

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, February 19, 1975

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

Prayer by the Rev. Ernest Sjoberg of Richmond.

The journal of yesterday was read and approved.

Papers from the Senate

Bills from the Senate requiring reference were disposed of in concurrence.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Solon, Mr. Faucher, to the rostrum to act as Speaker pro tem.

Thereupon, Mr. Faucher assumed the Chair as Speaker pro tem and Speaker Martin retired from the Hall.

Petitions, Bills and Resolves

Requiring Reference

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

Business Legislation

Bill "An Act to Amend the Maine Securities Act" (H. P. 574) (Presented by Mr. Hinds of So. Portland)

Bill "An Act to Establish Minimum Warranty Standards for New Residential Dwellings" (H. P. 575) (Presented by Mrs. Boudreau of Portland)

(Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act Relating to the Modification of the Laws of the Maine Real Estate Commission" (H. P. 577) (Presented by Mrs. Boudreau of Portland)

The Committee on Reference of Bills suggested the Committee on Business Legislation.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker and Members of the House: L.D. 424, which is a companion bill to House Paper 577, has already been referred to the Committee on State Government. I therefore move that item 3 be referred to the Committee on State Government.

Thereupon, on motion of Mrs. Boudreau of Portland, was referred to the Committee on State Government, ordered printed and sent up for concurrence.

Business Legislation cont'd.

Bill "An Act to Ensure Equitable Billing Practices by Creditors Engaged in Open-end Credit Pursuant to Lender Credit Cards under the Consumer Credit Code" (H. P. 579) (Presented by the same gentlewoman)

(Ordered Printed)
Sent up for concurrence.

Education

Bill "An Act to Clarify Assessment of the School Tax" (Emergency) (H. P. 569) (Presented by Mr. Carroll of Limerick)

Bill "An Act to Increase the Maximum Permitted Compensation of Directors of School Administrative Districts" (H. P. 570) (Presented by Mr. MacEachern of Lincoln)

Bill "An Act to Withdraw from John F. Kennedy College the Right to use the Term 'College' in its Name" (H. P. 583)

(Presented by Mr. Powell of Wallagrass Pl.)

(Ordered Printed)
Sent up for concurrence.

Judiciary

Resolve, Authorizing Genevieve St. Amand and Romeo St. Amand or their Legal Representative to Bring a Civil Action Against the State of Maine (H. P. 582) (Presented by Mr. Carey of Waterville)

Bill "An Act Relating to Licenses to Carry Weapons" (H. P. 568) (Presented by Mr. Joyce of Portland)

(Ordered Printed)
Sent up for concurrence.

Legal Affairs

Bill "An Act Relating to Playing Card Games for Prizes" (H. P. 573) (Presented by Mrs. Berry of Madison)

(Ordered Printed)
Sent up for concurrence.

Local and County Government

Bill "An Act Converting Dallas Plantation into the Town of Dallas" (H. P. 578) (Presented by Mr. Doak of Rangeley)

(Ordered Printed)
Sent up for concurrence.

Natural Resources

Bill "An Act to Allow the Board of Environmental Protection to Grant Variances to Statutory Time Schedules" (H. P. 566) (Presented by Mr. McBreairsty of Perham)

Bill "An Act to Provide a Central Service Bureau to Advise Applicants of Project and Environmental Requirements under State Law" (H. P. 576) (Presented by Mr. Carpenter of Houlton)

(Ordered Printed)
Sent up for concurrence.

Public Lands

Bill "An Act to Include the Right to Use Submerged Lands as Part of Environmental Licensing" (Emergency) (H. P. 567) (Presented by Mr. Peterson of Windham)

(Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act to Increase the Bonded Debt Limitation of the Maine State Housing Authority's Mortgage Purchase Program" (H. P. 584) (Presented by Mrs. Najarian of Portland)

(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act to Amend the Farm and Open Space Land Law" (H. P. 580) (Presented by Mr. Torrey of Poland)

(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act to Change Weights and Related Provisions for Commercial Vehicles" (H. P. 571) (Presented by Mr. Fraser of Mexico) (Cosponsor: Mr. Rollins of Dixfield)

Bill "An Act Relating to Town Maintenance of Highways in Compact Areas" (H. P. 581) (Presented by Mr. Webber of Belfast)

(Ordered Printed)
Sent up for concurrence.

Veterans and Retirement

Bill "An Act Relating to Service Retirement for the Chief and Deputy Chief of State Police and Payment of Benefits to State Police Retirees" (H. P. 572) (Presented by Mr. Carpenter of Houlton) (Cosponsors: Mr. Rideout of Mapleton, Mr. Mills of Eastport)

(Ordered Printed)
Sent up for concurrence.

At this point, Speaker Martin returned to the rostrum.

SPEAKER MARTIN: The Chair wishes to thank the gentleman from Solon, Mr. Faucher, for doing an excellent job.

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

Orders

Mr. LeBlanc of Van Buren presented the following Joint Order and moved its passage: (H. P. 585)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Crusaderettes of Van Buren District High School Eastern Maine Class B Girls Basketball Champions for the academic year — 1975

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

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

The following paper from the Senate was taken up out of order by unanimous consent:

From the Senate: The following Communication: (S. P. 213)

STATE OF MAINE

February 18, 1975

To the Honorable Senate of the 107th Legislature of the State of Maine:

I have the honor to herewith transmit initiative petitions relating to "An Act to Establish a Public Preserve in the Bigelow Mountain Area".

This measure has been filed in this office in accordance with the provisions of Article IV, Part Third, Section 18 of the Constitution of the State of Maine. This measure is proposed by what is purported to be approximately 47,383 signatures. These petitions were filed on February 15, 1975.

Respectfully,

Signed:

MARKHAM L. GARTLEY,
Secretary of State

Came from the Senate read and placed on file.

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

The following paper from the Senate was taken up out of order by unanimous consent:

From the Senate: The following Order: (S. P. 215)

ORDERED, the House concurring, that the communication together with Bill, "An Act to Establish a Public Preserve in the Bigelow Mountain Area", Initiated Bill (I.B. 1) and accompanying petitions, be referred to the Joint Standing Committee on Judiciary for an investigation and report as to the sufficiency of the petitions; with the power on the part of the Committee to subpoena witnesses.

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

(Off Record Remarks)

House Reports of Committees

Ought Not to Pass

Mr. Ingegneri from the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Provide Free Tuition to Certain Maine Residents 65 Years of Age or Older who are Enrolled in a State Supported Institution of Higher Learning" (H. P. 358) (L. D. 450)

In accordance with Joint Rule 17-A was placed in the legislative files and sent to the Senate.

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

Mr. Rideout from the Committee on Business Legislation on Bill "An Act to Establish a Fee for Issuance of the First Hairdresser's License and to Establish a Fee of \$15 for Certain Hairdresser Examinations" (H. P. 329) (L. D. 401) reporting "Ought to Pass" in New Draft under New Title, Bill "An Act to Establish a Fee for Issuance of the First Hairdresser's License and to Establish a Fee for Certain Hairdresser Examinations" (H. P. 565) (L. D. 663)

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

**Ought to Pass
Printed Bills**

Mr. Connolly from the Committee on Education reporting "Ought to Pass" on Bill "An Act to Increase Boarding Allowance for Students of Coastal Islands" (H. P. 232) (L. D. 288)

Mr. Stubbs from the Committee on State Government reporting "Ought to Pass" on Bill "An Act Relating to Licenses Issued by the Harness Racing Commission and to the Rule-making Authority of that Commission" (H. P. 363) (L. D. 457)

Reports were read and accepted, the bills read once and tomorrow assigned for second reading.

**Ought to Pass with
Committee Amendment**

Mr. Faucher from the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-25) on Resolve, to Reimburse Marcia S. Webster of Auburn for Loss by Fire Caused by State Ward (H. P. 268) (L. D. 316)

Mr. Faucher from Same Committee reporting Same as amended by Committee Amendment "A" (H-26) on Resolve, to Reimburse G. Gordon Gilman of Stow for Loss of Bee Hives by Bear (H. P. 291) (L. D. 343)

Reports were read and accepted and the Resolves read once. Committee Amendment "A" to each was read by the Clerk and adopted and the Resolves assigned for second reading tomorrow.

Consent Calendar

First Day

In accordance with Joint Rule 49-A, the following items appear on the Consent Calendar for the First Day:

(S. P. 69) (L. D. 185) Bill "An Act Relating to the Number, Election, Quorum and Term of Office of the Trustees of Hebron Academy"-Committee on Legal Affairs reporting "Ought to Pass"

(H. P. 70) (L. D. 82) Bill "An Act Combining the Towns of Yarmouth and North Yarmouth as One Municipality for Shellfish Conservation Purposes"-Committee on Legal Affairs reporting "Ought to Pass"

(H. P. 143) (L. D. 165) Bill "An Act Relating to Suspension of Sale of Certain Bedding and Upholstered Furniture"-Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-24)

(H. P. 431) (L. D. 525) Bill "An Act Relating to Fines, Suspensions and Revocations Levied by the Harness Racing Commission"-Committee on State Government reporting "Ought to Pass"

No objections having been noted, the above items were ordered to appear on the Consent Calendar of February 20, under listing of Second Day.

(H. P. 510) (L. D. 572) Bill "An Act to Revise Certain Requirements of the Employment Security Law During Periods of Emergency"-Committee on Labor reporting "Ought to Pass"

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

Thereupon, the Report was read and accepted and the Bill read once. Under suspension of the rules, the Bill was read the second time, passed to be engrossed and sent to the Senate.

By unanimous consent, ordered sent forthwith.

(H. P. 509) (L. D. 571) Bill "An Act to Suspend Certain Requirements of the Employment Security Law During Periods of Emergency"-Committee on Labor reporting "Ought to Pass"

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

Thereupon, the Report was read and accepted and the Bill read once. Under suspension of the rules, the Bill was read the second time, passed to be engrossed and sent to the Senate.

By unanimous consent, ordered sent forthwith.

Consent Calendar

Second Day

In accordance with Joint Rule 49-A, the following items appear on the Consent Calendar for the Second Day:

(H. P. 261) (L. D. 308) Bill "An Act Authorizing the Theater at Monmouth to be Named the Shakespearean Theater of Maine"

(H. P. 231) (L. D. 287) Bill "An Act to Clarify Directional Signs Indicating Coastal Route at Exit 9 on the Maine Turnpike"

No objections having been noted at the end of the Second Legislative Day, House Papers were passed to be engrossed and sent to the Senate for concurrence.

Second Reader

Tabled and Assigned

Bill "An Act to Provide for 6-person Juries in Civil Cases" (S. P. 16) (L. D.) (C.

"A" S-3 as amended by S. "A" S-6)

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

(On motion of Mr. Hewes of Cape Elizabeth, tabled ending passage to be engrossed and specially assigned for Friday, February 21.)

Passed to Be Engrossed

RESOLVE, to Reimburse Virginia A. Brann of Windsor for Motor Vehicle Damage Due to State Construction (H. P. 196) (L. D. 240)

RESOLVE, to Reimburse Gordon Wiley of Littleton for Loss of Poultry by Fox (H. P. 265) (L. D. 312)

RESOLVE, to Reimburse Evelyn Bass of Bucksport for Loss of Beehives by Bear (H. P. 192) (L. D. 228) (C. "A" H-20)

Bill "An Act Appropriating Funds to Reimburse Municipalities for Business Inventory Taxes" (Emergency) (H. P. 82) (L. D. 100) (C. "A" H-22)

Bill "An Act Relating to Grants-in-Aid for Construction and Maintenance of Public Facilities for Boats" (H. P. 145) (L. D. 163) (C. "A" H-23)

Bill "An Act Relating to Fees for the Inspection of School Buses" (H. P. 229) (L. D. 285) (C. "A" H-21)

Bill "An Act Relating to Contraband Cigarettes" (H. P. 564) (L. D. 631)

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

Passed to Be Enacted

An Act Designating Head of Tide on the Union River under the Atlantic Sea Run Salmon Commission (S. P. 50) (L. D. 131)

An Act to Change the Name of the Department of Military, Civil Emergency Preparedness and Veterans Services to the Department of Defense and Veterans Services (S. P. 58) (L. D. 138)

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 SPEAKER: At this time, the Chair would rescind the appointment of the gentleman from Ellsworth, Mr. DeVane, to the Committee on Election Laws and instead appoint the gentleman from Gray, Mr. Kennedy, to serve on the Committee on Election Laws.

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

An Act to Annex Township 4, Range 2 to the Town of Carrabasset Valley. (Emergency) (S. P. 78) (L. D. 218)

Tabled — February 18, by Mr. Doak of Rangeley.

Pending — Enactment.

On motion of Mr. Doak of Rangeley, under suspension of the rules, the House reconsidered its action whereby this Bill was passed to be engrossed.

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

House Amendment "A" (H-27) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

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

Bill "An Act to Authorize Bond Issue in the Amount of \$1,050,000 for Acquisition

and Construction of Facilities for the Care and Treatment of the Severely and Profoundly Mentally Retarded." (S. P. 172) (L. D. 623) (Committee on Reference of Bills suggested Committee on Appropriations and Financial Affairs.) (Came from the Senate — Referred to the Committee on Health and Institutional Services.)

Tabled — February 18, by Mr. Rolde of York.

Pending — Reference.

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

Mr. KELLEHER: Mr. Speaker, I move this be referred to the Committee on Appropriations and Financial Affairs.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that this Bill be referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would ask that you not go along with the motion of the gentleman from Bangor, Mr. Kelleher, and refer this Bill to the Committee on Health and Institutional Services, as the other body did, and allow us to hear it.

This bill has a lot of implications relating to the policy that this state should be following in relation to its care of the mentally retarded. The 106th Health and Institutional Services Committee completed a study relating to the housing for the mentally retarded and the treatment given to them throughout the state. In this study we discussed and had made some recommendations as to this southern regional center.

What I would propose that we do is allow this bill to go to the Health and Institutional Services Committee, allow us to discuss the bill, discuss the policy implications and perhaps change this bill, and then we would refer it out to the Appropriations Committee to decide on the funding measure. But I do think that there are some very serious policy implications within this bill. It should be discussed by our committee first and then the decision as to whether or not to fund this can be made by the Appropriations Committee.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: If I understand the good gentleman correctly, after the Health and Institutional Services Committee would be hearing this bill, that committee would then refer it back to the Appropriations and Financial Affairs Committee?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, poses a question through the Chair to anyone who may care to answer.

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

Mr. GOODWIN: Mr. Speaker and Members of the House: The gentleman is correct in my feeling. I cannot, of course, speak for the committee because it hasn't taken a vote on it, but I would hope this is the procedure that the committee would take.

Thereupon, Mr. Kelleher of Bangor withdrew his motion to refer this Bill to the Committee on Appropriations and Financial Affairs.

Thereupon, the Bill was referred to the Committee on Health and Institutional Services in concurrence.

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

Bill "An Act Relating to Absentee Balloting in Municipal Elections" (H. P. 562) (Referred to Committee on Election Laws in House on February 18.)

Tabled — February 18, by Mr. Rolde of York.

Pending — Motion by Mr. Dam of Skowhegan to reconsider reference.

Thereupon, the House reconsidered its action whereby this Bill was referred to the Committee on Election Laws.

On motion of Mr. LeBlanc of Van Buren, referred to the Committee on Local and County Government, ordered printed and sent up for concurrence.

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

Bill "An Act to Further the Conservation of Vision." (S. P. 169) (L. D. 556) (Referred to the Committee on Legal Affairs in concurrence.)

Tabled — February 13, by Mr. Rolde of York.

Pending — Motion by Mr. Goodwin of South Berwick to reconsider reference.

Thereupon, the House reconsidered its action whereby this Bill was referred to the Committee on Legal Affairs in concurrence.

On motion of Mr. Goodwin of South Berwick, the Bill was referred to the Committee on Health and Institutional Services in non-concurrence and sent up for concurrence.

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

HOUSE DIVIDED REPORT — Majority (9) "Ought Not to Pass" — Minority (3) "Ought to Pass" as amended by Committee Amendment "A" (H-15) — Committee on Liquor Control on Bill "An Act Relating to Enforcement of the Statutes on Alcoholic Beverages" (H. P. 134) (L. D. 150)

Tabled — February 13, by Mr. Maxwell of Jay.

Pending — Acceptance of Either Report.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

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

The SPEAKER: The gentleman from Jay, Mr. Maxwell, moves that the House accept the Minority "Ought to pass" Report.

The Chair recognizes the gentleman from Solon, Mr. Faucher.

Mr. FAUCHER: Mr. Speaker, I would request that the Clerk read the report.

Thereupon, the Report was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Solon, Mr. Faucher.

Mr. FAUCHER: Mr. Speaker, I would request a division on this L.D.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would hope this morning that we would go along with the motion of the gentleman from Jay, Mr. Maxwell, to accept the minority report. There are a few problems with this bill, but the concept, I think, is a good one. We could save some money here. I hope this morning we can bring it to second reader, we can put amendments on and make this a good bill.

The SPEAKER: The Chair recognizes the gentleman from Buxton, Mr. Berry.

Mr. BERRY: Mr. Speaker and Members of the House: I can't help but disagree with my good friend from Biddeford, Mr. Farley. I don't think the concept of this bill is a good one — it's lousy. I don't know whether or not all of you have read this bill, but what this bill would do, it would abolish the Liquor Enforcement Division and replace it with deputy sheriffs, local town police, etc.

Again, I don't know how some of the licensees in your areas might feel, but I can tell you how they feel in my area. Many small grocery store owners don't want deputy sheriffs prowling through their books, and this is part of the Enforcement Division's duties. They have to check the books to make certain that a certain amount of inventory is held in the small stores in order to hold their license. These people don't want deputy sheriffs doing this.

In addition to that, in the area I live in there are several small stores that are owned by deputy sheriffs or deputy sheriff's relatives. I can't help but think that this would be a terrible situation to get into.

Mr. Speaker, I move the indefinite postponement of the bill and both reports.

The SPEAKER: The gentleman from Buxton, Mr. Berry, moves that this Bill and all accompanying papers be indefinitely postponed.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I have a reservation I would like to have explained. Under Section 4 — and I don't know what goes ahead of this, but it says, "All persons carrying on any business except banking institutions," does that mean that a dry goods store can be opened for inspection under a liquor enforcement law?

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, poses a question to anyone who may answer if he wishes.

The Chair recognizes the gentleman from Solon, Mr. Faucher.

Mr. FAUCHER: Mr. Speaker, Ladies and Gentlemen of the House: Under the law now, the liquor inspector can inspect your books and they can go to the bank and find out your records if they want to — it is the law now. So this is not changing anything under that section.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I bring you the greetings of the police chief from the City of Waterville, who has expressed reservations about this particular bill. We have an Elks Club in the City of Waterville and most of the members of the police department happen to belong to that club. We have absolutely no trouble with that club, but what our Chief is concerned with is, if there is a violation in the Elks Club and he is the police chief in the city and has to enforce these particular laws — and this could be true of any club — and if he does not enforce the law or if he presents a weak argument of the law, is he, in effect, going to be treated as not having done his duty? He sees a lot of problems with this and I would certainly agree with Mr. Berry from Buxton that this should be indefinitely postponed.

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

Mr. MILLS: Mr. Speaker, Ladies and

Gentlemen of the House: I am somewhat confused on the real meaning of this bill. As I sat here and listened to the debate, I am getting the impression that we are passing a piece of legislation that will allow the local constabulary or whatever type they might consist to go into a person's place of business and inspect their books without a search warrant. If this is so, I am for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Blue Hill, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: As a member of this committee and from a rural area that has no police chief and has no local constabulary, this would prove to be a hardship on our area, and we would have no way of policing these things under this bill. I would support the gentleman, Mr. Berry.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the Liquor Control Committee. Would they tell me just how many liquor inspectors there are and how many licensees there are and how they are able to properly administer the business of the state?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, poses a series of questions to anyone who may wish to answer.

The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: I will try to answer that. I believe there is around 18 at the moment and there are over 3,000 licensees in the State of Maine, I can't tell you the exact figure. While I am standing, I would like to carry this a little further and explain more about it because there does seem to be a lot of confusion this morning.

This bill, L. D. 150, is an act to save us, the voters of the State of Maine, a total of \$260,000 a year, using last year as a yardstick, and do away with an outdated system of enforcement for the liquor industry. With Sunday sales, the age decreased to 18 and the I.D. card system that we passed, makes things for the license holder much better and easier for him to stay within the law.

From the time beer became legal in Maine until January 1, 1973, I sold either beer to take out or beer to drink in a restaurant, and part of the time my wife and I had licenses. So I feel that I am qualified, if anyone is, to stand here and tell you some of the facts and things about life if you do hold a license.

During the 35 years that I was in the business, I had my license suspended for 2 days. Later on in that same year, I found out where the boy bought the beer. He had not bought it from me and I had known that he hadn't. The department apologized to me and said of course they couldn't give me back the two days but they could apologize and that my name would not be on the books as having broken the law.

I find that living in the town of Jay and having a state policeman located near me that anytime I had a complaint I used to call him instead of the enforcement division and he was very good to me about it. I think the State Police today perhaps could enforce this much better than the people we have doing it.

I wouldn't be averse to having this bill tabled again for the sake of putting an

amendment on it to make it State Police only. Some of these people seem to be opposed to having anyone come in and look at books.

In all of the 35 years that I was in the business, not even a liquor inspector ever looked at my books, and I doubt if this goes on very much anywhere.

One time my check and license was returned to me at the end of the year, the last day of the year to be exact. I came to Augusta, asked why, and they said, well, your inspector says that he doubts you do 10 percent in food. At this time, this was required of a small restaurant. I told him my license says I do 45 and my books say that I do 52. Now I want my license, I am here with my check and I want to take it back with me. He said I would have to come back in a week and do this. I said, I am not lying to you, I want to take my license home today and I did take it home after a little arguing.

Not all of the department is not opposed to this particular issue. Of course, the enforcement boys are opposed because this means they are going to lose a job perhaps, but I am sure that with their experience, they probably can find something to replace it.

I had a Chief Inspector in my store one day and he checked my license, took my number down and I said, tell me why is it that when a man hangs that license on his wall there is a department that comes around and tries to take it away from him? He becomes a thief, a liar, and a crook. He looked me right in the eye and said, you know, most of them are. This is a ridiculous statement because most of the small storeowners, most of the restaurant owners in the State of Maine are honest, law-abiding, God-fearing, citizens.

I had originally thought that all cases should go to the courts, that there should be fines instead of suspensions, but because at the hearing this seemed to be about the only opposition, from the court system, from the police chiefs, that we did amend the bill, we took out most of it. The amendment is filing number H-15. It takes it out of the local courts and gives it back to an administrative court judge instead of the district court judge. This should do away with some of the opposition. If it is necessary to amend this bill to take out everything but the State Police, I would be very happy and glad to do so.

Perhaps I could answer any questions you might have.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I stand opposed to this bill doing away with the enforcement officers of the Liquor Commission. I think we are trying to mix apples and oranges, criminal law mixed with the administrative law. Certainly over the years there has been many changes in the liquor laws. They can drink at 18. Believe me, my career, 27 years retiring as Deputy Chief in Portland recently, I think we still have got to handle the problems of the 6-year-olds who get drunk, the eight-year-old and the ten-year-old. These are problems which have not touched some of you. These are real problems.

As far as the number of law enforcement people matched against licensees, let me tell you that they run a selective enforcement program and it is effective. I would agree wholeheartedly with the gentleman from Waterville that to do

away with this group, I feel, we would be in error.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to direct a question to Mr. Maxwell and to Mr. Cote. In this bill you have in Subchapter 5 taking the burden of the licensees of liquor establishments in the State of Maine out of the district courts, and as I understand it, there is a different procedure now. I also understand that our district court is overcrowded as it is. Can you explain to me your approach or reasoning for eliminating the present system of who should have a license when it is in violation and placing it under the district courts?

The SPEAKER: The gentleman from Calais, Mr. Silverman, poses a question to anyone who may wish to answer.

The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: This is why the amendment, filing number H-15, because this takes it back out of the district court and puts it back where it is today, under an administrative court judge. This is all that this amendment does, takes that part of the bill away.

I had originally thought that all cases should be court cases and should go to district courts, that there should be fines instead of suspensions, but if we can save the state \$260,000 a year and get it so it is enforceable, which is proper, I think this is what we ought to do.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I hold a license to sell beer in this state. I am well aware of the laws of the State of Maine concerning selling beer because I make my living at it... and I do very well at it I might add. I also have much faith in our police department in our City of Westbrook. They are well qualified. The majority of complaints that I hear from law enforcement people who opposed this is because they don't have time. It seems they always want someone else to do it, but our people are very capable and very qualified to handle this situation.

I know that the store owner is held liable and responsible in many cases when he is not to blame. I am not debating that part of the law. Many times he is persecuted when he is perfectly innocent. As Mr. Maxwell has stated, I can state two cases of the same thing but we are not arguing that.

Holding a license to sell beer in the State of Maine to me is a privilege and it is a way of life. I didn't make the law. The people of the State of Maine said that we sell beer in this state. I, personally, oppose selling beer. I am a dry and I believe in it, but I do not make all the laws for this state. The majority of the people say we shall have it and as long as we shall have it, we shall sell it but we shall sell it legally. I believe that the police departments - I cannot speak for rural towns because I don't live in one - but the police departments are very capable and qualified to handle the complaints. This is why I support Mr. Maxwell's bill.

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

Mr. DYER: Mr. Speaker, Ladies and Gentlemen of the House: As a member of

that Liquor Control Committee, I was talking with the Chief of Police in the City of South Portland last Saturday evening and he is entirely opposed to taking it out of the hands of the liquor inspectors. Therefore, as a Representative who signed the majority "Ought not to Pass" report, I have no choice but to go along with Mr. Berry and move to indefinitely postpone.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I served a term on Liquor Control and it is a very interesting committee. I think one argument that was brought out here today, which the opponents who want to kill this bill, brought out, and I think it should be considered as an argument for the proponents, is if you want more control, if you want better control in the liquor industry, let your municipalities, let the officers in the towns and the cities handle it, because they are the very people who know who the violators are. You get 17 or 18 liquor inspectors, you get three or four thousand licensees, there is no way in the name of heaven they can ever handle the processes or the program as well as your local communities.

You can talk with Mr. Joyce from Portland and I am sure that he could tell you that when he was on the police force of the various people who were violators, constant violators and your local officers have no control over the processing of them.

I think that Representative Cote and Representative Maxwell have brought a bill before this House that we should seriously consider. If we want to consider control, if we want to uphold the laws of the State of Maine that have been enacted by previous legislatures, this is what you should do. I am very much surprised that the Liquor Control Committee hasn't come out with a unanimous report instead of the lopsided one that came out before this House. I hope that you oppose the good gentleman's motion from Buxton, Mr. Berry, this morning.

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

Mr. LIZOTTE: Mr. Speaker, Ladies and Gentlemen of the House: When I first saw this bill in committee, I was very impressed by the savings we were doing for the state, but after studying the bill, I find that we would be saving money at the state level, but we will be creating a great expense at local level. So the taxpayer will not be saving money, he will only be transferring it from state to local level. I support the motion of Mr. Berry to indefinitely postpone.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I agreed to sponsor this bill along with Representative Maxwell of Jay, because I felt that it was a sincere effort on our part to lower costs of government. I know that there are many claims that have been made on the floor of this House this morning about transferring the costs to the cities, and I maintain that there is no costs to the cities because they are doing the job now. And after an infraction of the rule of the liquor commission is found, they call in the liquor inspector and that is the way it is processed. They are doing the work now. If there is a need for any additional men, and it could be in some of these small towns, then the State Police will probably be a

little more active. I have a lot of faith in the State Police, in these fine, well-groomed looking individuals, as compared to what we have now in the other squad.

After listening to the Governor of this State, who wanted to take away duplication in government, this is one good place to start off with. I feel that the people of this state, the eyes of all the people, are upon this House today if we fail to enact this bill to save \$257,000 to the taxpayers, which have quadruplication, because it is handled now by your local police. It is handled now by your sheriff's department; it is handled now by your state police, plus that fourth division. We have a chance here to do something for the people and not just lip service.

Many of you have come to this House talking about economy in government. This is the time to show that we mean that we want economy in government, and this is only one of the first measures of this economy, because there are other departments in this state where I know we can save money.

I have two or three other thoughts in mind and I am waiting for certain bills to come along in order to attach amendments, so we can save more bureaucracy and more money to the taxpayer.

This morning if someone objects to one point of this bill like the books which are already in the law ever since it was enacted and they want to amend it, I have no qualms about that. All I ask you this morning is to vote against the indefinite postponement, keep this bill alive. I am making a plea to save the taxpayers \$257,825.94. I have no personal contacts with the liquor inspectors but it is the office as constituted that I don't like. I think it is a duplication of government and we should stop this duplication of government if and when we can.

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

Mr. CAREY: Mr. Speaker and Members of the House: It is interesting to note that those people who are in favor of this bill passing are in the alcohol business themselves. They have talked about the saving of money, but nobody has seemed to answer the question that the avenue I am concerned about opening up is the avenue of corruption at the local level.

The SPEAKER: The Chair recognizes the gentleman from Buxton, Mr. Berry.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Lizotte from Biddeford mentioned that this bill probably wouldn't save any money, and he is exactly right. You can't save money with this type of bill. If you save money at the state level, you put it down to the municipalities.

It might be interesting to note that recently the police chiefs in Maine held a meeting, and every one of them is opposed to this bill. They took a vote on it; every one of them is opposed to the passage of this bill. They don't want the extra duty. They can't handle the extra duty.

Mr. Kelleher made some interesting statements. I think it is unfortunate that he wasn't at the committee hearing. I think probably he would have learned quite a lot about this bill. Almost everybody at the committee hearing was opposed to this bill. That included court judges, police chiefs, licensees, liquor enforcement people, all kinds of people at the hearing were opposed to this bill.

I really hope you will go along with the indefinite postponement. I don't see any

need really to try to amend this thing because, honestly, you can't amend it and make it decent.

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

Mr. COTE: Mr. Speaker and Members of the House: In regard to the comment of the gentleman from Buxton, Mr. Berry, I was at the hearing. It is true, there was a lot of opposition, but what they opposed was 401 in the bill, which transferred from the hearing examiner to the courts. The courts felt they were overloaded. That is the only opposition I heard at the hearing, except the police chief who said that they had a meeting in Bangor, probably one-third of the police chiefs in the state were at that meeting, and they were not unanimous in their decision.

The only reason I can give as far as the police chiefs are concerned is, rub my back and I'll rub yours. They don't care for the extra workload, but there isn't that much extra workload. This also came out at the meeting. There were only 321 cases that were prosecuted in front of the hearing examiner. So the extra workload is not that extra.

You will hear that the liquor inspectors travel 485,000 miles in the state. I say that is an abuse of taxpayers' money. That is 17 times around the world, by the way. That is a lot of mileage. Still, in the report they only got \$24,000 back from the 12 cents a mile that they get. I don't understand this. But I say this, nobody likes to do extra work, and I don't blame the police chiefs, in a way, being opposed to that, because they think they are going to be so overworked, but that isn't the case. I still maintain that they are doing that today. You go to any city today, and any time that the liquor inspectors show up, it is because the local police have investigated something and called them in. I found that out.

We talked about corruption. Every city has a board, they hire policemen, they are screened through and through. I don't believe today there exists the corruption that they think is going to happen.

I say, let's give this a try. If it doesn't prove right, we can always come back here, but let's save the poor taxpayers of this state a quarter of a million dollars a year.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: I would just like to inform my cosponsor on another bill, Mr. Berry, that I was at the Liquor Control hearing, and I did sit through almost the entire hearing. I got a little tired after listening to one of the people talk for about 45 minutes on how overworked the court would be with these 327 cases. But I did stay at the hearing, Mr. Berry, and I really didn't testify because I didn't think it was really necessary. I thought that committee that I have served on before was going to come out with such a lopsided report in favor of it that I didn't think it was necessary.

Mr. Cote and Mr. Maxwell covered all the bases very very well.

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

Mr. Mills of Eastport moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question, it must have the expressed desire of one third of the members present and voting. All those in favor of the Chair

entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken, and obviously more than one third of the members present having expressed a desire for the previous question the motion for the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? This question is debatable with a time limit of five minutes by any one member.

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

Mr. LaPOINTE: Mr. Speaker, Men and Women of the House: I think it might be in order to ask the Chair to explain this particular motion for the freshmen members of the House.

I think that this Bill, the motion that is before us now should be debated further by those members of the House who wish to debate it. I think everyone should vote no on the motion.

(Off Record Remarks)

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I voted in the negative because I do not understand the liquor laws. I have never been in the liquor business, and I feel there are other people here that do understand the laws and to move the question now would deny a lot of people the testimony that would be given by the speakers if we do not move the question. I also feel that by debating today, maybe if the bill is going to survive the amendments could get on the bill so it would speed it up later in the process, or if it is going to die, it could die a rather fast death, and that would speed up the process here.

I have always objected to moving the question, because I feel that everyone here has a right to speak, and I would hope that the members today would respect that right also.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker and Members of the House: I rise to oppose the motion to move the question because I noticed the chairman of the Liquor Committee was about to speak. I think in due respect to the chairman of any committee, you don't move the question before he has the right to speak. Therefore, I hope you oppose the motion to move the question.

The SPEAKER: The question now before the House is, shall the main question be put now? If you are in favor of the main question being put you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

12 having voted in the affirmative and 116 in the negative, the main question was not ordered.

The SPEAKER: The Chair recognizes the gentleman from Solon, Mr. Faucher.

Mr. FAUCHER: Mr. Speaker, Ladies and Gentlemen of the House: I don't make a practice of getting up to try to kill somebody else's bill. But being in Liquor Control for five terms, being a licensee in the State of Maine for 25 years, I feel that I should say a few things about this bill. I hope that everyone of you will read L.D. 150, section 8.

First I would like to say we have 18 liquor inspectors in the State of Maine.

They are trained people. They do an excellent job. Some people don't like them because they get picked up once in a while because they don't go according to the law and they should be picked up.

Last year, 360 cases were brought up before the hearing commissioner, Mr. Robinson, and I think that is a lot of work, 360 cases, by these gentlemen, 18 of them. We had a lot of chiefs of police around the state that came up and testified that they had enough problems and didn't want any more problems, that the liquor inspectors were trained to do these things and they were doing a good job.

Now we go back to section 8. It says, "All such records shall be open to the commission or its representatives and to state, county or local officials at any time and they shall have the right to make copies thereof. . . ." If you own a place like mine, and if a plumbing inspector wants to come in and look at your books, school board member, anybody in town, they can come in and look at your books with this here. So this is a bad bad bill and I would like you people to go with the motion of Mr. Berry and would ask for a roll call.

The SPEAKER: The gentleman from Solon, Mr. Faucher, has requested a roll call vote.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: Like the gentleman from Waterville, Mr. Carey, I bring the greetings of the police chief from the City of Bangor in the same vein, and that is, he has enough to do.

I am on the Judiciary Committee, and we are considering the revision of the criminal code. In doing some of my homework I have been doing some reading about the problems of law enforcement nationally as well as in the State of Maine, and I think we might recognize that one of the problems is that many police forces are overburdened with a lot of trivial and routine and really administrative activities, including traffic, liquor inspection and others that easier to a certain extent and use up a lot of time, and therefore not enough attention is paid to the serious crimes, crimes of violence, crimes against property, the kinds of things they should be dealing with more.

I think by passing this bill we would just give another burden to our police forces. Yes, they will be able to make the routine checks, they will be able to stop the cars, they will be able really to use up a lot of time, and they feel they must enforce laws that are before them. But those will be the easier ones for them to concentrate on. The tougher ones, trying to crack breaking and entering or some other kinds of things are going to get lower priority in their day to day activities, and I think while we are all trying to protect the taxpayer, I think we have to recall that that same taxpayer is one who deserves protection of the laws, all the protection that we can give him or her. For that reason, I hope we defeat the bill.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: Previously Mr. Faucher from Solon has spoken about the right to come in and look at the books. He did not go to the last paragraph in section 8, which not only allows them to inspect the premises but to audit the books. I don't know how many people holding liquor licenses in this state want the planning board members, study committee

members, school board members, local housing authority board members, building inspectors, plumbing inspectors, code enforcement officers, regional planning commissions, and I could stand here and go on and on, wanting them to come in and audit their books. These are local officials. There is a lot of difference when you talk about local officials or local officers. All of these people are officials.

To open up your records to these people to come in and audit, you would never be able to do any business. You might as well go out of business, because there are so many nosy people in the State of Maine anyway in your small communities, all you would do is be sitting there with your books open letting them audit the books. And then if you had a good business going, well, one of their cousins or one of their brothers, they would be in the business the next morning and you would be out of business anyway. I think this is utterly ridiculous. I think it would be the worst thing we could ever put on the people of this state if we allow this thing to pass. So I hope we would kill it.

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

Mr. LaPOINTE: Mr. Speaker, Men and Women of the House: I agree with some members of the House that a lot of problems have been pointed out relative to this particular measure before us this morning, and I am willing to give the gentleman from Lewiston an opportunity to amend the bill, or anyone else to amend the bill, if that is necessary. That is one point.

The other point I have is a concern. What exactly do these people do? I don't know. What is their job description? What is the time frame for their job description? Most of us know that we have liquor I.D.'s now. So if a person looks like he or she is underage, in order to buy liquor at an authorized franchise, they present an I.D. card. So we are protecting that element of the public.

Then there was a question of 360 cases that were brought before the administrative court. Someone else has indicated in the debate this morning that there are only 18 of these liquor inspectors — 18 goes into 360 twenty times. That means that per inspector there are 20 cases brought before the administrative court.

It is the other question of Sunday sales now. What do these people do? What really is their job? We are talking about the subtleties of this legislation in terms of local officials and regional commissioners and county commissioners and corruption at the local level. But I think the question is, what do these people do? Three hundred sixty cases, 18 enforcement officers — that is 20 a year brought before the administrative court. We have liquor I.D.'s We have Sunday sales now. What do these people do? I really don't know and nobody has really addressed that question.

One other point I would like to make. We have a liquor commissioner who lives in the City of Portland who I occasionally see. He believes that this is good measure. He has indicated to me in conversations about this bill and other matters that he discusses before the Liquor Commission as the commissioner that all these people do is engage in harassment.

How many of you have had an opportunity to engage in an exchange with someone dealing with this whole process of harassment by these 18 people? I have had

a personal experience myself working in a setting where one of these liquor inspectors came into a program that I was running and operating. He drove into this facility with children around about 25 or 30 miles an hour. I thought it was the Sheriff of Cochise driving in without any regard to the people that I had in my facility who I was responsible for in a program. He came in, gangbusters. All I could think of was harassment. In the City of Portland these people stand or wait outside in their cars where the engines are running and nab people in violation of the law. Granted, they are supposed to be doing this, but it strikes me as harassment, something that could be done by the local officials.

If there is going to be an attempt to look at this bill and try to amend it, let's do that, but let's give Mr. Cote a chance. That's all.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Bachrach.

Mrs. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: Mr. LaPointe has addressed a question as to what these people really do. I think I can answer that, having served on a local town council. In the event of an establishment misbehaving itself in whatever way comes to the attention of the town council. The police make reports, and when there have been several reports and the place appears not a good thing to have in the community, then the liquor inspectors are called in and they help the police in determining just what should be done. They make recommendations to us and perhaps we may close the establishment or in the event it is about time to renew licenses, we may refuse to grant it. But I feel that it is very useful to have this referring body to which the local problems can be referred, because then you have the benefit of two viewpoints and also when it comes to submitting your recommendations that the place not be allowed a license, you have a better basis for establishing your premise in your case.

I would not be in favor of doing away with this body unless you have some other agency to take its place.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: My concern is about the same as Mr. LaPointe's, harassment. I feel it would perhaps be an uncontrolled harassment of licensees if we were to throw this thing open, the prime enforcement coming from local law enforcement officers.

What do the inspectors really do? Get back to the administrative law. That is their prime responsibility. When you go into a bar and you want a couple beers before you get home, when the man takes the clean glass and pulls the spigot that says "Schlitz", you want to be sure you don't get "Hires." This is one of the duties of the inspectors when they go in, to be sure the spigot, the hose running from the spigot goes into the barrel properly connected so that if you want Schlitz or Michalob you get it, that you don't get some other inferior quality, if there is such a thing. They aid licensees, they even supervise Maine State Liquor Stores, and I have worked cases there that the police would back away from feeling that it was in the proper jurisdiction for the liquor inspectors. These people bring undercover agents from the other end of the state. They bring them in to our City of Portland and the bootlegger problem. I know a lot of people said, "Look, you can buy liquor on

every corner. You have got no bootlegger problem." But it is worse now than it ever was.

I.D.'s, false I.D.'s, you can buy anything you want today. That is no secret. Young kids, when you lower the age to 18, it makes it a status symbol, so the kids 16 want to get into the game. You keep lowering it. You really don't take care of any problem with it. The liquor inspector must go in, be sure that the grocer, the licensee, carries enough merchandise to back him up under the law.

No doubt now police make most of the arrests, or at least they start the case. We would start them and you would call the state police and they would get on the network and get a liquor inspector in to assist you. With the technicalities in the law today, you certainly need these inspectors who are up on the law and to guide local law enforcement people through this process. It is all in administrative law.

It was in the courts at one time that we could arrest people, that we could get them before hearings. At one time we used to jail the licensee who sold to a juvenile. Those were the dark ages, I felt. We brought the thing out into the open. I feel everything is done aboveboard. People know where they stand. Licensees know where they stand. I don't want to push something like this back into the politics of local police. I think it would be a great step backward if we were to do something like this.

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

Mr. INGEGNERI: Mr. Speaker, and Members of the House: I acknowledge that this debate has gone on a long time and I beg the indulgence of the ladies and gentlemen of the House. But as a former law enforcement person, granted in a more sophisticated area, a few remarks were made here which rather disturb. In the first place, in the consideration of proper law enforcement, the consideration of merely saving dollars by using another agency to enforce a particular, having that agency duplicate its work or increase its caseload is not a savings at all. But if it is a savings, it is a savings at the cost of proper law enforcement.

Another question was the value of an organization should be judged by its results, by the number of cases which it processes. I disagree with this entirely. I believe that law enforcement sometimes makes sure that certain things do not become cases because of proper investigation, proper evaluation of the evidence and coming to a proper conclusion and an innocent citizen is spared a great deal of anguish and sometimes a great deal of money.

The third point which concerned me quite a bit was, if it were at the local level, almost everybody who had ever committed any kind of a violation would be immediately apprehended or charged. I say that this almost sounds like a police state. I can assure you that if we had had one special agent, one internal revenue agent in the income tax division of the United States Government to watch every single taxpayer, to be a kind of a guardian angel at his left shoulder, we would not have a deficit in our Treasury at this particular time. But what would we have, we would have one of the most horrible police states. I believe that proper law enforcement concerns itself not with punishing every single violator who may be a violator unwillingly or willingly, but

in bringing about proper deterrents. This is the real measure of proper law enforcement. When you prosecute 360 cases in a year, it doesn't mean to say you were lax, it means in effect that you were very careful of what cases you went forward with. A case that is properly investigated, properly evaluated and results in a proper, successful condition is much more important than 100 or less which are thrown out because of lack of evidence.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a question through the Chair. I am a little concerned, not that I drink beer or anything, but on the front page of this morning's Bangor Daily News it has a story that says, "Ape Army Urge to Free Man From Drudgery." It says that Nosacek, who envisions apes doing all sorts of unskilled labor from riot control to cleaning sewers, apes picking blackberries and painting in Portland, Oregon, and then it says then they mostly just pour beer. Mr. Speaker, I wonder if this bill would have anything to do with apes, because I wouldn't want to restrict them in any way.

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 Buxton, Mr. Berry, that Bill "An Act Relating to Enforcement of Statutes on Alcoholic Beverages," House Paper 134, L. D. 150, 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, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bowie, Bustin, Call, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Connolly, Cox, Curran, P.; Curran, R.; Dam, Davies, DeVane, Dow, Drigotas, Dudley, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Flanagan, Fraser, Gauthier, Goodwin, H.; Gould, Gray, Hall, Henderson, Hennessey, Hewes, Hinds, Hunter, Immonen, Ingegneri, Jackson, Jacques, Jalbert, Joyce, Kany, Kauffman, Kennedy, Laverty, LeBlanc, Lewin, Lewis, Littlefield, Lizotte, Lunt, Lynch, MacLeod, Mahany, Martin, A.; Martin, R.; McBreairty, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Najarian, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Rideout, Saunders, Shute, Silverman, Snowe, Sprowl, Strout, Stubbs, Susi, Tarr, Teague, Theriault, Tierney, Twitchell, Tyndale, Usher, Walker, Wilfong, The Speaker.

NAY: Binnette, Burns, Byers, Connors, Cote, Curtis, Doak, Finemore, Garsoe, Greenlaw, Higgins, Hughes, Hutchings, Jensen, Kelleher, Laffin, LaPointe, Leonard, Lovell, MacEachern, Maxwell, Mulkern, Nadeau, Norris, Raymond, Rolde, Rollins, Smith, Snow, Spencer, Talbot, Torrey, Tozier, Truman, Wagner.

ABSENT: Cooney, Goodwin, K.; Hobbins, Kelley, Mackel, Palmer, Peakes, Webber, Winship.

Yes, 107; No, 35; Absent, 9.

The SPEAKER: One hundred seven having voted in the affirmative and thirty-five in the negative, with nine being absent, the motion does prevail.

The Chair recognizes the gentleman from Buxton, Mr. Berry.

Mr. BERRY: Mr. Speaker, Having voted on the prevailing side, I now ask for reconsideration and hope that you will all vote against my motion.

The SPEAKER: The gentleman from Buxton, Mr. Berry, moves the House reconsider its action whereby this Bill and all accompanying papers were indefinitely postponed. All in favor will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

Sent up for concurrence.

On motion of Mr. Rolde of York,
Adjourned until ten o'clock tomorrow morning.