18 and 19, what do you introduce them to when they are 21? Unless this bill is amended to take out hard liquor, I urge this body to vote against this measure.

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

Mr. GENEST: Mr. Speaker, Ladies and Gentlemen of the House: I think this is very interesting. To give you an example, just last Saturday evening there was a dance held at the University of Maine in Orono. It was a bring your own bottle type of thing — bring either a can or a case, keg, or half a gallon, for that matter, of hard liquor as well as beer. Now I don't believe you're going to minimize, you are not going to eliminate

the consumption of alcoholic beverages on the campus. If anything, you are going to minimize it by passing this bill, and I urge you to vote for the majority report.

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

Mr. STILLINGS: Mr. Speaker, Ladies and Gentlemen of the House: I might just respond to the remarks made by the gentleman from Lewiston, Mr. Tanguay, who said that these colleges were allowed malt liquor now. That is not the case. In the case of a private corporation, they are, as in the case of Husson College. But my understanding is that there is an Attorney General's opinion that the public institutions like the University of Maine and the Maine Maritime Academy are *ultra vires*, that is, outside the scope of their authority to have a liquor license. You will note that the last sentence of the bill in section 4 takes care of that. It says: "It shall not be deemed *ultra vires* for a public or private incorporated post-secondary school," and so on. So we have taken care of that particular problem in the bill.

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

Mr. TANGUAY: Mr. Speaker, Ladies and Gentlemen of the House: Looking at the bill itself, I don't see where the citizens of the municipalities get an opportunity to vote on whether they should allow the colleges to have a liquor license. When it comes a case of Class A restaurants, hotels, pubs, taverns, et cetera, the people in the municipality have a right to reject a liquor license, and I don't see where this particular part, Article 28, is included in this particular bill. This is a blank one. I mean, the people in the immediate municipality don't have a say—so whether a license should be issued or not.

The SPEAKER: The Chair recognizes the Gentlewoman, from Union, Mrs. McCormick.

Mrs. McCORMICK: Mr. Speaker, Ladies and Gentlemen of the House: I think I have tried to look at this realistically. I have two at the

University, and I am sure they are not the kind that sit around and twiddle their thumbs. I am sure they take in parties where these things are going on, but I can't see that this bill is going to control it. They have liquor at the University now, they can have it in their rooms; they can have it in the fraternity houses, and if anyone has been up there in the last couple of years, you know that almost every picture window has a nice cascade of beer cans that fill the window.

As far as I can see, licensing the University is only going to give the profit from the pub to the University system. I don't see where it's going to have any control over what is already going on, except that it might force the fraternity houses to put in licenses too. They are still going to have parties, they've got it going now, and I just don't see the need for this bill. I shall vote against it.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I have some very serious reservations, first of all, about even having liquor. Now if they are going to have it, I don't think the people running the University of Maine are capable of looking after it. They are not capable of looking after what is going up there now, and I am not willing to add anything else. They haven't displayed to me that they can manage anything up to this point.

So, as I stand here, I have always supported private industry, and if we must have it there, I want someone from outside that understands the running of a joint of this nature, a man like Representative Tanguay. He has run this business and would understand it. Those people have been in this business and understand it. In other words, I don't want the state getting into the business of running this or any member up there. That is not their business. I don't think they could run my business either or any other business and they are not going to run that one. If we do have to have it there, which I wish we didn't, but it seems like we will have to, then I want it run by a private industry or private person or someone who knows what they are doing and which way they are going.

They don't appear to me to know which way they are going or what they are doing up there.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: There is one point that hasn't been brought out here this morning and I will just touch on it very lightly. In the private sector today you have many hotels, motels, that are catering to people and gradually, for some reason in the last two years, we have found out that in the resort business and the overnight business, especially in the Bangor-Orono area, that the University of Maine and Husson College are getting into the rooming business. Now this goes along hand in hand. We have found in instances where rooms have been rented way less than any motels in the area at Husson College. If we are going to let these people go into the liquor business, their going into the convention business, we're coming into a very critical time with the season coming up, and nobody knows just what it is going to be all about.

I would like very much to see as much control on liquor as we possibly can have, but I am against this morning of licensing these colleges, because I just see them getting into private enterprise with their rooms, discount meals, which they are doing in their cafeterias. This is being done at the University of Maine, I understand, at a cheaper discount rate.

Now, in that sector you have many fine restaurants and motels which can take care of these people very nicely without the private colleges getting in and taking this type of business away from them.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I arise just to correct a misstatement, and I am sure it is not deliberate, that has been made that this is a majority "ought to pass" report. I have counted my list here on the calendar a number of times and it is six and six. I would also advise you that one member was missing, Tarpy Schulten, and if you look at his past record, I am

quite certain you would have found that he would have been on the "ought not to pass" report. So I think technically it's a majority "ought not to pass" report.

Secondly, another point has been raised, that any private individual could move onto the campus and open a pub. Well, he certainly could not move onto the campus and open a pub without the permission of the University of Maine authorities.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker, Ladies and Gentlemen of the House: Just to clarify something that I said before, and the gentleman from Berwick, Mr. Stillings, has corrected it some. He also sent me a note. He informed me that I am misinformed with the regard to the vocational-technical institute, that they cannot qualify under this bill. I suppose he is saying that the Liquor Control Committee, in their wisdom, barred the vocational-technical institutes but gave this privilege to the University of Maine and its branches. I say it is good that they barred the vocational-technical institutes, but it seems to me that there could be a justification for somebody from the vocational-technical institutes hollering discrimination. We might not hear this, but I just want to clear this up.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I think that as any member in this body. I will be frank with you, I have to disagree with my good friends from Bangor, Mr. Murray and Mr. Kelleher. I do not believe that we should go to work and pass this bill. When they say that they are going to control it, they are not controlling the liquor on the campus at the present time. If you go up there on weekends, you can go into many of those houses, they have the so-called barrels of beer, and I don't think it is harmful. I am not a teetotaler, but I don't think that we should allow that to be on our campuses.

Furthermore, I think Mr. Farnham said something about the authorities controlling. If the authorities can't control what is going on now, what in the

name of heaven are they going to do when they get liquor on there. They don't control homosexual conference or anything of that kind, which I think is very distasteful. And I have received a great deal of mail in opposition to it. I have received a lot of calls in regard to allowing a bar being set up on the campus.

When my good friend Mr. Murray says that an outside corporation could come up there, I don't know what the state is going to do. If an outside corporation went up there, the first thing we know, they will set a bar right up here on this Capitol here. We won't be able to have anything to do about it.

So I am one of them who is not in favor. I am very much in opposition to it, and I hope that we can continue with the motion to indefinitely postpone it.

The SPEAKER: Does the gentleman from Old Town move to indefinitely postpone this bill?

Mr. Binnette: I certainly do.

The SPEAKER: The gentleman from Old Town, Mr. Binnette, moves that this Bill and all accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Lewiston, Mr. Jacques.

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I am just wondering, if the University or the colleges would be in violation of selling to a minor, who would be guilty of the offense if they were found guilty? And I understand that if you are in violation for selling to a minor, that is a criminal offense. I am wondering if the University would keep the President or the trustees that are on the board, if they were in violation of selling to a minor, which is a criminal offense, I am just wondering what would happen in a case like this.

The SPEAKER: The gentleman from Lewiston, Mr. Jacques, poses several questions through the Chair to anyone who may answer if he or she wishes.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: In answer to the gentleman's question, I suppose the law will apply to them as it does to any other private licensee. It is as simple as that.

Mr. Genest of Waterville requested a roll call vote.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: Then these people would have to resign their positions, because I understand that if you have a criminal record, you cannot be teaching at the University.

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 Old Town, Mr. Binnette, that Bill "An Act Relating to Sale of Spirituous and Vinous Liquor at Post-secondary Schools," House Paper 1785, L. D. 2257, and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Binnette, Birt, Bragdon, Brawn, Bunker, Cameron, Carrier, Carter, Chick, Churchill, Cooney, Cote, Crommett, Dam, Davis, Deshaies, Donaghy, Dow, Drigotas, Dunn, Dyar, Emery, D.F.; Evans, Farnham, Farrington, Fecteau, Finemore, Flynn, Gahagan, Gauthier, Good, Goodwin, H.; Hamblen, Herrick, Hoffses, Hunter, Immonen, Kelley, Keyte, Knight, Lawry, LeBlanc, Lewis, E.; Littlefield, Lynch, MacLeod, Maddox, Mahany, McCormick, McMahon, McNally, Merrill, Morin, L.; Murchison, Palmer, Parks, Perkins, Pratt, Rollins, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Snowe, Sproul, Strout, Tanguay, Trask, Twitchell, Tyndale, Walker, Webber, White, Whitzell, Willard, Wood, M. E.; The Speaker.

NAY — Berube, Bither, Boudreau, Briggs, Brown, Bustin, Chonko, Clark, Conley, Cottrell, Curran, Dunleavy, Farley, Fraser, Garsoe, Genest,

Goodwin, K.; Greenlaw, Hancock, Hobbins, Huber, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Kilroy, LaCharite, LaPointe, Lewis, J.; Martin, Maxwell, McHenry, McKernan, McTeague, Mills, Morin, V.; Morton, Mulkern, Murray, Najarian, O'Brien, Peterson, Pontbriand, Ricker, Rolde, Ross, Smith, D. M.; Smith, S.; Stillings, Talbot, Theriault, Tierney, Trumbull, Wheeler.

ABSENT — Berry, P. P.; Carey, Connolly, Cressey, Curtis, T. S., Jr.; Dudley, Faucher, Ferris, Kelley, R. P.; Norris, Santoro, Soulas, Susi.

Yes, 82; No, 55; Absent, 13.

The SPEAKER: Eighty-two having voted in the affirmative and fifty-five in the negative, with thirteen being absent, the motion does prevail.

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

Mr. BINNETTE: Mr. Speaker, having voted on the prevailing side, I now move for reconsideration and I certainly hope that everybody here votes against it.

The SPEAKER: The gentleman from Old Town, Mr. Binnette, moves that the House reconsider its action whereby this bill was indefinitely postponed.

Thereupon, Mr. Peterson of Windham requested a roll call vote.

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

Mr. GOODWIN: Mr. Speaker, I move we table this for one day.

(Cries of "No")

Mr. Ault of Wayne requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from South Berwick, Mr. Goodwin, that this matter be tabled pending the motion of Mr. Binnette of Old Town to reconsider and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

41 having voted in the affirmative and 94 having voted in the negative, the motion did not prevail.

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

Mr. MURRAY: Mr. Speaker and Members of the House: I certainly

encourage you to vote for the motion of the gentleman from Old Town, Mr. Binnette. I thank him for making the motion for me, because I wasn't in the position where I could.

I think that we ought to try and divorce ourselves from the emotions or the personal feelings we might be having because of things we are reading in the newspapers or hearing on television concerning the activity of a minority group of people at the University of Maine. I think we ought to be realistic when we are voting here today. I really hope that some people can reconsider what we just did.

The idea of a pub on campus isn't new; it is not radical. A number of states allow pubs on campus. I think that we ought to stop and consider the number of years and thought that have gone into this proposal. I honestly believe that this is a control measure, and I think that when we look at the average type student at the University of Maine, you would readily admit that he is responsible enough to take care of himself and to know how to control the things that he does.

I really hope that we don't let our emotions run away with us. I think that this is important, that we enact a piece of legislation that will give the administration some power in the area of control.

I think a couple of questions were raised in the debate that I might answer. Mr. Bragdon questioned, how can we eliminate the vocational schools? It is very simple. The vocational schools are under the direction of the Department of Education, and the Department of Education has nothing — it is an appendage of state government and they have no authority to hold a liquor license. It is not a separate corporation like the University of Maine. That is the ruling by the Attorney General and is something that we will have to live with.

Mr. Tanguay raised the question of local control. If the University applied for a license, they would have to do the same thing that a private individual does. They have to go to their town fathers and get approval first. And if the Town of Madawaska or the Town of Kittery or whatever town in the state,

the town fathers would have the power to reject the proposal and then there will be no liquor or on-premise establishment on that particular campus.

I think that this is a good control measure, and I hope that you don't vote this down, because you have some feeling against something else that might be going on. I think the vast majority of students on our post-secondary campuses, whether it be public or private, are responsible young individuals who can control their own lives. And I think that we, as members and as their representatives, ought to endorse them and not be speculating on all the things that supposedly are going to happen to them. I don't think that is fair to them and I don't think it is fair to ourselves. I hope you reconsider.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I have had many letters in the last few weeks not condoning these activities. And in the March 2 and 3, Saturday and Sunday, Bangor Daily News there appears an item that the contributors who are donating \$50,000 pledges, because of their activities are going to cut them off completely. Now, if their alumni are going to cut them off for what they have done and they are going to add more to their "have dones", they won't get anything. I hope that you go along and don't vote for this motion this morning.

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

Mr. BITHER: Mr. Speaker and Members of the House: You may be surprised that I am standing up here and speaking, because I am speaking for reconsideration. I am speaking to support Mr. Murray in his bill. Speaking of old fogies, I don't know of an older old fogey than you are looking at right now.

I certainly don't go for new ideas, and this is a new idea, but I have been around campuses quite a few years of my life, or a campus of a certain institution that I don't think I need to name.

I wish you people would remember this. All of the debate, the bulk of the debate this morning has been against the University of Maine. We are not talking

just about the University of Maine. Last night, for the first time, a group of twelve private colleges, and there are more than that in the State of Maine, but there are 12 private colleges that met last night in their first meeting of Private College Association. This affects them, not just the University of Maine.

The gentleman from Bangor, Mr. Murray, has explained why the vocational institutes cannot have a liquor license. He has explained why the colleges, even though we passed a law — we have passed a law already to allow them to have liquor on the campuses, and I have seen a lot of this. And if anyone, Mr. Mailman of the Northern Maine Vocational Institute thinks there is no drinking there, that is just wishful thinking. I am telling you, there is drinking on all of our campuses and there is no way to control it. Unless you put a policeman on every hallway, you cannot control that drinking. I believe this is a good control measure. I heartily support the bill; I hope you do reconsider this matter.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I didn't want to get into this discussion for a number of reasons. I would like to speak in favor of the gentleman from Bangor, Mr. Murray, in reconsideration. I think too much of our emotion has been brought into this bill. I think too much of the activities that are happening now at the University of Maine alone have been brought into this. I think that is wrong. I think the trustees at the University of Maine, I think some of the activities at the University of Maine, I think the college campuses, I think the students at the University of Maine have been slapped in the face. I think it is a good piece of legislation; I think it is one that is needed.

Because I like to believe in what I am doing, and because I believe in what I would like to do, and because I believe that I need more information, and because I believe in the rights of others, no matter what kind of a minority they came from or no matter what their activities are, I would like to extend an

invitation to the gentleman from Oakland, and possibly to the gentleman from Old Town, Mr. Binnette, to join with me, for my own education, so I will know what I am talking about, so if they will join with me when I go to speak to the Wines/Dining Club at the University of Maine next Monday night.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: After hearing my friend from Portland bring my name in, I feel as though I have got to answer him to a certain degree. I think, and I will say it this way, I will say what I mean and I mean what I say, that we are sending our children, boys and girls to the University to get an education and not to go to some of these parties they are having. They are going to have them anyway, but if there is anything we can do to prevent an open house over there in regard to the sale of beer or liquor, I am for it. I certainly hope that the people here will vote no this morning.

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

Mr. BRAWN: Mr. Speaker and Members of the House: I would like to have a chance to speak back in regards to my name.

The SPEAKER: If the gentleman doesn't become personal in his remarks, he certainly may debate the issue, which is the motion to reconsider whereby this bill was indefinitely postponed.

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I assure you it will not be personal. As many of you know, I have knocked around the world in many places over the United States. Maybe I have had a chance to see something that the gentleman from Portland has not had a chance to see. I think if he did have the education that I have had the privilege of witnessing, he would speak different than he is now. I hope before he speaks at this group that he will know more about the situation, and I am against it.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I would

like to ask a question about the hearing on this bill to anyone who may care to answer it.

I was wondering if the trustees from the various colleges and universities who spoke on this bill were unanimously in favor of it or there was some division.

The SPEAKER: The gentleman from Portland, Mr. Mulkern, poses a question through the Chair to anybody who may answer if he or she wishes.

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

Mr. TANGUAY: Mr. Speaker and Members of the House: Originally, which was in the regular session, when we passed the first bill on malt liquor on campuses, we had the trustees from St. Francis College that appeared before the committee. But in this session where liquor was involved, I don't recall—it probably slipped my mind—correct me if I am wrong—I don't recall any trustees appearing to support this measure.

At the present time, while I am on my feet, I would like to bring out the fact that there are many off-campus licensees who for years have been supporting these colleges in one form or another by paying taxes. And believe you me, these licensees are taxed, even in their licenses. They pay exorbitant prices for their licenses, exorbitant costs on the fee on liquor, exorbitant prices on malt liquor, and they also pay the sales tax and they pay real estate taxes, and now we are asking that these establishments which the licensees help support to come in direct competition with these individuals who have created these monsters. I believe they are going to turn into monsters if we keep it up, because right now they have their students, they board them, now we want to keep their pleasures their few pennies that do go to these off-premises licensees, we want to keep them on the campuses and I don't feel it is right to have campuses having their own liquor license.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Whitzell.

Mr. WHITZELL: Mr. Speaker, Ladies and Gentlemen of the House: I was speaking to a fellow who is both an auditor and a statistician and

accountant the other day, and one of the rules of thumb that accountants, auditors, statistician, sociologist use is this, and I would like you to bear in mind this rule, that 80 percent of any problem is created by 20 percent of the people that contribute. Eighty percent of the problems are created by 20 percent of the people, and bear that in mind when you vote on 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 Old Town, Mr. Binnette, that the House reconsider its action whereby this Bill was indefinitely postponed. All in favor of reconsideration will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Berube, Bither, Boudreau, Briggs, Brown, Bustin, Chonko, Clark, Cottrell, Curran, Dow, Dunleavy, Farley, Fraser, Garsoe, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Huber, Jacques, Jalbert, Kauffman, Kelleher, LaCharite, LaPointe, LeBlanc, Lewis, J.; Martin, Maxwell, McHenry, McKernan, McTeague, Morin, V.; Murray, Najarian, Norris, O'Brien, Peterson, Pontbriand, Ricker, Rolde, Smith, D. M.; Smith, S.; Soulas, Stillings, Susi, Talbot, Theriault, Tierney, Trumbull, Wheeler, Whitzell.

NAY — Albert, Ault, Baker, Berry, G. W.; Binnette, Birt, Bragdon, Brawn, Bunker, Cameron, Carrier, Carter, Chick, Churchill, Conley, Cooney, Cote, Crommett, Dam, Davis, Deshaies, Donaghy, Drigotas, Dudley, Dunn, Dyar, Emery, D.F.; Evans, Farnham, Fecteau, Finemore, Flynn, Gahagan, Gauthier, Good, Hamblen, Hunter, Immonen, Jackson, Kelley, Kilroy, Knight, Lawry, Lewis, E.; Littlefield, Lynch, MacLeod, Maddox, Mahany, McCormick, McMahon, McNally, Merrill, Mills, Morin, L.; Morton, Mulkern, Murchison, Palmer, Parks,

Perkins, Pratt, Rollins, Ross, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Snowe, Strout, Tanguay, Trask, Twitchell, Tyndale, Walker, Webber, White, Willard, Wood, M. E.; The Speaker.

ABSENT — Berry, P. P.; Carey, Connolly, Cressey, Curtis, T. S., Jr.; Farrington, Faucher, Ferris, Herrick, Hoffses, Kelley, R. P.; Keyte, Santoro, Sproul.

Yes, 55; No, 81; Absent, 14.

The SPEAKER: Fifty-five having voted in the affirmative and eighty-one in the negative, with fourteen being absent, the motion does not prevail.

Sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Liquor Control on Bill "An Act Authorizing Municipalities with Public Auditoriums to Have a Liquor License" (H. P. 1711) (L. D. 2104) reporting "Ought to Pass" in New Draft (H. P. 2013) (L. D. 2553) under title "An Act Authorizing Municipal Auditoriums to Have a Liquor License"

Report was signed by the following members:

Mr. OLFENE of Androscoggin  
—of the Senate  
Messrs. STILLINGS of Berwick  
KELLEHER of Bangor  
FAUCHER of Solon  
IMMONEN of West Paris  
CHICK of Sanford  
CRESSEY of North Berwick  
GENEST of Waterville

Minority Report of same Committee on same Bill reporting "Ought Not to Pass"

Report was signed by the following members:

Mr. FORTIER of Oxford  
—of the Senate.  
Messrs. TANGUAY of Lewiston  
FARNHAM of Hampden  
RICKER of Lewiston  
—of the House.

Reports were read.

On motion of Mr. Stillings of Berwick, the Majority "Ought to pass" Report was accepted.

The New Draft was read once and assigned for second reading tomorrow.



**Divided Report**

Majority Report of the Committee on Agriculture on Bill "An Act Repealing Milk Control Prices at the Retail Level" (H. P. 1656) (L. D. 2049) reporting "Ought to pass" in New Draft (H. P. 2014) (L. D. 2554) under new title "An Act Relating to the Powers of the Milk Commission"

Report was signed by the following members:

Messrs. HICHENS of York  
CYR of Aroostook  
GRAFFAM of Cumberland  
—of the Senate.

Messrs. EVANS of Freedom  
MORIN of Fort Kent  
MAHANY of Easton  
ALBERT of Limestone  
HUNTER of Benton  
PRATT of Parsonsfield  
COONEY of Sabattus  
—of the House.

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

Report was signed by the following members:

Messrs. BERRY of Buxton  
ROLLINS of Dixfield  
—of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker, I move that we accept the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Freedom, Mr. Evans, moves that the House accept the Majority "Ought to pass" Report.

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

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to commend the Agriculture Committee for the hard work they put in on this bill. I think that it is at least a move in the right direction. However, there are some of us, I think quite a few of us, who feel that the decision that they made is not necessarily the one that we should be moving toward, and we do still support the abolition of resale price controls. So for that reason, when the bill gets to

second reading I intend to offer an amendment which will, in fact, substitute at least part of the bills which call for a resale price control of abolishment in place of the present new draft.

So in order to expedite the debate and also probably to focus the debate a little more on what exactly the issue is, I would hope that we wouldn't debate this bill today and we would wait and save all the debate until the second reading when we really have the specific issues in front of us.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that the House would expedite matters here this morning, so I will put a motion before the House that we indefinitely postpone this bill.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House indefinitely postpone this L. D. and all accompanying papers.

The gentleman may proceed.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: In my humble opinion, from what I have read about this bill, it does absolutely nothing for the intentions that were presented by the gentleman from Portland, Mr. LaPointe, and the gentleman from Bangor, Mr. McKernan.

Someone described this as the powdered milk bill, because that is about exactly what the people in the State of Maine are going to get, in my opinion. It does absolutely nothing insofar as to help control the rising price of milk, which was the intention of the good gentleman from Bangor, and I know the intention of the gentleman from Portland, Mr. LaPointe.

This is without a doubt a real watered down attempt, in my opinion, from the committee to try to solve a problem that we are all concerned with.

I would hope that you would support my motion to indefinitely postpone this bill, and let's get to the bill that is in the committee and in my opinion will do justice for the people of Maine, and that is the LaPointe bill.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the gentleman's comments, the gentleman from Bangor, but I have a question. If we do in fact indefinitely postpone this bill, would it preclude our doing anything on this subject during this session?

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

The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question of the gentleman from Kennebunk, Mr. McMahon, it will not. If we should decide to do away with this bill here, we have another one coming in.

The SPEAKER: The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker, Ladies and Gentlemen of the House: I do not agree with the idea of indefinitely postponing this bill. The Agriculture Committee has considered all angles of this argument, and we have come to the conclusion that two thirds of it has been dug up and put out by newspapers and one organization in the state. They have no actual proof that we should do away with the Milk Commission.

The food value in milk is high, and they are getting a good product at a reasonable price when you compare it with other states. All you want to compare it to is one state that has a price leader idea, and that is what they are using to try to put this down. You take it from point to point, and you will find that they are not paying out of proportion for the milk.

I have a paper here that shows the cost of different foods. Milk hasn't gone up but only 60 percent. Vegetables, 295 percent they have gone up; bread and cereals, 97 percent; fish, 221 percent; meats, 124 percent; fruits, 144 percent. Why aren't they hollering about these? Why milk? This is being put out by one company that wants to come in here and take over the market. And as soon as this Milk Commission is done

away with, they will do that, and then we will pay a higher price for your milk than you are now, and you won't get as good a quality.

So I say, vote against this motion to indefinitely postpone.

I wonder if the gentleman from Bangor is so up on agriculture that he knows about what prices should be on milk. If he does, why wasn't he appointed to the Agriculture Committee? That is all I have got to say.

I ask for a roll call.

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

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry the gentleman from Freedom, Mr. Evans, seems to criticize me today when I am in fact going along with him against indefinite postponement. And the reason I am going against indefinite postponement is because even though I may be inexperienced in politics, I do realize that there is a significant debate on the philosophy of what should be done with the high milk prices. Although I think everyone realizes my position is in supporting abolition of the power of the Milk Commission to set resale prices, I also realize something has to be done. Something has to be done now and not in the next session.

If we kill this bill now and then the unmentionable body kills the LaPointe bill, that means that we are going to have no price controls that will help Maine consumers at all. What is going to happen is that we will be left with the same situation that we now have. So keep this bill alive and then vote tomorrow in second reading to get rid of resale prices, both bills would be alive and we still will have a chance if resale price controls are not lifted to get at least some help to the Maine consumer.

I think that it is wrong to state that this bill will not help the Maine consumer, because even the new draft will probably take six or eight cents a gallon off the price of milk. And that is at least a step in the right direction if we can't get through what we want. Therefore, I think it would be irresponsible to the Maine consumer to today kill at least one chance to lower the price if we can't take another step.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker and Members of the House: I take exception to the remarks made by the gentleman from Freedom that forces behind this type of legislation are being promulgated by one company. That is not so. I come from a community that was a dairy community, still has some dairy farmers in it. I have received more mail from individual consumers in the Town of Windham on this one issue than I have on any other piece of legislation in the general session or in this special session. The consumers of Maine want something done about milk prices, and I think in order to be a credible legislature, to bring credibility back in politics, that we ought to have more than one bill on the floor of this House to deal with the milk situation in this state. But it is the consumers of this state who want something done, and I was elected by those people and I have come here and I will speak for them and I will do whatever I can. And I don't want to play bitter politics with the unmentionable and this body and the fact of holding a certain bill in committee and releasing others to see how one bill is going to do and whether we ought to fly the other one or not.

I think we ought to deal seriously with this issue. It is not for one business, for one company, it is for the consumers of this state. I think we ought to have rational discussion of this issue. I think we ought to throw all our predispositions out the window and discuss this bill rationally, what is best for the dairy farmer, what is best for the consumers of this state. I think those would be the only issues that we should deal with, not whether one company wants this or not or whether the milk processors want this bill or not. It is what the consumers want and what the dairy farmers want. And the last thing that I want is to put one dairy farmer out of work. I don't want that to happen. I don't want to abolish the Maine Milk Commission, but I do want to abolish their price fixing powers, their retail price fixing powers, and I think those are the issues we should deal with. I hope that we can stick with those

issues and that we fairly represent our constituents on the floor of the House.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: First off, I want to make it plain that I am not in the dairy business in any way. I am a consumer. As a member of the Agriculture Committee, I attended the hearing on these two bills, L. D. 2049 and L. D. 2339. Up to this time of the hearing, I knew very little about the dairy industry. During the afternoon and evening, as the hearing progressed, it became very clear that a great many others knew very little about the industry. Many questions asked by members of the Agriculture Committee to some of the persons giving testimony were not clearly answered. However, it seemed to me that the evidence given at the hearing was pointed more to the price of milk in New Hampshire than it was to the real issue, which to me was, is the price of milk in Maine too high or is the price justified?

There were very few who had any knowledge of the system used in pricing milk. The so-called Bracket System seemed very complicated, and I don't believe many of those present learned much from the explanations given at the hearing.

Since the day of the hearing, I have spent a good deal of time to gain information concerning the dairy industry, the pricing system, and I have also contacted many consumers and retailers of milk, particularly in my area of Central Aroostook. I haven't found a consumer who believes the price of milk is too high. Most everyone, retailer or consumer, has remarked very favorably, saying, "for the food value in a quart of milk, the price is certainly not unreasonable."

My interest and chief concern in this issue is a fair price to the producer which will give him a reasonable profit, good milk to the consumer at a reasonable price, taking into consideration the food value of milk and the inflationary times that we are in. The processor and the retailer must also have some protection for a fair return for their effort in the industry.

The question is, does the Milk Commission meet the requirements it was intended to do? Should it be abolished? The Agriculture Committee feels that before discarding what we have we should find out what is wrong with it and if we might revise it and improve it some in its structure to make it more efficient. Therefore, after several executive sessions following the public hearing and a good deal of debate, we have come up with this redraft of L.D. 2409 for your consideration and hope you will agree with the majority report.

The Milk Commission was established in 1935, or about that time. It has served very well with few changes during those years from 1935 to the present time. However, sudden and rapid changes in the milk pricing during the last two or three months in 1973 caused some people concern. I believe the majority of people in this state, once they realize and give some thought to the increase of the price of feed, labor, transportation and so forth have few complaints that are justified concerning the price of milk.

If you look back at the Statement of Fact in this redraft, you will see what the majority of the committee are trying to accomplish. The Statement of Fact, number one, to change the composition of the Milk Commission. What we propose in our redraft is to take off the producer who is selling to the Boston market. We would replace him with a retailer who owns and operates a Maine-owned store.

Secondly, to assure that each price change authorized by the Commission is separately justified as a result of the evidence presented at the public hearing and to offer consumers the possibility of cost savings by authorizing, wherever it can be justified, different prices for various sizes and types of containers. It is further the intent of the legislature that the Milk Commission shall hold public hearings as far as possible on the same day as the regular monthly meeting.

Price of milk at the federal order for March was \$11.08 per cwt. The price of milk issued yesterday by federal order is \$11.12 per cwt. That is an increase of 4 cents. This will not allow any increase in

the price of milk to retailers of wholesale prices, and there should not be any increase on the street prices.

New Hampshire's wholesale price, I believe this morning, is the same as Maine's. I think in the past the New Hampshire prices in many places, the retail prices, were not more than a cent and in some places not less than some of these retail prices in certain areas of Maine. New Hampshire has other commodities cheaper, have been cheaper than they are in Maine, and liquor is much cheaper, so much cheaper that we have spent multi-thousands of dollars to establish an institution down there to try to compete with them. The tax basis and the tax system and the handling charges, I assume, that is established in New Hampshire.

Now, during the hearing all the remarks were in comparison with New Hampshire prices. We might well have gone to a few other states and found that the prices in Maine were not always higher than in those other states.

I believe this redraft the majority of the committee has signed out as "ought to pass" is sound, efficient legislation that is good for the dairy industry. I hope you will not vote to indefinitely postpone this this morning. And when it comes up again, I hope you will support the redraft.

The SPEAKER: The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker, Ladies and Gentlemen of the House: This redraft has just come out onto your desks this morning. You have not had time to study it to see whether there is any value in it whatsoever. So all I ask is that you do not vote against indefinite postponement so that we can have a chance to study this, talk it over. And as Mr. McKernan from Bangor said, he will offer some amendments on the second reading. In the meantime, that will give you a chance to study it and talk it over and if we see fit, put the amendments on. We don't claim in the Agriculture Committee that we are infallible. We make mistakes same as anybody else. But in our opinion, this draft we feel is very good. I would like to see this go to

the second reading and have a chance to study it. If we Indefinitely postpone it at this time, nobody in this House, that wasn't on the Agriculture Committee has actually read that redraft this morning. They haven't had time. So I ask you to vote against indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from East Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, could I have this tabled for one day, please?

Thereupon, Mr. McKernan of Bangor requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from East Corinth, Mr. Strout, that this matter lay on the table one legislative day. All in favor of tabling one day will vote yes; all opposed will vote no.

A vote of the House was taken.

15 having voted in the affirmative and 55 in the negative, the motion did not prevail.

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

Mr. KELLEHER: Mr. Speaker, and Ladies and Gentlemen of the House: Occasionally we are all entitled to a mistake. Some of the more veteran members of the House tell me that in my position right now, as far as the motion is concerned and my attitude towards this bill is, perhaps I should withdraw my motion and wait for the second reader and see what the amendments are, because I have one or two amendments I would like to add. So I will withdraw my motion, Mr. Speaker.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, withdraws his motion to indefinitely postpone.

Thereupon, on motion of Mr. Evans of Freedom, the Majority "Ought to pass" Report was accepted.

The New Draft was read once and assigned for second reading tomorrow.

### Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Relating to Initial Changes in the Penal System of the State and the Rights and Duties of Convicted Persons" (H. P. 1816) (L. D. 2313) reporting "Ought to

pass" in New Draft (H. P. 2015) (L. D. 2556) under same title.

Report was signed by the following members:

Messrs. TANOUS of Penobscot

SPEERS of Kennebec

—of the Senate.

Mrs. WHITE of Guilford

BAKER of Orrington

WHEELER of Portland

KILROY of Portland

Messrs. PERKINS of South Portland

McKERNAN of Bangor

DUNLEAVY of Presque Isle

—of the House.

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

Report was signed by the following members:

Messrs. CARRIER of Westbrook

GAUTHIER of Sanford

—of the House.

Reports were read.

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

Mrs. BAKER: I move the acceptance of the Majority "Ought to pass" Report.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I ask that you get in front of you this famous document, L. D. 2556, which we will be expected to take action on today.

I think that everybody is entitled to their opinion. I think that this is why the Committee Report came out this way. But I am more interested in principles than I am in doing what might be called popular. This is an act relating to the initial changes of the penal system and the rights and duties of the convicted persons.

First, I want to say to you — and I ask you to keep in mind the title of this bill, and especially the part of it where it says the duties of the convicted persons. I am concerned mainly about this bill, because I believe it tries to protect the person and people that I truly believe are not the ones to be protected. There is difference between being a convict and being a person that is not spending their time in prison. I am concerned about the

victims of these particular persons that are spending time in prison. I am concerned about the citizens that are on the streets today that are working, that are paying the taxes, and they are paying high taxes to keep these people over there. And I think these are the ones that actually deserve some concern, because they have chosen to abide by the laws of this state and abide by the federal laws, and they have not chosen a prisoner's life. I feel that almost anyone that is in prison now, any convict that is up there has actually chosen to do this, because usually they know that this is the punishment just like we do.

I say that this bill is much different from the one that we originally heard in committee, in that it deletes many of the objections that were given in committee, being evident that the bill was an extreme bill and not one to help to create a system which would protect society and help law enforcement people to give them the tools needed to protect the people of this state. And I think that this is where our main objective should be, to protect the people of this state.

A very dangerous part of this bill is Section A, Part 4. This section proposes to create a legal right. This is on the second page of the bill, the second paragraph on top. To create a legal right — and this is very important and the crux of the bill — legal right. Now, these people have chosen to forfeit their legal rights when they were convicted. And I think that this bill really tries — not really tries, says so — that you will give legal right to the convict.

Remember, that your rights for protection against these people who have chosen this way of life are not broadened by this bill. This is strictly a bill for the convicted felons. And whether you want to call them convicts, whether you want to call them inmates, whether you want to call them prisoners, it is one and the same. And the ones who are there are convicts.

So if you want to play emotionally on words, you take a dictionary and you look it up, and these people are convicts. And remember, under this section, which is Section 4 of Part A, you would also have to recognize the involuntary participation in these services if they do

not want to participate. Well, I just wonder who governs, and who will govern, and who will be governed by this bill. In other words, you send them up there, and if they don't want to take part in any program or any rehabilitation program or otherwise, they don't have to. This is the way I read it. Is this voluntary on the part of the prisoner? I think it is. And I don't think this is the way it should be. Because, if you work somewhere, or anywhere, the rules of working are for everyone, or anyone who provides for you, you play according to their rules. You have to work there, and you have to do your work there, or else. This is not the system of daily life. You just don't belong there. So I don't think that this is right.

Now the Section 5 refers to community based programs and facilities in lieu of institutionalized places. Now, this part of it, there is no stipulation in here that they will put some programs into some communities if the people desire to or if they agree to it. This is not so. It says, "in lieu of institutionalized places." For some of them, maybe a community based program is the best thing. But for others maybe the best thing is right in the institution. That's where they would learn, and that is where they are learning. And reference is made, "custodial institution is self-defeating." Well, who says so? The so-called modern penologist? The ones we have, some of them we have running our institutions now, this is something to think about, because even the convicts themselves up here have asked at different times that we do get rid of some of these so-called modern penologists we have there. And I don't think that this is too bad an idea. It might not be the right one, but it might be one worth consideration.

And there is nothing in this Part A that says rehabilitation, nothing that promotes rehabilitation. And I think that if we are here to consider anything as far as prisoners are concerned, we should try to rehabilitate them. The bill itself has overtones of rehabilitation. But you are taking the rights of one of the individuals like yourself and myself who are trying to lead a decent life, according to law and other standards, taking our rights away and put these people in there with all kinds of rights. I

submit to you that the judges of what we should do with people in institutions should be the victims of these people, the ones that have been put into fear, the ones that have been hurt, the ones that their relatives have been murdered or robbed or anything like that. I still think that these are the people that should be mostly the judges of these suggestions.

Now, we go to Part B. In Part B it proposes that almost all records cannot be considered in case of licensing. In Section 2 they talk about the former convictions and the behavior of the prisoner. And, quote, "It is a rebuttable presumption of sufficient rehabilitation." Now, this leaves it wide open if somebody is not rehabilitated. But there is a presumption he might be or that he might not be. This has to be proved. In other words, the one that should be on the offensive side is put on the defensive side. Now, do you believe, do you truly believe that a child molester, who is said to be rehabilitated because he has not done so for a while, actually is rehabilitated? And we don't want this to be mentioned; we don't want this to be considered?

You can say this comes under moral turpitude or any other. I don't care what it comes from or under what category you want to put it. Some people are not willing — and I think very sincerely that your constituents and mine, if you talk to them of whether they want some of these people back in the community, even temporarily, even under a work program or anything, they will say too, emphatically, "No." And this is what I am concerned about.

The expungement of the records which some of you have voted for so far, I didn't vote for it, I wasn't for it, and I am just waiting to see what will happen over here. But this is, again, something which has to be considered. Section 4703 is another one which says, "licensing agency may not take into consideration conviction of any crime." Now, moral character cannot be considered when it does involve conviction of a crime.

Well, I had a note here, and this is before this four-page dissertation was handed to us, and I refer you to that particular thing, I think it is on the third or fourth page. And I have this example:

Can you consider a convict released from prison who qualify and goes to law school, graduates, passes the bar, and he is now a practicing lawyer? Now, first you have to know, and you probably do, that a lawyer is considered an officer of the court. Now, can you visualize such an officer of the court, when he might have been a convicted felon and spent 20 years in prison? Now, he could also, to make it worse, this might be dreaming, but it could also be worse, that later on he would be needing a judgeship. Apparently, if we have a certain person for Governor, I am sure he would get a judgeship, in a very short time, too.

But what are the results? The results would be — and as the other article stated — if it is not solely attached, this cannot be the sole determination used in order to stop him from going to law school. Now, this is not the sole thing. I am sure there are other things. There are other things besides moral character that should stop somebody and that we should hold on. And the licensing bureaus, if we are going to release all this stuff, why do we have licensing bureaus in the first place? We are paying them big money in order for them to actually keep things on a straight and efficient basis. And if we are going to do this, I think we should eliminate some of these bureaus.

Now I will go to Part C; Schools for prisoners to attend. Roughly that is what it is called. In Section 3, it says, "No part of the operation costs of such schools shall be charged to any of the school districts of this state." Where is this charge going to be? Who is going to pay to send these fellows to school? I don't believe we have any laws that give them the right to attend for nothing. Who is the state? It says the state has no cost. It mentions federal funds. I don't care about federal funds. Actually, once you get involved with federal funds, they will tell you what to do. You won't be able to do what you want to do.

But I think that this is actually a cost to the state. If I go to college to take a course, I have got to pay, and I think everybody else should pay.

And I don't believe this. It says, "Donations will be given from private parties and private organizations." I

don't believe this. I am a private party, and I belong to a private organization, and I can tell you, they are not going to get any donation from me.

Again I will say, and I want to leave you with one thought; What will this cost the state? And whether they tell you that it doesn't or not, it will, because nobody gets anything for nothing.

Now, on Part D, which is "Time Off." Well, this is really the cutie and the goodie of the whole bill. This thing here suggests that we give them 10 days off a month. And you don't need a pencil; you are all smart enough to add this up in your own mind without a pencil. This suggests that we give 10 days off a month for good behavior. So we give them 10 days off a month for good behavior. The bill, a couple of lines further down, still suggests that we give them two days off additional if they do certain duties. Now, the first 10 days off, just because they are good people we are going to give them 10 days. In other words, I don't know -- this hits a little low. I don't get 10 days off a month for behaving the way I should.

And then we have two days off additional a month for doing certain duties, such as taking part in rehabilitation programs or doing certain duties that they require. So that means we are up to 12 days a month. Now, what about the two days a month of furlough they are entitled to? We don't say anything in this about that. So there are two days for furlough a month they are entitled to. So that makes it 14 days a month.

Now, I am very pleased that I got that little folder this morning here, a little pep thing that I needed, because in there it brings to mind one little thing I had forgotten about. What about these 10 days a year that we give to the blood donors? So that is, roughly, another day a month. So we are up to 15. What about the days off they have for emergencies, funerals, and all that stuff? Does that come under furlough? I don't know. I have never been there. So I don't know what this thing is. But roughly, they have 15 days a month off. I don't care what the national standard is, I really don't. We get, you know, especially in law, you get a lot of standards from

certain precedents here and precedents there. Most of us come from as far down the state as you can go. And it is never recognized as really good law when it comes from a certain place. So this is where the precedents come from. I don't care how many precedents they have. But last month we had 28 days, in February, and here is something for you to think about. We had 28 days, and under this they would at least, if they want to, and if they behave right, if they act like nice people, they get 15 days off. So that means they are going to get more than half the month off. Now, is this what we want?

Besides that, they got the work release. They can, on work release, work. They can be released to work at different places. And they probably get another five or ten days there. So, actually, what are they doing? You know? Maybe for some of them that is the best thing there is. I just can't buy this philosophy. It hits me where it shouldn't, really.

I could go on forever. The main thing here is, if we are to rehabilitate these people, I think that there is an opening. There is always a chance to get a new, different education, maybe a different approach. I don't know just what it is. I probably would be interested in giving them the education that they need.

But I submit to you that today, if we are to do what is proper, this is not the vehicle for it. If you think you have trouble now, you can pass this and see what will happen in a year, two years, three years, four years from now. Maybe I won't live to see that. And I hope, truthfully, that if you choose to accept this that I am not here that I am not anywhere to accept this.

But I submit to you that this is not a reform bill. This is actually a bill to break down the society that we have today. In talking with people, I find the suggestions in this bill to be totally unacceptable. I think we should concentrate on protecting the rights of the law-abiding citizens. I strongly feel that if legislation is to be passed, it should be to protect the people of this state who lead lives that sustain an orderly and safe society. I trust your good judgment will prevail and that you



will vote against accepting the Majority "Ought to pass" Report.

The SPEAKER: The Chair recognizes the gentlewoman from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning in support of this bill as a member of the committee which considered the bill, as a member of the large majority of that committee which considers it a reasonable and responsible first step toward correctional reform in the State of Maine.

Now, probably I will say many of the same words that the gentleman from Westbrook, Mr. Carrier, said. But the tone of my voice and the emphasis probably will be a little different.

First, no correctional system in any state can function properly without a clear definition of legislative policy in the corrections area, and a clear definition of areas of responsibility for correctional administrators. When the Bureau of Corrections was created in 1967, no policy statement other than a very brief five-line "purposes" section was included in the legislation. It is my belief, however, that the public is better served and that administrators are more responsive to the will of the people where the legislature has established intelligent contemporary policy guidelines within which an agency is to operate.

Part A of L. D. 2313 provides such a clear statement of legislative policy for Maine's correctional system, and adopts some of the most recent recommendations of national advisory bodies and the recommendations of other states similar to Maine in this field.

Secondly, a critical need in Maine presently exists in securing productive jobs for ex-offenders. The keystone for young men and women to successfully re-enter society and not returning to criminal activity once they leave prison in this state is often the ability to enter a skilled trade or occupation. Presently, however, there are several skilled occupations in Maine licensed by the state which may discriminate arbitrarily against ex-offender job

applicants, simply on the basis of prior criminal record. When, in fact, an applicant's prior criminal record may have no rational bearing on the particular job applied for. Part B of L. D. 2313, in response to this unfortunate situation, establishes uniform guidelines concerning the treatment of ex-offender applicants for jobs licensed by the state and establishes the general principle that while a prior conviction of any applicant may be considered thoroughly by occupational licensing agency, in no case shall such a prior conviction operate as an automatic or arbitrary bar to the right to work.

Thirdly, educational programs for adult prisoners in Maine are almost non-existent. Frankly, it seems highly unrealistic to me to sentence a man to prison to rehabilitate himself and then not provide the basic tools to assist in that rehabilitative process.

Part C of L. D. 2313 is particularly helpful in this regard. It would provide at no additional cost to the State of Maine approximately \$54,000 annually to run educational programs for our adult correctional institutions. Very simply, inmates with lower educational achievement levels, tend to commit further crimes upon release from prison. This bill seeks federal dollars to guard against this unnecessary circumstance.

Finally, part D of L. D. 2313 seeks to raise the base rate of sentence reduction for good behavior available to adult prisoners in Maine from seven to ten days per month. I think we all believe that consistently good behavior of particular Maine inmates should be rewarded if an inmate has earned it. And very simply, this increase in the amount of sentence reduction available to Maine inmates per month, when taken together with other allowances for working educational programs, raises Maine closer to the more equitable national average for such sentence reductions for good behavior.

Together, the four parts of L. D. 2313 offer reasonable and logical official steps toward correctional reform in the State of Maine. The Governor's Task Force on Corrections, correctional administrators and the majority of a Judiciary Committee endorsed these proposals strongly, and I urge you all to

vote in favor of L. D. 2313 in its present form.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Sproul.

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: I have a question concerning this Part C on establishing and operating schools. It would seem to me that there would be some price involved. The gentlewoman just mentioned \$54,000, so I would raise a question if perhaps this bill as it is now before us is not in violation of Rule 46 by not stating what the cost should be?

The SPEAKER: The Chair does not know if there is a cost involved. The Chair would inquire of any member of the Committee or sponsor if she or he would care to answer.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question, the monies of \$54,000 that was referred to by our Representative White refers to federal funds only. There is no cost factor to the State of Maine. Under the bill it provides that public private funds made to be donated to the nongraphic school district in addition to any federal funds that are applied, but there is no cost to the state under the present form.

The SPEAKER: The Chair would answer to the gentleman from Augusta that if there is no state money involved, the Chair believes that the bill is properly before us.

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

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to any member of the committee who might answer, if they have had the cost figures presently being incurred from any bank to the Maine State prisoner who attends say, Unity College, University of Maine in Augusta, Bangor, Gorham, and other private institutions at this present time, are these costs being paid out of state funds or from federal funds?

Thereupon, Mr. Kauffman of Kittery requested a roll call vote.

Mr. SPEAKER: The Chair recognizes

the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Ladies and Gentlemen of the House: I would like to give you my reasons for voting for the minority report. One of the objections that I have, which are many, and I think Mr. Carrier has covered them very thoroughly, is in Part B of the bill, which states that an inmate who shows that he has painfully observed all the rules and requirements of the State Prison shall earn a deduction totaling, with other considerations, 15 days a month of his sentence, starting on the first day. Remember this, the first day he gets in prison, he starts getting a day off. I feel he should be in State Prison for some time before he starts earning any consideration. I would say to you, ladies and gentlemen, that when you go into work at any kind of an industry, you don't start getting a vacation a day off the first day you are in there. You have to be in an industry at least one year, in most of them, before you get a week's vacation. Under this one here, you don't have to wait a year before you get a week's vacation, you get six months' vacation in a year. Therefore, this is my reason why I am against this bill, this Part B, which is in there, among many other things.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to thank the gentleman from Westbrook, Mr. Carrier, for not saying this is a lousy bill or a contemptible bill, which sounds a bit better. In any event, I share wholeheartedly with him. I think the most difficult thing being a legislator is in any case where you have a bill before you, you share emotions, you share the same concerns and yet you come up with a different answer. A lot of times you would like to grasp hands and say this is the way it is, because Solomon says so, and yet neither one of us has that ability, unfortunately.

In terms of our philosophies, let's say that I was brought up in a time when the wood shed was used for more than cutting wood, and I saw that wood shed. Also in terms of my time, I learned that

when I saw that wood shed other than for cutting wood, that I was learning the difference between right or wrong. Over the years, however, as I grew older and had children of my own, I found that I could have my two children, my two oldest daughters, as an example, do the same thing wrong, and yet all I had to do was speak to the oldest child and she would break out and cry and almost cause me to cry. The second daughter would stand there and say, "But Daddy" and I would say, "You did wrong." And she would say, "But Daddy" and she would keep it up and I would find it the only way in terms of my feeling that she had been properly corrected was to slap her little bottom, and then I knew she understood. So we can't treat all people alike and my two daughters, even today, I have found the most difficult thing when they did the same thing wrong was to have to go up to the bedroom, let say, and spank both of them in order to be sure that they both didn't feel that they were being unfairly treated. That is not the way human life is; we are all a little bit different. We're all subject to the same emotional stresses. We are all subject to the same temptations, and I dare say right here in this House that many of us over the past week, month, have committed some form of criminal activity that could amount to ultimate confinement if we were ever caught and convicted, if it be no more than speeding. If we are ever in that situation, I only hope that we are accorded enough dignity to understand that we are human beings and we should, in fact, be rehabilitated, brought back into society.

I said to someone not too long ago, before an interview in respect to the Penal Reform Bill, I said, I am tempted to introduce a bill in the legislature, if I ever get back here, that says if a person is convicted of the crime in which he has committed some bodily harm on another, then he has a choice in respect to his punishment, which will allow to what sections of his body he decides to have surgically removed to make him understand fully what exactly it means to be hurt bodily. The person I said that to said, "Oh, that's ghastly!" Maybe it is ghastly, ladies and gentlemen, but I

assure you it would be much better, in my mind, than to put him down in the Maine State Prison where he is subjected to greater stresses of criminal activity. Say we keep him in there two years, and then he is to come out and be a better citizen than you and I because he can't get the same job that you and I can get, regardless of what he had done for a crime.

I recently was asked last year about an individual at the Maine State Prison who had been training in prison to become a barber. You know, unfortunately, with all that training he wasn't going to get parolled because the barbering school said that under their licensing statute they could not admit him because he had been convicted of a felony. Yes, ladies and gentlemen, a convicted felon for a drug offense — only a drug offense. It had nothing to do with his ability to cut hair. That is part of this bill.

The first part states in terms of the philosophy, what do we want to do for the safety of you and I, the general public, what do we want our correctional system to be? Do we want to throw them in jail, throw them behind bars, in a room by themselves, if you will, for the two years or whatever time they may be there and then let them out? No, I don't think it's possible, I just don't think it is even rational, and whether or not I get some form of self-satisfaction in terms of revenge, I am not doing myself or my victims any good whatsoever, — my victims — the victims — by expecting them to come out and not commit the same thing again.

Our efforts should be directed toward trying in those instances where we can do so and only in those cases we can do so. We do need the bars: we do need the cells. We have got to be able to diagnose them and put them in them and keep them in them as long as necessary. I say to those individuals, let's not let them out in two to five, if that happens to be the sentence imposed. We should have some way of making sure that they don't come back into society, because I know, ladies and gentlemen, that there are some, a few individuals I have even seen that look forward to getting out of prison just to get back into prison. It is not because

of it being a country club atmosphere, as some would like to suggest, so much as it is a form of security for the individual that he never had. Maybe if I could look into his life, maybe I could tell what caused him to do this. Maybe it's because he never had it as a kid, I don't know. But I only say that we should do everything in our power to try to protect society — you, me, the general public, in seeing that we tell by statute of the courts to send this guy to prison for two years, that in that period of time we do everything under the sun to give him back reintegrated into society where we can trust him. And to suggest that we can never trust him means there is something faulty with us. There are those that we can't, and we know that and we are suspecting because that is part of our nature. Please, ladies and gentlemen, let's think of us, the general public.

It was mentioned about the victim previously that we should care. I would like to tell you a little bit more about the Task Force on Corrections. A great deal of study is being done in respect to corrections. This is a very minimal part of it. The total picture covers the total spectrum from the time he goes in, or prior to the commission of offense, to the time he ultimately leaves this world one way or another.

I can only say that as far as the victim is concerned. I personally am studying, as part of the sub-committee, the restoration of individuals. There is a present plan in Michigan, and I am trying to develop that in terms in what we do here. But you know, it is funny again, we don't pay them. We don't pay the prisoners in order to be sure that they are able to pay their victims. We can't pay all victims but there are those cases where we can pay some. We don't let the man that is confined earn money to pay off his victims. No, we put him behind there and he can't even pay for his family and we support his family.

I could go into total detail. I hope you read each of these parts. They have been refined to the extent that they are acceptable to the Task Force on Corrections. They are most successful to me personally, and I would hope that you would accept the majority "Ought to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Sproul.

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: I am having real difficulty, Mr. Speaker, accepting the answer that I received to my previous question that came from the gentleman from South Portland, Mr. Perkins.

Now, if you would look at L. D. 2556, Part C, the second section says that grants may be accepted from private organizations. I don't see why on earth that would be in there if this is 100 percent federally funded. Part 3 is even more pointed. It says, matching grants solicited by the state. It very clearly says that they are matching grants, indicating that it is a cost to the State of Maine. It even goes on to say that no operating cost shall be charged to any of the school districts. I think that clearly indicates that there is going to be a charge to the State of Maine. I would like to repeat my question, I guess, that I had before. I just cannot see that it is 100 percent federally funded. If so, these sections make no sense whatsoever, Mr. Speaker.

The SPEAKER: The gentleman from Augusta, Mr. Sproul, poses a question through the Chair in regard to the expense aspect of this bill. The Chair would invite answers from anyone who wishes to answer.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I will attempt to answer the question to the best of my ability. The \$54,000 is based upon a federal formula for the number of inmates that are in the State of Maine under the age of 20. The matching funds referred to are not from state funds, they are from funds referred to in previous paragraph in which, if there were any matching funds from public or private donations. I would not, guarantee to this body that in the future there wouldn't be a request for funds from the state. I would never do that, because everybody asks for funds when they want it, and they ask it from the state. This bill does not provide for any funding by the state.

The SPEAKER: The Chair would answer the gentleman from Augusta that in view of the information available today, the Chair believes that the bill is properly before the House. If subsequently further information develops that there are state funds that are necessary, then this matter should have an amendment.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I think that I agree with you that the bill that is probably before the House. Whether there are funds to be required here or not, I believe there is. We can go on the other side of the aisle and say he doesn't believe there is. I can go in back and ask somebody else and they will say the same thing. But I don't have anybody in back. I only have myself, and I can read English. You don't get nothing for nothing. This is what I repeat to you, whether it is education or not, and whether there would be a charge to this state as far as educating these people, this is not what I am against. I am against the whole principle of putting the people right out there, the law abiding citizen, in fear of some of these people that are probably at Thomaston or other places. This is what I am scared of. And I am scared of them. Apparently a lot of them aren't. I just hope that they don't come to work with — Let them go to South Portland — they know how to handle them over there. Let them go to Portland and anywhere up north.

I say that to Mr. Perkins, and he is a great friend of mine. But I never realized until this morning when he said so, how cruel he was to his kids when he gave them a spanking. So I am not out to give anybody a spanking. I am just trying to rationalize what we want to do. We seem to agree that something has to be done. So they mention that you should, if there is bars, and you need bars for certain ones, they should be there. Well, this is what our whole law is. We have got how many books of statutes that says this is what we want to do? This is what we passed. This is what ones before here passed. And these are the laws that we have. So what are we going to do now,

just put them out on the street everywhere? Some of them probably should be there.

As I said to you a while back, I did speak and help to get a pardon for somebody awhile ago from Westbrook, because I truly believed that he is rehabilitated. But he also learned while he was up there. And he did what he was supposed to do, and he didn't get any time off. He got the time off at the end; that is where he got it. So I suggest to you there are other things that have been brought up. There are such things as board members, and I got respect for the board members — the ones that spend all this time on this bill. And they will spend much more time. But let me tell you just for fact, and on this particular board, to whoever it applies to, there were ex-felons on there, there were ex-prisoners on there. Now do you want me to take their ideas or accept their voices in this? If you think I will, I am not. So then you take the Portland paper this morning. It was mentioned this is just the start of things; this is just a very minimal presentation. In the paper this morning there are at least another ten or twelve areas which they are going to come out with. And where did this come from anyway? This came from the Governor's task on corrections. I have always claimed and I said this to you people before, if you want some desired result, put that certain type of people on the board, and that is what you are going to get. And this is what we have. And I don't go for one of the things they took off the bill here, which to some of you didn't appeal very much before, was the fact that they wanted to transfer Skowhegan to Hallowell. Well, for those of you that were not in favor of that, you should vote against this bill. Because this bill is worse than the original bill. The only reason it was taken off is because they found that this was not a very popular thing to do.

Now, as far as the cost goes, well, I have nothing to them. As far as paying the prisoners I think we pay them plenty. I think room and board, no matter where you go, it costs you money. It costs this State money, it costs me money because I pay plenty of taxes in this State. And I don't care if it goes there, if it does a man

any good it will. But don't say to me that we have to pay them. Because I do a lot of work for charity, and I am sure most of you do, too. This is not charity, this is far from being charity. If you want to pay them, I have no objection. Bring a bill in here to pay them, but charge them for room and board, and I will vote for the bill.

Let's keep things where it should be. We are supporting their families. A lot of them are on ADC, they should be. I am not against that particular angle of ADC. But the recommendations that are made here; I think they are too far out. I think that it is very well for you people to think about it. But those of you who have voted before to expunge the records, this is one thing. This is a totally different bill. This is opening the door to, I think, something which we don't want any part of. I truly don't, and I hope you vote against accepting the majority "Ought to pass" report.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I am surprised to hear that my good friend, Mr. Perkins, is an expert at spanking. I think that we should hire him to go up to the State Prison and do a little work up there. I am sure they are more than deserving than his daughter might be.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I know you have all been watching television lately; I know you have been reading your newspapers. There is a young lady that has been kidnapped. How would you feel if you were her parents? This girl may be dead; she may be alive; none of us know. These people are convicted, and then on good behavior, they get out here on the street and run around, would you like it?

The trouble of it is today, we are making laws here to protect the criminal. We are not protecting the honest, law-abiding citizens.

The gentleman says, in the back, what is a law-abiding citizen? It is one who obeys the laws of the United States, the

State of Maine, your county and your town. They live by those rights. And if some of us would do it, I think we would be better off. Let's stop going down on a deadend road and let's take the straight road and try to live clean.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I spent 30 years a police officer. I spent a lot of my own personal time trying to keep people straightened out. Sometimes there is no recourse but to take them to court and confine them in some kind of a jailhouse or what have you.

The way I see this bill here is that we have a rehabilitative bill. I think it is a step in the right direction. For the very simple reason that back 40 odd years ago, if you took and sent somebody in a prison through a judgment of a court, on a writ of mittimus, that person was in there for all of those days, there was no release. And when you put him into a bare prison wall where there is nothing for him to do but sit around. The young people under the age of 30 become hardened criminals because they were in the college where they were taking a postgraduate course. They were in with the old-time offenders who taught them all the tricks of the trade from safe-cracking on through.

Now, on this bill here; this is something I would like to have happened years and years ago. I believe that most of our people who are committed to a jailhouse or prison or what-have-you, are people who didn't get a good education; they are people who are dropouts; they were people who were alcoholics or involved in some kind of discretionary evil whereby they would be involved with the law. There is no question in my mind that those people who have turned loose on the world and moved from one state to another were hard to apprehend. And here you have a chance to take the same people and confine them on the sentences given to them. And they, themselves, then have to determine what they want to be. If they want to be hardened criminals, all the laws of the State are not going to change it. But if they want to study and work, and come out of there with a

chance in society, to rehabilitate themselves in the eyes of the community, this is the bill to do it with.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: I have a few reservations about this bill and I would like to state a few of those and ask a few questions to the Judiciary Committee, and possibly I would get a few answers.

The first objection or reservation I have about the bill is in Subsection 5, Page 2, "That the department of Mental Health and Corrections and other elements of criminal justice system to develop to the maximum extent possible, community based programs and facilities in lieu of institutionalization utilizing all State and Federal assistance possible for this purpose." And I guess my question on this is; does this mean that the director of the department is working in the direction of doing away with the correctional centers in the State?

Also, in this same section I don't see anything in this bill or in this section whereby the prisoner would have an obligation to make restitution to the victim of his crimes. Now, personally, I think that this would be a good rehabilitation therapy for the prisoner. And to go along a little further in the bill; in Part D on page 4, as far as the good time earned by the prison inmates; now it seems to me that if we continue to give more and more time or extra good time off to the prisoners these people are going to have more time off than we are going to have in this institution here, or in this legislative body. So I personally feel that we should be making these sentences longer and not shorter, and give a little more consideration to the victims of these crimes than we do to the criminals.

Now, I have a couple of other objections. But if these could be answered and changed I might go along with the bill. But, otherwise, I could not support anything as liberal as this thing is.

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

Mr. MILLS: Mr. Speaker, Ladies and

Gentlemen of the House: to answer one of the gentlemen's questions in regards to the time off; if you don't have something for an award you don't get intense cooperation. Also, the cost of maintaining these people on long sentences is costing the taxpayer a lot more than what people realize. And if it isn't done you are going to pay an awful lot more in hiring police officers to try and control the situation.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: In trying to answer the questions under Section 5; it speaks in terms to the maximum extent possible community base programs and facilities in lieu of institutionalization, will be directed by the Department of Mental Health and Corrections. There is no reference to restitution. I referred to restitution in my speech earlier, because it is an area that is being studied. And because we don't have any ability by virtue of the failure to have an income to the inmate, there is no means of restitution under the present system. That is only to the maximum extent possible, and does not take away the present facilities at the Men's Correctional Center or the Maine State Prison or anywhere else.

Under the subsequent section, the one thing that I think should be clarified is when you are talking about time off; there are two separate things. One is time off, one is reduction in sentence. This bill refers to reduction in sentence, good time. So that they earn good time so they can get out sooner. It doesn't mean they get a vacation time or furlough time. This bill does not deal with furloughs. If we add or talk about time off, I assume we are talking about the furlough at work release programs, or time away from the institution. But that has nothing to do with this bill and the ten days.

The present statute provides for a seven days a month from the minimum term of his sentence. And here again, it directs that each inmate whose record of conduct shows that he has faithfully observed all the rules and requirements shall earn a deduction. An additional two

day a month may be deducted. Then it goes on to say that the warden; any portion of the time deducted from the sentence of an inmate for good behavior may be withdrawn by the warden for infraction of any rules, down to a minimum of one-third. But it does not speak about time off. We are talking about reduction in sentence.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: one of the gentlemen that got up a few minutes ago mentioned that this bill, we should have had years ago. I think things were much better years ago than they are today. And the way it seems to me, from the reports that we get all around in the country, the country, with all our permissiveness that we have as of today, we are getting worse and worse all the time. What is going to happen if we pass something like this? I think what we have got to do is go back and be a little stricter than we have been in the past like they were years ago. And I think we would be much better off than we are today. Because we are not getting any better, it is getting, I don't know how many times worse than it has been in the past.

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

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: In response to my fellow committee member from Sanford, Mr. Gauthier, I might suggest that the problems that we are now having today is the reason that we do need to take another look at our penal institutions and see if we can better serve the needs of society and protect the needs of society by trying to find a better way to deal with the criminal.

I would like to go through the bill very briefly and respond to some of the comments that have been made. First of all, in response to the gentleman from Stockton Springs, Mr. Shute, on Page 2 all section 5 refers to is that the director of Mental Health and Corrections shall work with other institutions within the correctional system. For example,

LEAA, or the different justice programs at the university.

The next part deals with the occupational license to disqualification. I would like to respond briefly to the gentleman from Westbrook, Mr. Carrier, dealing with section 4702. He described the child molester and how someone should be able to prevent him from getting a job either as a camp counsellor or something that would put that person in the position of perhaps repeating the offense. I think that is exactly what section 4702 does. That says if the crime involves moral turpitude and the licensing agency finds that the person has not been sufficiently rehabilitated; in other words, they are not willing to take the chance of putting that person in the same position, that the person can be denied the job. I think that also refers to his example of judges. I think that Section 4703 although it says that you cannot use the criminal record to deny someone on good moral character, it does not refer to section 4702, which precedes it, in which, I think, any crime which a lawyer had committed would be one that would question his ability to be in a position of public trust as a judge. Therefore I think, an agency in the state would have no problem in saying that person could not only not be a judge, but probably be not be written into the bar.

One more thing that I would like to mention is with good time. There seems to be some confusion over that. The gentleman from Westbrook Mr. Carrier, suggested that the inmates receive the good time when they get into the institution. Well, that is true, but that doesn't mean that they can take the good time anytime they want. That means that it is reduced from the maximum and minimum sentence. And then as the person goes along in the institution and either disobeys orders or doesn't act the way the warden feels, he may be reduced. In other words, the good time which he has been given, which is the block sum he may be allowed if everything goes right can be reduced. And, therefore, his minimum sentence would continually get longer the more that he acted contrary to the wardens wishes. However, if this person sort of



toed the line for the length of the term of his sentence he would, in fact, get all of the good time. But he would not get the good time until the end of the minimum sentence. So it is not something that he can take that first week he is there to get a vacation.

The SPEAKER: The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I arise this afternoon merely to ask the House to go along with the majority report. I hasten to remind the members of the House that there is no bill that comes before us that hasn't some good in it, and at the point of the second reading, anyone who wishes to make amendments to this bill will have ample opportunity. I think it would be a shame to kill this bill at the Committee report level.

I expect that most of you know how I feel about the word discipline, and perhaps that's the answer to most of these problems we have, whether it be in the court, in State Prison or penal institutions. I tell you frankly, regardless of what happens here, in some areas the people will have a chance to speak out on this issue. Hopefully, what I have in mind won't have to go to referendum, that we can properly solve this problem here in the House. If we are going to speak on reform, going to initiate legislation on reform, we certainly should speak loud and clear in the area of discipline.

A pound of prevention is worth several pounds of cure. I think there is something that we can do with this bill, and I hope you will go along this morning with the report.

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

Mr. LAPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: Out of deference to my colleague from Westbrook, Mr. Carrier, I would like to point out to everyone in the House this morning that the Governor's Task Force on Corrections is not entirely made up of former offenders. As a matter of fact, a task of law enforcement officers is on it and it also has representatives from the

business community. Rather than you all get the impression this morning that the tail might wag at the door, I would hope that we might concur with the remarks from the gentlewoman from Guilford, Mrs. White, that this bill here represents a sense of the contempt dealing with some of the correctional policies in the State of Maine.

Relative to one of the questions of the gentleman from Stockton Springs, Mr. Shute, the Governor's Task Force is going to be looking at the question of restitution and in its summary statement, which will be complete sometime in September or October of this year, we hope to be dealing with precisely that issue.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: After hearing my colleague from Portland say that the Task Force is looking out for this, why then is this such an emergency? I don't see any emergency in this, and I really think that it is a good idea to do something to rehabilitate these people, but giving them all this time out isn't, right now, in my estimation, too good. If we continue to do this, we won't need any police force at all. We just simply will let them run wild and close up the State Prison. I don't believe we should accept this bill.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: This bill seems to have a great deal of consideration for the prisoners of the state, but it doesn't seem to do much for the citizens of this state, the people that try to do right in this state, and so for this reason, I would ask for indefinite postponement of this bill and ask for a roll call.

The SPEAKER: The gentleman from Stockton Springs, Mr. Shute, asks for indefinite postponement of this bill and all accompanying papers and requests a roll call.

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 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.

Mr. SPEAKER: The Chair recognizes the gentlewoman, Mrs. White, from Guilford.

Mrs. WHITE: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not indefinitely postpone this bill. I do feel this is a step in the right direction. I think we do need to do something in the line of prison reform and corrections reform, and I hope that we will keep it alive. If there are some amendments, if a restitution amendment could be made that would be reasonable, we could do that, but I hope you won't indefinitely postpone it.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Stockton Springs, Mr. Shute, that this Bill and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Berry, G. W.; Berube, Binnette, Bither, Boudreau, Bragdon, Brown, Bunker, Cameron, Carrier, Carter, Chick, Churchill, Conley, Cote, Crommett, Dam, Davis, Deshaies, Donaghy, Dunn, Dyar, Evans, Fecteau, Finemore, Flynn, Fraser, Gauthier, Genest, Good, Hamblen, Hunter, Immonen, Kauffman, Keyte, Lewis, E.; Lynch, MacLeod, Maddox, McCormick, McMahon, McNally, Merrill, Morin, L.; Morin, V.; Parks, Ricker, Rollins, Ross, Shaw, Sheltra, Shute, Silverman, Sproul, Tanguay, Theriault, Trumbull, Webber, Willard, Wood, M. E.

NAY — Ault, Baker, Berry, P. P.; Birt, Briggs, Brown, Bustin, Chonko, Clark, Cooney, Cottrell, Curran, Dow, Drigotas, Dunleavy, Emery, D. F.; Farley, Farnham, Farrington, Gahagan, Garsoe, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Huber, Jackson, Jacques, Kelleher, Kelley, Kilroy, Knight, LaCharite, LaPointe, Lawry, Lewis, J.; Littlefield, Martin, Maxwell, McHenry, McKernan, McTeague, Mills, Morton, Mulkern, Murchison, Murray, Najarian,

Norris, O'Brien, Palmer, Perkins, Peterson, Pontbriand, Pratt, Rolde, Simpson, L. E.; Smith, D. M.; Snowe, Stillings, Susi, Talbot, Tierney, Trask, Twitchell, Tyndale, Walker, Wheeler, White, Whitzell.

ABSENT — Albert, Carey, Connolly, Cressey, Curtis, T. S., Jr.; Dudley, Faucher, Ferris, Herrick, Hoffses, Jalbert, Kelley, R. P.; LeBlanc, Mahany, Santoro, Smith, S.; Soulas, Strout,

Yes, 60; No, 71; Absent, 18.

The SPEAKER: Sixty having voted in the affirmative and seventy-one in the negative, the motion does not prevail.

The pending question now is on the motion of the gentlewoman from Orrington, Mrs. Baker, that the House accept the Majority "Ought to pass" report.

The gentleman from Kittery, Mr. Kauffman, has requested a roll call vote. 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 gentlewoman from Orrington, Mrs. Baker, that the House accept the Majority "Ought to pass" Report on Bill "An Act Relating to Initial Changes in the Penal System of the State and Rights and Duties of Convicted Persons," House Paper 2015, L. D. 2556. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Baker, Berry, P. P.; Birt, Briggs, Brown, Bustin, Cameron, Chonko, Clark, Cooney, Cottrell, Curran, Dow, Drigotas, Dunleavy, Emery, D. F.; Farley, Farnham, Farrington, Gahagan, Garsoe, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Hobbins, Huber, Jackson, Jacques, Kelleher, Kelley, Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, Lewis, J.; Lynch, Martin, Maxwell, McHenry, McKernan, McTeague, Mills, Morton, Mulkern, Murchison, Murray, Najarian, Norris,

O'Brien, Palmer, Perkins, Peterson, Pontbriand, Pratt, Rolde, Simpson, L.E.; Smith, D.M.; Snowe, Stillings, Susi, Talbot, Tanguay, Tierney, Trask, Twitchell, Tyndale, Walker, Wheeler, White, Whitzell.

NAY — Berry, G.W.; Berube, Binnette, Bither, Boudreau, Bragdon, Brawn, Bunker, Carrier, Carter, Chick, Churchill, Conley, Cote, Crommett, Dam, Davis, Deshaies, Donaghy, Dunn, Dyar, Evans, Fecteau, Finemore, Flynn, Fraser, Gauthier, Genest, Good, Hunter, Immonen, Jalbert, Kauffman, Lewis, E.; Littlefield, MacLeod, Maddox, McCormick, McMahon, McNally, Merrill, Morin, L.; Morin, V.; Parks, Ricker, Rollins, Ross, Shaw, Sheltra, Shute, Silverman, Sproul, Theriault Trumbull, Webber, Willard, Wood, M.E.

ABSENT — Albert, Carey, Connolly, Crescen, Curtis, T.S., Jr.; Dudley, Faucher, Ferris, Herrick, Hoffses, Kelley, R.P.; LeBlanc, Mahany, Santoro, Smith, S.; Soulas, Strout.

Yes, 75; No, 57; Absent, 17.

The SPEAKER: Seventy-five having voted in the affirmative and fifty-seven in the negative, with seventeen being absent, the motion does prevail.

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

### **Consent Calendar Second Day**

(S. P. 765) (L. D. 2196) Bill "An Act to Correct Errors and Inconsistencies in the Fish and Game Laws" (C. "A" S-372)

Objection having been noted, was removed from the Consent Calendar.

(On motion of Mr. Mills of Eastport, tabled pending acceptance of the Committee Report and specially assigned for Friday, March 8.)

(S. P. 833) (L. D. 2374) Emergency Bill "An Act Relating to Custody of State Trust and Retirement Funds Securities" (C. "A" S-375)

(H. P. 1788) (L. D. 2260) Bill "An Act to Correct Errors and Inconsistencies in the Motor Vehicle Laws" (C. "A" H-727)

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

### **Passed to Be Engrossed**

Bill "An Act Authorizing the Commissioner of Mental Health and Corrections to Convey a Sanitary Easement at the Bangor Mental Health Institute to the Northeast Psychiatric Institute, Incorporated" (S. P. 921) (L. D. 2546)

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

Bill "An Act to Transfer Certain Unexpended Dedicated Funds at End of Fiscal Year" (H. P. 1895) (L. D. 2406) (C. "A" H-726)

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

On motion of Mr. Norris of Brewer, the House reconsidered its action whereby Committee Amendment "A" was adopted.

On further motion of the same gentleman, Committee Amendment "A" was indefinitely postponed.

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

House Amendment "A" (H-732) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

Resolve Authorizing Robert A. Dentico to Bring Action Against the State of Maine (H. P. 1921) (L. D. 2456)

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 Providing for a Credit in Maine Income Tax Law for Investment in Pollution Control Facilities" (S. P. 737) (L. D. 2149) (C. "B" S-374)

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

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

### **Passed to Be Enacted Emergency Measure**

An Act Relating to Elections to the House of Representatives (H. P. 1985) (L. D. 2530)

Was reported by the Committee on Engrossed Bills as Truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

### **Passed to Be Enacted**

An Act Amending the Responsibility of the State Planning Office (S. P. 856) (L. D. 2425) (C. "A" S-362)

An Act to Transfer the Chief Medical Examiner to the Department of the Attorney General (S. P. 917) (L. D. 2529)

An Act Establishing a Commission on Maine's Future (H. P. 1984) (L. D. 2528)

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.

### **Orders of the Day**

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

Resolve Providing for the Replacement of Babb's Covered Bridge in Windham and Gorham (H. P. 2004) (L. D. 2548)

Tabled — March 5, by Mr. Simpson of Standish

Pending — Passage to be engrossed.

Mr. Hamblen of Gorham offered House Amendment "B" and moved its adoption.

House Amendment "B" (H. 733) was read by the Clerk and adopted.

The Resolve was passed to be engrossed as amended and sent to the Senate.

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

Joint Order (H. P. 2006) Pursuant to Adopting Joint Rule 28.

Tabled — March 5, by Mr. Palmer of Nobleboro

Pending — Passage.

On motion of Mr. Palmer of

Nobleboro, retabled pending passage and specially assigned for Friday, March 8.

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

Bill "An Act Making Current Service Appropriations from the General Fund and Allocating Money from the Federal Revenue Sharing Fund for the Fiscal Year Ending June 30, 1975" (S. P. 905) (L. D. 2508) Emergency

Tabled — March 5, by Mr. Simpson of Standish

Pending — Passage to be enacted.

On motion of Mr. Simpson of Standish, retabled pending passage to be enacted and tomorrow assigned.

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

Bill "An Act to Correct an Error in Effective Date of the Law Exempting "Trade-in" Property from the Stock in Trade Tax" (H. P. 1718) (L. D. 2111) Emergency

Tabled—March 5, by Mr. Simpson of Standish

Pending—Motion to recede and concur. (A roll call ordered) (The Senate passed the Bill to be engrossed as amended by Committee Amendment "A" (H-695) as amended by House Amendment "A" (H-699) thereto and Senate Amendment "A" (S-363)

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

Mr. LaCHARITE: Mr. Speaker and Members of the House: As you know, yesterday we failed to recede on this bill after we had reconsidered having receded and concurred and we are now bringing it back to the same position as it originally was.

Could I have a ruling from the Chair on this measure as to what happens when we recede and concur? Is the bill then in a position to be indefinitely postponed?

The SPEAKER: The Chair would answer in the affirmative.

Mr. LaCHARITE: I then ask, Mr. Speaker, that we vote to recede and concur.

The SPEAKER: A roll call has been ordered. The pending question is that the

House recede and concur with the Senate. All in favor of that motion will vote yes; those opposed will vote no.

### ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Brown, Bunker, Bustin, Cameron, Carrier, Carter, Chick, Chonko, Churchill, Clark, Conley, Cooney, Cote, Cottrell, Crommett, Curran, Dam, Davis, Deshaies, Donaghy, Dow, Drigotas, Dudley, Dunleavy, Dyar, Emery, D. F.; Evans, Farnham, Farrington, Fecteau, Finemore, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Herrick, Hobbins, Huber, Hunter, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McMahon, McNally, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, Palmer, Parks, Perkins, Peterson, Pontbriand, Pratt, Ricker, Rolde, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Sproul, Stillings, Strout, Susi, Talbot, Tanguay, Theriault, Tierney, Trask, Trumbull, Twitchell, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Willard, Wood, M. E.

ABSENT — Albert, Briggs, Carey, Connolly, Cressey, Curtis, T. S., Jr.; Dunn, Farley, Faucher, Ferris, Hoffses, Immonen, Kelley, R. P.; LeBlanc, McKernan, O'Brien, Santoro, Sheltra, Soulas.

Yes, 130; No, 0; Absent, 19.

The SPEAKER: One hundred thirty having voted in the affirmative and none in the negative, with nineteen being absent, the motion does prevail.

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

Mr. LaCHARITE: Mr. Speaker, I now move that this Bill and all accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Brunswick, Mr. LaCharite, moves the

indefinite postponement of this bill and all accompanying papers.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I attended a meeting of the Appropriations Committee yesterday afternoon at which they discussed another matter. It is quite obvious to me that since this bill has to go to the Appropriations Table that the outcome is not in doubt. While it is a very laudible undertaking and has a lot of merit, I will now at this time urge you all to support the indefinite postponement.

Thereupon, the Bill and all accompanying papers was indefinitely postponed in non-concurrence and sent up for concurrence.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: As you know, an order has been distributed to you asking for an opinion of the court. Before I did, the leaders of both parties detected errors in the order, as well as the gentleman from Bath, Mr. Ross, possibly others. In any event, the order is being redrafted and will be reproduced and introduced tomorrow morning.

Mr. Jackson of Yarmouth presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Joint Standing Committee on Marine Resources be directed to report out a bill to provide for a Maine residency statute for fishing lobster due to the probable loss of the existing statute which is pending the outcome of a Constitutional challenge in the federal courts. (H. P. 2008)

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

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: This is the order I spoke to you about the other day. It deals with the case of **Massey vs.**

**Appolonio**, which is challenging the state lobstering statute. I hope that you will support this order. I think it is very important that the Marine Resources have the ability to report out a bill dealing with this subject.

Thereupon, the Order received passage and was sent up for concurrence.

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(Off Record Remarks)

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Mr. Ross of Bath was granted unanimous consent to address the House.

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I speak briefly in favor of the order which will be presented by the gentleman from Lewiston, Mr. Jalbert. Many of us, of course, at this point are fed up with

liberalism and permissiveness. Nothing is more dangerous than vocal minority groups. And this is especially so when their actions and motives are not only condoned but even espoused by certain sympathetic barristers. But we have no recourse to this subject except a cut in funding, and many of us were aroused to a point of rightful indignation and we were prepared to offer specific University of Maine cuts to finally drive home to them, the trustees, that we are serious and willing to take a positive stand. But the order is not worded properly; it must be changed. I will speak more to it at a later time.

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On motion of Mr. Birt of East Millinocket,

Adjourned until ten o'clock tomorrow morning.