

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

Monday, April 14, 1975

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

Prayer by Mr. Paul Cates of East Vassalboro Friends Meeting House.

The members stood at attention during the playing of the National Anthem by the Windham High School Band.

The journal of the previous session was read and approved.

(Off Record Remarks)

**Papers from the Senate
Conference Committee Report
Tabled and Assigned**

Report of the Committee of Conference on the Disagreeing action of the two branches of the Legislature on Bill "An Act Exempting Solar or Wind Power Facilities from Sales Tax" (S. P. 56) (L. D. 125) reporting that the House recede and concur with the Senate and pass the Bill, in New Draft (S. P. 402) (L. D. 1171), to be engrossed, as amended by Senate Amendment "A" (S-39)

Signed:

Mrs. CUMMINGS of Penobscot
Messrs. HUBER of Cumberland
BERRY of Cumberland
— of the Senate.
Mrs. BOUDREAU of Portland
Messrs. USHER of Westbrook
TYNDALE of Kennebunkport
— of the House.

Came from the Senate with the Report read and accepted.

In the House, the Report was read.

(On motion of Mr. Tierney of Durham, tabled pending acceptance of the Conference Committee Report and tomorrow assigned.)

Bills from the Senate requiring reference were disposed of in concurrence, with the following exception:

Tabled and Assigned

Bill "An Act to Abolish the Department of Business Regulation" (S. P. 475) (L. D. 1670)

Came from the Senate referred to the Committee on State Government.

In the House, the Bill was referred to the Committee on State Government in concurrence.

On motion of Mr. Berry of Buxton, the House reconsidered its action whereby the Bill was referred to the Committee on State Government in concurrence.

On further motion of the same gentleman, tabled pending reference and tomorrow assigned.

**Reports of Committees
Ought Not to Pass**

Report of the Committee on Marine Resources reporting "Ought Not to Pass" on Bill "An Act to Require a Conventional Method for Taking Scallops from Coastal Waters" (S. P. 366) (L. D. 1169)

Was placed in the Legislative Files without further action, pursuant to Joint Rule 17-A in concurrence.

Leave to Withdraw

Committee on Business Legislation reporting Leave to Withdraw on Bill "An Act to Prohibit Insurance Companies from Requiring Applicants for Group Health Insurance to List other Insurance Policies on their Application" (S. P. 66) (L. D. 183)

Came from the Senate read and accepted.

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

Non-Concurrent Matter

Bill "An Act Raising the Age of Persons who may Purchase Alcoholic Beverages or Sell as Licensees" (S. P. 4) (L. D. 4) which was indefinitely postpone in the House on April 3.

Came from the Senate with the Bill passed to be engrossed as amended by Committee Amendment "A" (S-40) in non-concurrence.

In the House:

Mr. Faucher of Solon moved that the House adhere.

Whereupon, Mr. Lizotte of Biddeford moved that the House recede and concur.

Mr. Cooney of Sabattus moved that the House recede and further moved that the matter be tabled until later in today's session.

The SPEAKER: The pending question is on the motion of the gentleman from Sabattus, Mr. Cooney, that this matter be tabled until later in today's session pending his motion to recede. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

48 having voted in the affirmative and 64 having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: The reason I have asked that the House recede this morning is that I have asked the Legislative Research Office to prepare an amendment to the bill and it isn't on our desks yet, and I suppose perhaps you may not even want to entertain an amendment, but that is the reason that I moved to recede. It is the only way that we can act on an amendment this morning.

The amendment which I would offer is certainly not a new idea, but it is one that I think has some validity here, and I am really at a loss as to whether I should debate it now or not, but I would reduce the age from 20, which is now the position of the bill, to 19, and I would put it to referendum in one amendment. I don't have it before us; that is the reason I asked that it be tabled until later in today's session. I suppose we will have to debate the recede motion and perhaps after some intervening debate, if there is some, somebody might make the motion again, if you feel this is a valid consideration that we should be making this morning.

Thereupon, Mr. Kelleher of Bangor moved the matter be tabled one legislative day.

Thereupon, Mr. Faucher of Solon requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that this matter be tabled pending the motion of Mr. Cooney of Sabattus to recede and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

55 having voted in the affirmative and 63 having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker and Members of the House: Since I don't have the amendment to offer, and since we can't seem to table this, I would withdraw the motion to recede at this time.

The SPEAKER: The pending motion

now before the House is the motion of the gentleman from Biddeford, Mr. Lizotte, that the House recede and concur with the Senate.

The Chair recognizes the gentleman from Houlton, Mr. Carpenter.

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: I will try not to belabor this point, because we have heard most of the debate before. However, some new points were raised to me this weekend, and I will briefly run over the things that were discussed in here before and then I will talk about the new ones.

The biggest single point, in my mind, when I think about this bill, and as I mentioned before when I spoke on this issue, if I had been in the position to vote on the lowering of all the ages, I probably would have voted against it. However, we did it. The age is now 18 for anybody for anything, any adult, any 18-year-old has all the rights that you have, anybody sitting in this chamber. It is not correct. I question whether it is legal and constitutional to tell a young person you have the moral obligation to vote. As a matter fact, you have the moral obligation to vote as to whether your town, your municipality can be wet or dry, yet you cannot buy alcohol. I submit to you that if this bill passes, we are going to alienate a great number of our very good, very mature young people.

The second point I would like to make — control. If you pass this bill, you lose control. You lose what control you now have.

I would pose a question to anybody in the House, not necessarily for an answer but for thought. Let's assume that you have an 18-year-old son or daughter, and let's further assume that that 18-year-old son or daughter wishes to drink, where would you rather have them drinking, in a controlled environment or as they did when I was in high school, riding around in a car? A little bit of personal experience, back when the drinking age was 21 and I was 16 or 17, I know of cases where a young person would go out for the evening, they might get themselves a six-pack of beer or some liquor, they might drink four of those beers, and that is all they really wanted. This happened; I saw it happen. They might only want four, drive around for a while, what are you going to do? You are not going to throw it away. You are not going to take it home, probably, because it might be daddy's car or daddy might be out around your car, so you are going to drink it. So I think we might force our young people to actually drink more by passage of this bill.

I spoke to some teachers in my home town on Saturday. School was in session on Saturday. The majority of the teachers that I talked to said — this is their opinion, I am just throwing it out for thought, the majority of the teachers that I talked to said that there was less marijuana used now since the drinking age has gone down.

Let's talk about the political considerations of this vote. I realize what the political ramifications are, and I would pose another hypothetical question. Is the political system in our country biased against somebody being honest and voting what he really feels? For example, yesterday I had my name and my vote read from the pulpit of a church in my home town. I question, perhaps, the system a little bit. Also, I spoke to a member of the legislature last week in questioning him on his vote. I wanted to get into a discussion, and his only

comment was, and I quote, "Do you want to be reelected?"

Alcohol is easily accessible to anybody — anybody, 15, 14, 13 on up. I heard the argument brought up in this House the last time this bill was debated about a basketball team. There is a Representative in this House right now that I am sure if this individual was living in the town at the time will back me up on this. I had a very good friend who was coaching a basketball team down on the coast got them to the tournaments for the first time in 20 years, to a strange city where they knew nobody, where they didn't know anybody to get some alcohol. They were on the courts the next day, but they were a sick bunch of boys. The drinking age at that time was 21 — 1968 or 1969. It is very accessible.

Slaying on the accessibility for just a moment, and this is difficult. I have a close relative who has a drinking problem. He had that problem at age 16 — at age 16. The drinking age was 21.

I submit to you that this bill is bad legislation. It is aimed at a minority of people in the 18 and 19-year olds who would be causing problems, who would be buying alcohol for younger people, who would be taking alcohol into the schools if the drinking age was 48. We have a mature, good group of 18 and 19 year olds in this state. I taught in the high school in Houlton last year. I graduated from high school 10 years ago this year. The 18-year-olds at this time are much more mature than they were when I was in high school.

I will finish my remarks by posing a question to perhaps any member of the Bar who might care to answer. I heard 29 people debate this issue for four or five hours the last time and nobody came up with this point, that an 18-year-old high school senior from Houlton High School posed to me on Saturday. She said, let's assume that you put the drinking age to 20. I am 18 years old. The police arrest me. What are they going to charge me with, illegal possession of alcoholic beverages by a minor. I submit you can't do that, because they are not minors. What do you charge them with? How many other statutes are going to have to be changed? Now, that is no problem. If the will of the House is to change the drinking age, then we can change the rest of the statutes. But what do you try them as, an adult or a juvenile? Think about it.

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Burns.

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I remember in the 1960's when the youth of this nation was entirely disenchanting with the so-called establishment. At that time I did not know what the establishment was; I do now. We here in this legislature are the establishment. We are the ones that are setting the rules. Are we going to disenchant the youth again and give them an opportunity to go off on another tangent?

I have also always been told that politics makes odd couplings. This particular bill makes very odd couplings. The temperance people who are honest, dedicated people and who feel they are doing the best by their convictions do want to see this bill go through where you would have to be 20 years old to drink.

There is also another group in this state, throughout New England, and also in Mexico that are very interested in this bill going through, and this is the drug pusher. He is ready, willing and able to take up the

gap where the alcohol leaves off. You ask any 15 or 16-year-old youngster in school which is the easiest to get a lid of marijuana or a six pack of beer? He gets home delivery for pills and marijuana.

If we in our wisdom see fit to decriminalize marijuana and increase the drinking age to 20, we are saying, you are a criminal if you drink, but it is alright if you turn on with marijuana and pills. I hope you vote against the motion to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Rangeley, Mr. Doak.

Mr. DOAK: Mr. Speaker and Members of the House: It is difficult to sit beside a gentleman who I respect and speak in opposition to what he has just been saying. I have sat relatively quiet through hours of debate on varied issues in this House, and I felt that all that needed to be said would be said by others.

Most of the issues have been concerning tax exemptions, money, all of these things. I think this item we have before us now is one that should be of very deep and serious concern to all people in this House and in this state. These are the people we represent.

I have four personal reasons why I am debating this issue this morning. One of them is a 13-year-old son and three of them are young granddaughters, and these are four personal reasons why I am speaking this morning. I don't care to take the time of this House by anything that I might have to say, but at this point I feel that I must.

First, I want to say that I do sympathize with the 18-year-old people that may be, as some people have already put it, disenfranchised by raising the age to 20. I would submit to that they were disenfranchised in the beginning until such a time as we gave them that privilege in the 106th. Therefore, I don't believe that disenfranchisement is any particular issue at this time.

When you are talking of having rights and them having them taken away, again I submit to you ladies and gentlemen, I don't know of any of us here that haven't at any one time or other had rights for many years and then had them removed. If you violate the law driving in such a manner, you can have the right to drive removed from you even though you have been driving for 60 or 70 years. If you are too old and you can't pass a driving exam and you have been driving for 30 or 40 years but you can't drive, your right is taken away from you there. These are people that sometimes have to drive in order to earn a living perhaps, and yet their rights are removed. People have been walking and seeing and hearing all of their lives. They get into an accident or something happens, they lose their limbs, they lose their sight or they may lose their hearing, they do no longer have right to see nor hear. They no longer have the right to walk, they have lost their legs. These are rights that are removed from these people and they live with it and live well and make do. If you consider that your 18-year-old people are weak enough that they can't go on without the crutch of alcohol, then I submit to you they shouldn't have had it in the first place.

You talk about the natural resources of this state — the spruce budworm is coming up today, I understand, to preserve and to protect our natural resources in this state, those are trees, ladies and gentlemen, and they will grow. We talk about pure water. We argue and debate about pure air. What are these? These are God-given gifts and I

believe that our 18-year-olds are also God-given gifts to this country and to this state. They are one of the greatest natural resources that we can have, and I feel very strongly that we should be protecting them in some manner.

Many points have been brought out. One point, however, was not brought, and that fact is that alcohol has been medically proven to destroy brain cells. This has been proven and documented by the medical profession. So here we are wanting to protect our trees from bugs, our waters from dirt and so forth, but our young people, we don't want to protect them? I submit to you, ladies and gentlemen, that is a sorry day in this state when we don't stand on our two feet and protect these young people, even in spite of themselves.

For instance, when I was a youngster, I had the opportunity and the privilege and the right to have fireworks. I had firecrackers and we enjoyed the Fourth of July. That right was taken away from all of the people of this state when you passed a law to remove that. What were you doing then? What were you doing then? Were you trying to protect people from getting hurt? Were you trying to protect your people in this state from being maimed, losing sight, loss of sight? I submit to you ladies and gentlemen that when you allow the alcoholic beverages to flow in the younger ranks, then you are no longer protecting, you are no longer considering the protection of these young people, you are letting them go, you are giving up your rights to protect.

Drugs, okay, we have heard something about drugs and, again, ladies and gentlemen, alcohol is a drug. It is one of the most serious drugs we have got in the nation. If anyone thinks I am on the temperance boys, I am not. I like my drink just as well as the rest, but it has to be controlled, it has to be managed, and I am able to do that and thank God that I can, because we have millions of people that are getting hurt by alcohol, by alcoholism, people that have it. You have seen families destroyed, children destroyed all over this country, and do you realize how much it is costing us, this alcoholic problem, and yet we have allowed it to go down and be legalized to a lower age, and you have to admit right here among you, ladies and gentlemen, that at your age you can't control it sometimes. I am not pointing any fingers when I say that.

One statement was made a short time ago that they could do everything we can. Ladies and gentlemen, they still haven't got the right to sit in this House at 18. That may be next, which I wouldn't object to, because I think these are mature young people. The thing that I am mostly concerned about in this is definitely the loss of life, the loss of limb, the loss of family, the loss of reasoning ability which anyone, when they imbibe with alcohol, loses. You lose the right to think clearly. They have already lost the right once they have taken too many beers or too many shots of alcohol. I would hope that you would vote to go along with the other body and pass this at 20 years.

The SPEAKER: The Chair recognizes the gentlewoman from Millinocket, Mrs. Laverty.

Mrs. LAVERTY: Mr. Speaker, Ladies and Gentlemen of the House: You know my point of view because I have put it on your table. I am not going to any say more

about the infringement of rights for the 18-year-old.

I would like to say that we do better to work on getting alcoholic pictures and alcoholic scenes out of our TV programs. I would suggest that we might take beer and wine out of our grocery stores, that we might take the cocktail hour out of the lunch hour. I say that the flow of liquor in this country goes through business, industry, down through the schools and into the home, and it has become a way of life with us. It is a status symbol and our young people are only copying what they see. They see it in the home; they see it everywhere, as has been pointed out here this morning.

Now, the schools are having their problems and nobody wants to cure this problem more than I, because I have lived with it as perhaps you have. I say the schools have got to clamp down on the laws they already have for discipline. Then who is going to begin to train these young people how to drink; what to drink, when and where to drink it? I think they would learn if the adults would also learn.

The think that worries me about this bill is that if we pass it we will say, there, we have done a good job, we have solved the problem. The problem is in the family and in the person who drinks, whether he be father, mother or the child. There already is help for this. The problem drinker has the Alcoholic Anonymous group to help him stand on his feet. The teenager has the teenage, called the Al-A-Teen. He can go for help and say, what is the matter with my family or he can say, I know I am in a bind, I am in a bunch that are drinking too much, what can I do? The mother and father who have this problem can go to Al-Anon. There is help, and I just feel we are putting the emphasis in the wrong place when we simply say, 18-year-olds, you can't have liquor.

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

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: I am reminded of a conversation that I had with a very good friend of mine in this House early in the session. He and I were in the 105th Legislature. We lost out in our respective primaries in June of 1972. I said to him one day, are you as happy as I am to be back in this House? Well, he said, let's put it this way, I certainly missed the associations and I missed the debating, but on the other hand, when I saw some of the problems that faced the legislature in the 106th, I felt kind of differently. I told him that I felt the same way, but I said I am delighted to be back.

Now, the other day I did not debate on this measure and when the vote came, as a result of what I thought was stronger arguments against the bill, I voted for the indefinite postponement and, as you know, it came out a tie but there was a switch and the indefinite postponement went through.

It is only fair to let you people know that I have many reasons for feeling differently this time. At least one gentleman down the hall felt differently when he heard more and more about the horrible results of the drinking.

Let me say this. One thing that helped sway me and helped sway some others, let's say, was some unintended misinformation. I will tell you what it was. We were told by a gentleman from Lewiston that he had just been to the telephone and he had talked with the principal of Lewiston High School and that gentleman had not signed a paper which

indicated he felt that the bill should pass raising the age from 18 to 20.

On Thursday, I went to that gentleman's office and I did not have a copy of the paper with me, but he did tell me that he certainly feels that the age should be raised. There is no trouble right in Lewiston High School during school hours, but the main reason is that for four of those hours each day at least there is a police man there, but the gentleman did say that it is at social events here and there, not school hours, there is some difficulty and he said raising the drinking age to 20 would be a help in his judgment. Explaining the lack of a signature, he said, as we all know, when people send somebody a questionnaire, they don't necessarily have to put their name on it, particularly if it doesn't have a line that says signature, which is an indication that a signature is wanted. I agree with what he thought. He said, whoever picked up my message no doubt saw that on the envelope it said Principal, Lewiston High School. So that party right off on my paper wrote Lewiston High Principal. That is the story on that. He has consulted with his three top administrative assistants, and they feel that the bill should pass. The policeman whose copy of the letter relative to the bill being passed and he said, yes, that policeman says, yes, we should raise the age.

This morning before I left I got a phone call from a very good friend of mine and he said, "George, I have thought of something else and it is this — think of the relief to mothers if you pass this bill. Mothers are heartbroken all the time, their children come home drunk or they are carried in the house drunk." I told him that I have a very good friend in this legislature who refers to this proposed legislation as a Mother's Bill, and the more I have thought about it, since that gentleman first referred to this bill as a Mother's bill, I think that is pretty much what it is.

I have another very good friend in the legislature who I missed in the 106th. He was in the 105th with me and we talked this over. He said, "George, you want to watch your step. If you change your position and vote for this bill to pass, you may not get reelected." Well, I started to answer, but a mutual friend of ours was there, we were in the Senate, listening to the Senate. I think this other friend thought that the dialogue might get a little too hot so he started talking with my friend. That is all right. So, what I couldn't tell my friend then I will tell you relative to this business of not getting reelected. Many, many years ago there was a gentleman in the British Parliament and at least one of his constituents said to him about his voting record, you had better watch your step, because if you are not careful, you may not get reelected. The gentleman's answer was, I have gone to the Parliament to do my own thinking, and when I return to my campaign, it is up to the voters to do their thinking.

Society is suffering setbacks all the time, and if we don't put the brakes on somewhere, we will just speed up what is happening now, and for goodness sake, where are we going to end? The question before us is, just what should we do? Ladies and gentlemen of this House, I am convinced that we should go along with the group down the hall and pass this proposed legislation.

The SPEAKER: The Chair recognizes

the gentleman from South Portland, Mr. Perkins.

Mr. PERKINS: Mr. Speaker and Members of the House: I will try to be brief. There is one point that has not been mentioned in the voluminous debate both in the other body and in here.

I sent out a questionnaire to all of you members of the House back a couple weeks ago indicating a predicament I had personally as a father when I had two daughters, one 16 and one 18, who asked to have a record hop in the house with the basketball players and the cheerleaders and asked each one of you what your answer would be when the 18-year-old said some of those 18-year-olds had asked if they could bring their own bottle. I had the very difficult decision to make because I am selfish and I wanted the kids to have a house party. Unfortunately, the kids today don't feel they can have house parties. The reason they can't have house parties is because inevitably there is going to be 18-year-olds there and they are going to be drinking. And for the most part, the only way they can have a house party is mom and dad are going to be away for the weekend. And, incidentally, I don't consider this a mother's bill, I don't consider it a father's bill, I consider it a family bill. In any event, I finally decided, in regard to the question, that the 18-year-olds had the right to drink, and as many of you pointed out, they should be allowed to. Some of you suggested that I sit down with them and perhaps explain the problems and the difficulties and tell them quite frankly what the story was, enter into a discussion, etc. Believe me, they didn't come to my house, and they didn't want a record hop for me to sit and watch them or for me to sit and discuss with them what they should or should not do. They wanted a record hop. They wanted their own peer grouping.

I told my own 18-year-old, I said, daughter, number one, I am going to say yes, but I would ask you to caution those who are under 18 that they should not be drinking here in my house and I don't approve. Now I want you to understand, daughter, number one, just exactly the reason why I want you to be sure and let them know. We have in law what is known as establishment of a dangerous situation which can cause one to be liable if someone is injured and hurt. Let's assume for example that one of your 16 or 17-year-old friends decides to tip the bottle while they are here, and on the way home one of those 16 or 17-year-olds is killed or injured. Believe me, daughter number one, not only are you because you are 18 going to be sued, but your father likewise is going to be sued. And while I trust, I would hope I might be able to win my case in court, I suspect the ultimate answer would be that the case would be settled and it would be a black mark against my insurance. Consequently, please understand the seriousness in letting the drinking go beyond the 18-year-olds.

Now we talk about the good judgment of these 18-year-olds just as we talk about our own good judgment prior to taking a drink. And unfortunately our good judgment, many of us, once we have had a couple of drinks, suddenly becomes very poor judgment. The fact is, I suspect the 16 and 17-year-old's judgment, those who had not touched anything, was much better than the 18-year-old's. I suspect that because the next morning I found the remnants of the bottles out on my neighbor's lawn and I asked my 18-year-old to go out and pick

them up. That is not to say that the 16 and 17-year-olds did not drink. The fact is, I am quite sure some of them did. They didn't drink inside my house; they were like yo-yo's going back and forth in and out the door. They drank in the car, and that is where the bottles came from. In any event, that is one problem that nobody has mentioned yet, the possibility of parent liability where you set up a dangerous condition that will exist if you permit your 18-year-olds to drink with 16 and 17-year-olds.

I have one other problem with this, and that is, as of eleven o'clock yesterday morning, I had a law enforcement officer appear at my door with a subpoena for my daughter number two. She is to be in court Thursday morning, and unfortunately, I won't be in attendance here that day because I will be there. She, along with three of her friends, are being subpoenaed to appear before a license hearing for a store owner in South Portland who is going to have his license taken away from him if they can prove that he sold to a minor, someone under 18. The reason my daughter has got to be there is that she was with three friends one evening when one of them under 18 decided to buy herself a six-pack. She went into this particular store and she got it.

You talk about peer group pressure, ladies and gentlemen. My daughter right now, and this is a 16-year-old, is under peer group pressure to change a story which she knows to be absolutely right to say that someone 18 bought that six-pack for her in order to save that man's license. That man is noted in the community for selling to minors, and he has managed also to try to get an 18-year-old to go in there Thursday morning and testify that she as an 18-year-old bought it for these four girls under 18.

Now we have talked about, and some of you suggested, that parents should be responsible. Yes, you are absolutely right. Parents should be responsible. Four girls going into court Thursday morning, two will have their parents with them, myself and my wife and one other girl and her parents. But two of those girls are going to be without their parents, because they said, listen girlie, you got yourself into this, now you get yourself out. I don't buy that theory. Nothing is more important than my family, not even this legislature, so I will bethere.

Those two reasons, ladies and gentlemen, are all that I think I need to convince myself how I should go, and I would hope you do likewise.

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

Mrs. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief, indeed. I just found that I had one point that nobody has addressed yet, and that is the fact that there are thousands of youngsters between the ages of 18 and 20 who now have I.D. cards which allows them to buy liquor, and I have heard no one address themselves to the problem of how to get back all those I.D. cards, which I think will not all return in any way and will complicate the issue enormously.

The other thing is, I think that by raising the age to 20, we will suddenly make crooks out of all the 18 to 20-year-olds in the state who have been used to having this privilege. This business of going to court with your daughter I certainly would do too, but I think the problem stems probably from the parents who are not

going. I will bet anything you like that the girl who bought the liquor is the daughter of one of the sets of parents who isn't going to appear. This is where the problem is, in that the parents simply don't take the responsibility for what their children are doing and bringing them up right, and I don't think that changing the age from 18 to 20 is going to have the slightest effect on them.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I was wondering why I wasn't recognized. I kept standing up without opening my mouth.

I did not want to get into this thing at all. I swore that I wouldn't get into it. After I got in the last time very very briefly, all I had to say is that I spoke to Dr. Hawes, Principal of the Lewiston High School. He told me personally, I was with him personally two days after the debate, and he said he did not sign the letter. I can only take him at his word. If anybody sends a questionnaire, I never heard before that you shouldn't sign it, or else that you shouldn't send it back with some notation on it that it was sent by you. But in any event, the thought just occurred to me and I just spoke to a couple of my seatmates and I just ask it as a question. We know that even though we make this 20-year-olds, we know they would still have the right to get married, they still would have the right to take care of their own affairs and run their own homes and do everything, but they would not have the right to drink. However, there is another item that I would like to ask anyone who would care to answer. Can anybody, answer me what we would do about the questions on the ballot that says whether they can open a store or can have a town wet or dry or a city wet and dry? Those "wet" questions will still be on the ballot. What happens to the 18 to 20-year-olds in that case? Can anybody answer that?

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: This particular bill is only one of the areas that this or succeeding legislatures are going to have to face. When the 106th enacted an adult rights bill setting the limit at 18 years of age, it opened a doorway to many, many problems and this is only the first that you are going to have to deal with. You can not legislate maturity, morality or ethical behavior. Many of the legislatures in this country are attempting to get at the problems that are brought about by the deterioration in our society. You have opened a door, I don't know how you are going to close it but the argument has been that this is age discrimination. I wonder how the young members in this House feel, that while they can come in and be elected to this House of Representatives, they are too young to serve in the Senate. How do you guarantee mental capacity of any legislator — by years? I would suggest that a man could serve in the Senate and be an excellent man, a man with very few qualifications could be elected to the Senate simply because he is four or five years older.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I have been slow to my feet and I was about to have an

identity crisis. I was thinking I was a jack-in-the-box.

I do have some comments I would like to make this morning. In reference to the gentleman from Rangeley, Mr. Doak, who made some very good points, he spoke of someone who had the privilege the right of a driver's license and when they abuse it, it is taken away. We are not doing that here with this bill. When someone has a driver's license and they abuse it, do we take everybody's license away? Another point the gentleman made — I am not so young that I can't remember fireworks and enjoyed them, but when we took fireworks away, we took them away from everybody. We didn't take them away from the 32 and 33-year-olds. It was for the protection of all. I think the gentlewoman from Millinocket, Mrs. Laverty, has really hit the nail on the head. We have got to be concerned with the total growth of the child. You are not going to be able to one day, have him wake up and say now you can make all of your decisions, you can have all of your privileges. It isn't something you just dump somebody into. I think we have to address ourselves to those problems.

Alcohol in our society is a problem and will continue to be a problem. There are so many double standards. We say, don't drink and then drive. Then as a state, we license cocktail lounges all over the highways of the state. We sit in our living rooms watching the TV and time and time again, a comedian, doing a routine as a drunk-oh and how we have sat and laughed and we have gotten a great deal of enjoyment out of it. That is inconsistent.

I agree with the gentleman from Rangeley that alcohol does do damage to the individual's physical, chemical makeup, to the family and to the friends if it becomes a problem. Long before the age was lowered to 18, I ran a Drug Crisis Center and I wished that back then somebody had a mother's bill up here and maybe three of the children I failed with, wouldn't be six feet under at this point. Because you can hide the bottle, you can hide the needle, you can tell them no with the pills but those are only symptoms of something that runs much deeper, much, much deeper. Until we can stand up and face those problems, to look at those who are under 18 or over 18 and have a problem with alcohol, and realize that that alcohol, that crutch, is nothing more than a bandaid covering a wound, and you have got to take that bandaid off and you have got to look at the hurt. When you take care of that hurt, then you may have a chance. I can tell you stories that — I have heard people refer to horror, but I have lived that horror. A 14-year-old injecting wine into his veins with a hypodermic needle, is that because an 18-year-old got it for him? Of course not. I hope that no matter which way this issue goes, that some of us can get together and start to really address the problem. You can work on the symptoms and you can try and knock out the symptoms, you can go to the doctor and you can have a bad cough and he can put out a prescription and he can put enough codeine in that prescription so he will cure your cough. Unfortunately you may die of T.B. in a month. We have got to stop trying to scratch the surface and being satisfied. As I said a week or so ago, I am against collective punishment. I am sure that as members of this House, if five or six of us were to abuse our telephone credit card and the Spoker were to call them all in, we would not be happy. I am sure that

when someone has the right and the privilege to get a fishing or hunting license and a few abuse it and we repeal everyone's fishing and hunting license, you haven't solved the problem and you haven't been fair to everyone involved. I know this is a difficult topic and I have suffered with it, longer than two weeks, for many years. I don't think raising the age is going to be a step forward for us, most of the problems that I have heard, are not the 18 and 19-year-olds, it is the 14, 15, 16 and 17 year olds.

The gentleman from Houlton, Mr. Carpenter, asked a very good question that I haven't heard answered yet. If we pass this law today and it becomes effective and a 19 year old gets picked up for possession of a six pack, is he a minor or are we really going to have the gall to try him as an adult?

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

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: I shall be brief but, in my nervousness in my first remarks, there were a couple of points that I failed to mention and are important.

One of them is very important to me. I concur with the gentleman from South Portland, Mr. Curran, that there is a problem and I also concur with his point of view — he said he has suffered with this problem longer than two weeks. Because of things I said earlier, remarks about how close the alcohol problem hits me, I can assure you that I have suffered with this the last 13 years, but I submit to you that the closeness of my problem wouldn't be any better if the age was 92.

I have heard this bill called the "mother's bill," the "father's bill," a "family bill" and I agree wholeheartedly. It is just that. I have heard the remarks of the people in the House this morning who say that it is an educational problem. That is just exactly what it is. I resent being placed in a situation as a legislator where I am going to make a law and do what a parent, a church, a school, should do.

Many middle-aged and older people in my hometown tell me, we didn't have this problem when I was growing up. I agree, didn't, but I say that the reason we didn't have the problem when we were growing up was because the family did its job, the church did its job, the school did its job and I will end my remarks by bringing out a point that has been touched on briefly and a lot of people discount in this House. A lot of people say that it isn't a valid point, especially now.

I am going to tell you a real brief war story. I served in the Republic of Vietnam in 1970-71 as an infantry lieutenant. The guy sleeping beside me on the ground was an 18-year-old and fighting with me was an 18-year-old. We spent 60 to 70 days in the field; we never saw another human being, hopefully, other than just our own little 21-man unit. We came back after 60 or 70 days and I would say that most of the men in my unit probably had a beer, and not once did I ask them or once did I feel that I had to ask them, what is the drinking age in your state? Now, perhaps I was breaking the law somewhere along the way, I am not sure, but ladies and gentlemen, you pick up the paper, you all have papers on your desk this morning, and you read about places that once were familiar names to the people in the United States, and I tell you that 18-year-olds and 19-year-olds died in those places. They had no rights then. They do have rights now,

they should have rights now and we cannot take these rights away piecemeal.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to ask that you support the bill as received from the other Body.

I left here on Friday and as I walked through the corridor, the last person that I spoke with was that Representative from Lewiston, Mr. Call. His parting words to me that afternoon were: "Have a nice weekend" and you know, that is something special to me when someone speaks like Representative Call and says, "have a nice weekend." It seemed to echo with me as I got on the elevator and down into my car and all the way to Portland, but that afternoon in Portland, I sat on a hearing for 11 hours as a member of the Civil Service Commission. During the course of that lengthy hearing, five high schoolers, witnesses, testified as to their activities leaving school to get the Italian Sandwich and the beer, going home, not choosing to eat supper with their parents but going to the neighborhood store, getting a sandwich and a couple of beers. It was a tragedy in itself to sit there those eight hours and listen to this. I could only wonder, what has happened to the "Pepsi Generation?" They are no longer with us. Have we lost the girl-watchers of the Pepsi generation?

I have heard here today about controls — how do we control this? I became a little confused, but I still listened and I feel now, after listening, I somewhat understand the domino theory. It was cloudy to me but I think I understand it now.

I heard marijuana mentioned here and I was kind of sad that they wanted to talk about Mary Jane in reference to this bill, because I was going to speak today on Mary Jane and Mary Jane is one of the 180 names for marijuana in the English language. I was going to talk about Mary Jane or marijuana the way scientists have studied it and they have found that it is the only weed, shrub, root, or whatever you want to call it, that insect won't go near and I thought, maybe we have got that spruce budworm now.

Yes, children learn to drink at home, but I don't want you to give an indictment on the family, on the parents. I didn't find it this way out there in the field. Why do children drink? It will only take me a minute to explain the conclusion I had found. You know this remark you have often heard of "chicken" — he's "chicken" if he doesn't. Well, you know in the past generation chicken has become a very real thing. Love of parents has already been well established in this teenager. They know that no matter what that mother and dad will always love them. Hasn't this been what they have been telling them since the cradle? Now, the dilemma that is faced by the teenager, it is most important for that teenager to establish himself now amongst his friends and when they are out in the field or down behind the football bleachers and the 18-year-old with the beer legally turns to his buddy, perhaps the second baseman on his team and says, have a drink. If the 16-year-old will refuse he will say, you are chicken. Believe me, chicken has been a very real thing since our day.

The issue really, as I see it, is to get the booze out of the schools. I could tell you the stories, yes, the war stories, but I try to forget the war stories and, believe me, there are many. I could tell you in my career of three different times all on a

Friday or Saturday night when I was out there to pick up the limbs in three separate auto accidents of three deaths, all teenagers, all drinking. Teenage drinking are nights of horror for me.

You know, after I left that hearing Friday, I went home and said, maybe I can pick up the pieces and have that nice weekend that George Call wished me. I sat at the table and it was now 1 a.m.; I tried to catch up on the newspaper problems. I was only two days behind and as I picked up the Thursday paper to read the headlines school drinking problem in Windham, says the superintendent, attributes to the abuse of law and legal drinking age down to 18. He says they are having double sessions there and this was contributing to it. I will read you just three lines he put here: Students are coming to school drunk and one had to be taken to the hospital. I submit to many of you, these problems are so far removed from you. Oh, how I wish I could find that safe abode a hundred miles from here where I could raise my remaining three daughters, but let me tell you what the problem seems to be. It is dropping down in Portland a little. Portland's nearly 190 policemen, the larger cities are hiring more policemen. Do you think they are clearing up the crime? Well, they are not. What are they doing with it? They are driving it out of the cities into your community and it is going to be your problem.

I ask and I plead with you, not only for our mothers but for our dads, to accept this bill and join the Senate in its passage.

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

Mr. HINDS: Mr. Speaker, Ladies and Gentlemen of the House: During this debate on this subject in the last few weeks, I have come to realize that this legislature, as well as any other legislative body, cannot legislate the maturity of our young people. We talk and many people have used the excuse that because an 18-year-old is drafted, allowed to fight for his country, that they should also be allowed to drink. I might remind you all that is a thing of the past; there is no longer any draft and it is a volunteer army. My son went in last week to sign up for the draft and there was a girl in the office cleaning the desk off and she said, we are not open any longer, we are only open once a month because we only register once every year.

I would like to ask you how many 18-year-olds have registered to vote in this state? We have given them this right, but I think you will find from the records, they will show that the 18-year-old registration is very low. Another question I have been asking myself, how many 18-year-olds can buy a house or an automobile without their parents or some adult's signature if they are going to finance it? We gave them this right, but I know from being in the real estate business that it is impossible for an 18-year-old to buy a house without a parent or an adult signing for it, at least in my area.

The marriage bracket of the 18 to 20-year-olds is also not too good. In fact, of any two year age bracket of any two years, 18 to 20 is the worst of all the ages up to 65.

This is a big problem in my community and maybe this won't help, but I am willing to take a chance and hope that this, along with education within the schools and education, perhaps, that we can start here from Augusta and start having the Department of Education do more

education in this area, perhaps, it will help somewhat, and I am willing to vote to recede and concur today, hoping that it will help. I hope that you will vote to recede and concur also, and, Mr. Speaker, I ask for a roll call when the vote is taken.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: I will only be a few minutes. I merely wish to reassure my good friend George Call from Lewiston that when he was told that if he voted for this bill he might lose his next election. Two years ago, I not only voted for this bill as it is, but I also voted against reducing adult rights and as a matter of fact, I spoke quite vigorously against it and the result was that I was posed in the local papers as such. All the folks around home knew how I stood and, yet, in the last election I was unopposed.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one fifth of the members present and voting. All those in favor of a roll call 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 before the House is on the motion of the gentleman from Biddeford, Mr. Lizotte, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

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

Mrs. BOUDREAU: Mr. Speaker, I am pairing my vote with Representative Martin from St. Agatha. I am voting yes and if he was here, he would vote no.

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

Mr. LYNCH: Mr. Speaker, I am pairing with Representative Kany. I am voting yes in favor of receding and concurring.

The SPEAKER: The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, I would like to pair my vote with Representative Hobbins. If I were voting, I would vote to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Island Falls, Mr. Walker.

Mr. WALKER: Mr. Speaker, Ladies and Gentlemen of the House: I rise because I feel I should say how I feel on this issue.

I grew up under Prohibition and I feel that none of the people present would call that an unqualified success. I also feel that raising the age limit is not going to do the job. This must be done by education, both in the school and in the home. Lastly, I believe I would be breaking faith with the ones that we are legislating against if I voted to raise this age limit.

The SPEAKER: The pending question is on the motion of the gentleman from Biddeford, Mr. Lizotte, that the House recede and concur with the Senate. If you are in favor of that motion, you will vote yes; if you are opposed, you will vote no.

ROLL CALL

YEA — Albert, Ault, Bagley, Berry, G. W.; Birt, Blodgett, Bowie, Call, Carey, Carter, Chonko, Churchill, Connors, Cooney, DeVane, Doak, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore,

Flanagan, Fraser, Garsoe, Goodwin, K.; Gould, Greenlaw, Hewes, Higgins, Hinds, Hunter, Immonen, Jackson, Joyce, Kelleher, Kelley, Laffin, LaPointe, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lunt, MacLeod, Mahany, Martin, A.; McBreairty, McMahon, Miskavage, Morton, Najarian, Palmer, Peakes, Perkins, S.; Perkins, T.; Peterson, P.; Quinn, Rollins, Saunders, Shute, Silverman, Sprowl, Stubbs, Susi, Theriault, Tierney, Torrey, Twitchell, Tyndale, Webber, Winship.

NAY — Bachrach, Bennett, Berry, P. P.; Berube, Burns, Bustin, Carpenter, Carroll, Clark, Connolly, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, Dow, Drigotas, Faucher, Gauthier, Goodwin, H.; Hall, Henderson, Hennessey, Hughes, Hutchings, Ingegneri, Jacques, Jalbert, Kauffman, Kennedy, Laverty, LeBlanc, Lovell, MacEachern, Mackel, Maxwell, McKernan, Mills, Mitchell, Mulhern, Nadeau, Norris, Pelosi, Peterson, T.; Pierce, Powell, Raymond, Rideout, Rolde, Smith, Snow, Strout, Talbot, Tarr, Tozier, Truman, Usher, Wagner, Walker, Wilfong, The Speaker.

ABSENT — Byers, Dudley, Gray, Jensen, Morin, Snowe, Spencer, Teague.

PAIRED — Boudreau, Hobbins, Kany, Lynch, Martin, R.: Post.

Yes, 73; No, 63; Absent, 8; Paired, 6.

The SPEAKER: Seventy-three having voted in the affirmative and sixty-three in the negative, with eight being absent, the motion does prevail.

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

Mr. LIZOTTE: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side, I hope that the House would reconsider and I hope that you will all vote against me.

The SPEAKER: The gentleman from Biddeford, Mr. Lizotte, moves that the House reconsider its action whereby the House receded and concurred.

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

Mr. CONNOLLY: Mr. Speaker, a parliamentary inquiry? What is the position of the bill, assuming that the motion to reconsider fails, when do we get to enactment on this bill?

The SPEAKER: The motion to recede and concur automatically means that the bill is now passed to be engrossed. The bill then would be in a posture to go to engrossing and would return as an enactor, and this would probably be in two days.

The pending question before the House is on the motion of the gentleman from Biddeford, Mr. Lizotte, that the House reconsider its action whereby the House receded and concurred. The Chair will order a division. If you are in favor of reconsideration you will vote yes; those opposed will vote no.

A vote of the House was taken. 61 having voted in the affirmative and 72 in the negative, the motion did not prevail.

Orders

Mr. Bustin of Augusta presented the following Joint Resolution and moved its adoption: (H. P. 1495)

JOINT RESOLUTION

IN HONOR OF

MR. & MRS. MARKHAM L. GARTLEY
WHEREAS, the forty-third Secretary of State of this great State is the Honorable Markham Ligon Gartley of Greenville; and

WHEREAS, the said Markham Ligon Gartley did, on April 5, at Citadel Summerall Chapel in South Carolina; wed Sherrel Elaine Wilcox of Charleston; and

WHEREAS, at that grand moment Markham Ligon Gartley, keeper of the Great Seal did seal his heart to a lovely bride with a super attestation; now, therefore, be it

RESOLVED: That We, the Members of the 107th Legislature, now assembled in regular session, do cordially express to Markham Ligon Gartley and his dear wife, Sherry Elaine Wilcox, the best wishes of the Legislature for future happiness and success in their new home at Winthrop; and be it further

RESOLVED: That a suitable copy of this Joint Resolution be prepared by the Secretary of State and transmitted by the Secretary of State to the aforesaid Markham Ligon Gartley, Secretary of this State in honor of the union.

The Resolution was read and adopted and sent up for concurrence.

Mr. Rolde of York presented the following Joint Order and moved its passage: (H. P. 1492) (Cosponsor: Mr. Palmer of Nobleboro)

WHEREAS, Governor James B. Longley has recommended a 70.1 million dollar budget for the University of Maine for the next biennium which is 20 million less than that considered necessary for operation by the university; and

WHEREAS, this reduction comes in the face of severe economic conditions caused by inflation and rising fuel costs which are unavoidable and have served to heighten the impact of the reduction; and

WHEREAS, the presidents of the various campuses have expressed concern over the potential effect of these reductions; and

WHEREAS, such budget constraints, if adopted by the Legislature, will have far-reaching effects which could result in the deterioration of a quality institution and a loss of enrollment; and

WHEREAS, the Governor indicated to the Legislature on February 13th that "one of the greatest needs of education in Maine is long-range planning and a complete examination of our goals and priorities within our university system; "now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council is authorized to examine, in conjunction with such committees as it may direct, the operation of the university system of this State to determine, among other considerations, whether or not its budget is fair and equitable in view of the volatile economy and difficulties of the times and what consideration was given in the proposed budget for meeting the needs of the university and the expectations of the people of Maine in the university; and be it further

ORDERED, that the study of any subject or matter adjudged by the council to be relevant to the subject of this examination or helpful to it in its work shall be deemed within the scope of the council's inquiry hereunder; and be it further

ORDERED, that the council be directed to report its findings and recommendations, accompanied by final drafts of any necessary legislation, to the next special session of the 107th Legislature and no later than November 1, 1975.

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: You have all had a chance to read this order, and it pretty much explains itself. This would allow us to have the Legislative Council direct various appropriate committees to look into the University of Maine budget and do a thorough study of the needs of the University, and I hope the order will be passed.

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

Mr. Bagley of Winthrop presented the following Joint Order and moved its passage: (H. P. 1493)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Winthrop High School, Winners of the 1975 Mountain Valley Speech Conference

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 Order was read.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I coached for years, and there were people in the towns that said they came to the games, basketball games particularly, more to watch my performance on the bench than they did my boys on the floor. Be that as it may, over the years I have come to think that we should give some recognition to the intellectual achievements of the schools, and in this particular case, this Winthrop High School group that took part in this contest, there were eight separate contests ranging from extemporaneous thinking to humorous declamations and so forth, but 24 Winthrop students took part in it. That is being done all over the state, and I think it is time we gave more recognition to the success of some of these people in their intellectual achievements instead of doing it all for athletics.

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

On motion of Mr. Albert of Limestone, it was

ORDERED, that John Jensen of Portland be excused April 14, 15, and 16 for personal reasons.

**House Reports of Committees
Ought Not to Pass**

Mr. Fraser from the Committee on Transportation on Bill "An Act Relating to Method of Turning at Intersections" (H. P. 621) (L. D. 768) reporting "Ought Not to Pass"

Mr. Susi from the Committee on Taxation on Bill "An Act to Amend the Farm and Open Space Land Law" (H. P. 580) (L. D. 715) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 17-A.

Leave to Withdraw

Mr. Gauthier from the Committee on Judiciary on Bill "An Act to Permit

Officials of the Town of South Berwick to Initiate District Court Criminal Prosecutions in Either the District Court at Kittery or the District Court at Sanford" (H. P. 707) (L. D. 886) reporting Leave to Withdraw

Mr. Hewes from the Committee on Judiciary on Bill "An Act Relating to Property Rights upon Dissolution of Marriage" (Emergency) (H. P. 1012) (L. D. 1279) reporting same.

Mr. Cooney from the Committee on State Government on Bill "An Act to Clarify the Confidentiality Provisions of the Maine Housing Authorities Act" (H. P. 285) (L. D. 337) reporting same.

Mr. Jensen from the Committee on Transportation on Bill "An Act Providing for the Use of Green and White Lights on Civil Emergency Preparedness Vehicles for the Right of Way of these Vehicles and for the Qualification of Certain Civil Emergency Preparedness Personnel" (H. P. 676) (L. D. 865) reporting same.

Mr. Kauffman from the Committee on Transportation on Bill "An Act Relating to Original Drivers' Licenses Issued to Persons 18 Years of Age or Older who Have Successfully Completed a State Approved Driver Education Course" (H. P. 855) (L. D. 1069) reporting same.

Mr. Drigotas from the Committee on Taxation on Bill "An Act to Establish a Homestead Tax Exemption" (H. P. 80) (L. D. 128) reporting same.

Mr. Drigotas from the Committee on Taxation on Bill "An Act to Amend the Elderly Householders Tax and Rent Refund Act" (H. P. 538) (L. D. 654) reporting same.

Mr. Twitchell from the Committee on Taxation on Bill "An Act to Repeal the Sales Tax on Fuel Oil and to Enact in its Place an Excise Tax on Fuel Consumed in Industrial and Manufacturing Establishments" (H. P. 865) (L. D. 1074) reporting same.

Reports were read and accepted and sent up for concurrence.

**Referred to the Committee on
Health and Institutional Services**

Mr. Gauthier from the Committee on Judiciary on Bill "An Act to Clarify Municipal Obligation for Relief under the Pauper Laws" (H. P. 245) (L. D. 326) reporting that it be referred to the Committee on Health and Institutional Services

Report was read and accepted, the Bill referred to the Committee on Health and Institutional Services and sent up for concurrence.

**Referred to the Committee on
Performance Audit**

Mr. Cooney from the Committee on State Government on Bill "An Act Relating to Personnel Classification and Functions of the Review and Evaluation and Fraud Investigation Division of the Department of Audit" (H. P. 1122) (L. D. 1409) reporting that it be referred to the Committee on Performance Audit

Report was read and accepted, the Bill referred to the Committee on Performance Audit and sent up for concurrence.

**Ought to Pass in New Draft
New Drafts Printed
Tabled and Assigned**

Mr. Talbot from the Committee on Human Resources on Bill "An Act Relating to Mandatory Reporting of Child Abuse or Neglect" (Emergency) (H. P.

153) (L. D. 201) reporting "Ought to Pass" in New Draft (H. P. 1488) (L. D. 1680)

Report was read.

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

Mr. TALBOT: Mr. Speaker and Members of the House: This is an emergency piece of legislation that has a unanimous committee report from our committee. It does have an emergency preamble to it, and I would hope that we would wait, if we want to debate the bill, or offer amendments, that we wait and try to get it through its second reading today so that the Senate may get it tomorrow. The reason why I say that is because in talking to the Department of Health and Welfare, Mr. Edgar Merrill, there is a deadline, which is the 18th, where legislation has to be passed and they have to have filed by the 18th. So we are going to try and see if we can't do that for them.

So if you would wait until the enactment state, I would appreciate it.

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

Mr. LaPOINTE: Mr. Speaker, an inquiry, if I may. Would it be in order to table this bill for one legislative day?

The SPEAKER: The motion to table is always in order.

Mr. LaPOINTE: Mr. Speaker, I so move.

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

Mr. Mulkern of Portland requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. LaPointe, that this matter be tabled pending acceptance of the committee report and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.
29 having voted in the affirmative and 76 having voted in the negative the motion did not prevail.

Thereupon, the Report was accepted and the Bill read once. Under suspension of the rules, the Bill was read the second time.

Mrs. Post of Owls Head moved the matter be tabled for one legislative day.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentlewoman from Owl's Head, Mrs. Post, that this matter be tabled pending passage to be engrossed and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.
66 having voted in the affirmative and 44 having voted in the negative, the motion did prevail.

Tabled and Assigned

Mr. Greenlaw from the Committee on Marine Resources on Bill "An Act to Create the Maine Fishing Gear Damage Fund" (H. P. 412) (L. D. 500) reporting "Ought to Pass" in New Draft (H. P. 1489) (L. D. 1681)

Reports were read.
On motion of Mr. Palmer of Nobleboro, tabled pending acceptance of the Committee Report and tomorrow assigned.

**Ought to Pass
Printed Bills**

Mr. Drigotas from the Committee on Taxation on Bill "An Act to Simplify the Computation of Tree Growth

Reimbursement" (H. P. 244) (L. D. 298) reporting "Ought to Pass"

Mr. Drigotas from the Committee on Taxation on Resolve, Authorizing the State Director of Property Taxation to Convey by Sale the Interest of the State in Certain Lands in the Unorganized Territory (H. P. 241) (L. D. 296) reporting "Ought to Pass"

Mr. Finemore from the Committee on Taxation on Bill "An Act to Exempt Nonprofit Health Care Corporations from Sales Tax on Medical Supplies and Equipment Donated to Patients" (H. P. 74) (L. D. 86) reporting "Ought to Pass"

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

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

Mr. FARLEY: Mr. Speaker, I move we reconsider our action whereby Bill "An Act to Establish the Electric Facility Siting Act," Senate Paper 483, L. D. 1675, was referred to the Committee on Natural Resources in concurrence.

On motion of the same gentleman, tabled pending his motion to reconsider and tomorrow assigned.

Divided Report Tabled and Assigned

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Bill "An Act to Send to the People in a Special Advisory Election the Question of whether or not the Maine Legislature Shall Repeal its Ratification of the So-called 'Equal Rights Amendment'" (H. P. 851) (L. D. 1040)

Report was signed by the following members:

Messrs. CURTIS of Penobscot
GRAHAM of Cumberland
— of the Senate.

Messrs. QUINN of Gorham
PELOSI of Portland
WAGNER of Orono
FARNHAM of Hampden
COONEY of Sabattus
CARPENTER of Houlton

Mrs. KANY of Waterville
Mrs. SNOWE of Auburn
— of the House.

Minority Report of the Same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following members:

Mr. WYMAN of Washington
— of the Senate.

Messrs. STUBBS of Hallowell
LEWIN of Augusta
— of the House.

Reports were read.

Mr. Cooney of Sabattus moved that the House accept the Majority "Ought not to pass" Report.

On further motion of the same gentleman, tabled pending his motion to accept the Majority Report and tomorrow assigned.

Divided Report Tabled and Assigned

Majority Report of the Committee on Taxation on Bill "An Act Relating to Amount of Annual Excise Tax on Railroads" (H. P. 125) (L. D. 158) reporting "Ought to Pass" in New Draft (H. P. 1494) (L. D. 1740)

Report was signed by the following members:

Messrs. WYMAN of Washington
MERRILL of Cumberland
— of the Senate.

Messrs. MAXWELL of Jay
TWITCHELL of Norway
DAM of Skowhegan
COX of Brewer
FINEMORE of Bridgewater
— of the House.

Minority Report of the Same Committee reporting "Ought Not to Pass" on Same Bill.

Report was signed by the following members:

Mr. JACKSON of Cumberland
— of the Senate.

Messrs. DRIGOTAS of Auburn
MORTON of Farmington
SUSI of Pittsfield
IMMONEN of West Paris
MULKERN of Portland
— of the House.

Reports were read.

On motion of Mr. Drigotas of Auburn, tabled pending acceptance of either Report and tomorrow assigned.

(Off Record Remarks)

On motion of Mr. Rolde of York,
Recessed until four o'clock this afternoon.

After Recess
4:00 P.M.

The House was called to order by the Speaker.

Divided Report

Majority Report of the Committee on State Government on Bill "An Act to Restrict Armed Forces Preferences in State Employment to Veterans Who Were not Career Officers or Career Enlisted Personnel" (H. P. 398) (L. D. 487) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Restrict Armed Forces Preferences in State Employment to Veterans Who Were Not Career Officers or Career Enlisted Personnel and to Remove a Barrier to Affirmative Action Programs" (H. P. 1491) (L. D. 1739)

Report was signed by the following members:

Messrs. GRAHAM of Cumberland
CURTIS of Penobscot
WYMAN of Washington
— of the Senate.

Messrs. COONEY of Sabattus
WAGNER of Orono
PELOSI of Portland
FARNHAM of Hampden
QUINN of Gorham
LEWIN of Augusta
STUBBS of Hallowell

Mrs. SNOWE of Auburn
Mrs. KANY of Waterville
— of the House.

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

Report was signed by the following member:

Mr. CARPENTER of Houlton
— of the House.

Reports were read.

Mr. Cooney of Sabattus moved the House accept the Majority "Ought to pass" Report.

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

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the motion before you to accept the Majority "Ought to pass" Report. You can see, I am on the Minority

"Ought not to pass" side, and it is a bit lonely down there all by myself.

While I agree with the concept of most of the bill to restrict veterans preference to people other than career people, there are items about this bill that I feel lend themselves to abuse. The other provision of the bill is one that will allow a veteran, once he is on the register, to be passed over without accountability on the person hiring, if you will. As it stands now, once a veteran gets on the register, if the veteran is number two, for example and the person hiring wants to hire number four, then he has to state in writing why he doesn't want the veteran. I realize that this perhaps leans too heavily toward the veteran; however, with the number of people around here that I have talked to that are against the concept of veteran's preference totally, completely, I think that this bill lends itself to abuse. I think now if, for example, a department head is anti veteran's preference, it will allow him a little bit too much room to maneuver and a lack of accountability, and I would request a division.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker and Members of the House: This bill, as the gentleman from Houlton points out, has two major aspects, and I would like to address each briefly for just a moment.

Veterans benefits originated a couple centuries ago in a frontier country where service for the country meant a great deal of personal hardship, and the benefits were designed at that time for the purpose of compensation or for one-time adjustment for difficulties under which people had foregone when they had to go away and leave their families and their crops. At that time, people who were career military types had no provision for retirement. In fact, the retirement system as we know it now has not really come into effect until this century. So any benefits that were given to the one-time farmer or fisherman who went away to fight for a war and came back also had to be extended to those career types, since they had no place to go when they retired but the old soldier's or sailor's home, which they funded themselves. However, veteran's benefits became a sort of tradition after the Civil War, when the Commander of the Grand Army of the Republic said to his people, "Boys, stick with me and we will drive a ten-horse team to the U.S. Treasury." And the Grand Army of the Republic did just that. With that as an example, and with the millions of people today who qualify as veterans, veteran's benefits have become a pervasive, ubiquitous kind of thing that no longer in fact served the direct benefit of the veterans themselves in several cases, and these are two of the cases in which what has purported to be a benefit to the veteran has become in fact a disadvantage to many veterans.

Today, it is addressing the first aspect of the bill. There are very generous retirement provisions and normal, career, military people, whether officers or enlisted, have more than adequate retirement pay upon their retirement and therefore the question of their needing special benefits in order to compensate them for losses or suffering in order to be able to compete is a lesser thing. And, in fact, these fully retired people frequently do compete on an absolutely equal basis with the younger, more disadvantaged, veteran.

In the first portion of the bill, a veteran is given five points when he or she takes an examination for state civil service employment. You must get 70 points to qualify. Once you have done that, you receive an extra bonus of five points, and you therefore enjoy this five percent advantage, if you want to call it that, on the list in which you are placed for eligibility qualifying you for the job. That means that a fully retired person drawing, as I said, generous retirement pay, is in exactly the same circumstance as a young Vietnam veteran who has been disadvantaged by being taken away forcefully through the draft for three years. I, for example, could compete on perfectly equal terms, receiving the five point benefit, just exactly like a disabled veteran or just exactly like a young Vietnam veteran, and I would suggest that that provision is as much of a disadvantage to the veterans themselves, if you would look at the entire spectrum, as it is to the state civil service employemnt.

The second aspect of the bill addresses a preference in hiring. What the law says, if the top five people qualified for a given job apply, then veterans must be hired as they fall in this top five, or if you choose to bypass number one or two and go to number three, you must put in writing a letter as to why you failed to choose the veteran. This, as you can see, frequently results in an embarrassing circumstance. The actual number of veterans who take jobs through those preference is very small. It works very much to the disadvantage of women, because there are few women who are in fact veterans and women, therefore, find it very very difficult to compete in these top five positions. And, as I say, it results in a frequently embarrassing circumstance for the veteran applicant himself.

These bills were both developed as a result of the committee from the 106th Legislature who did the study on the State Personnel System, and they are part of the reforms that were recommended by that group. I was given the bill because I happened to be standing nearest to the door when they handed out bills that day, and also, I guess, because I qualify exactly as that category of people who will be disadvantaged, since I am fully retired myself, yet I think the bill in both aspects is a good bill, and I would urge you to vote for the "ought to pass" report.

The SPEAKER: The pending question is on the motion of the gentleman from Sabattus, Mr. Cooney, that the House accept the Majority "Ought to pass" Report. All in favor of that motion will vote yes those opposed will vote no.

A vote of the House was taken.

90 having voted in the affirmative and 9 having voted in the negative, the motion did prevail.

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

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" on Bill "An Act Granting a Property Tax Exemption for Property Leased by Community Mental Health Centers" (H. P. 480) (L. D. 599)

Report was signed by the following members:

Messrs. WYMAN of Washington
JACKSON of Cumberland
— of the Senate.

Messrs. MORTON of Farmington
MAXWELL of Jay
TWITCHELL of Norway
SUSI of Pittsfield
FINEMORE of Bridgewater
IMMONEN of West Paris
COX of Brewer
MULKERN of Portland

— of the House.

Minority Report of the Same Committee reporting "Ought Not to Pass" on Same Bill.

Report was signed by the following members:

Mr. MERRILL of Cumberland
— of the Senate.

Messrs. DAM of Skowhegan
DRIGOTAS of Auburn
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Drigotas.

Mr. DRIGOTAS: Mr. Speaker and Members of the House: I have found out over the weekend that my reasons for signing the "ought not to pass" report were not well founded, so now reverse myself and ask you to accept the "ought to pass" report.

Thereupon, on motion of Mr. Drigotas of Auburn, the Majority Report was accepted, the Bill read once and assigned for second reading tomorrow.

Consent Calendar

First Day

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

Resolve, Confirming the Transfer of Certain Lands from the Department of Mental Health and Corrections to the Department of Conservation, Bureau of Public Lands — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-157) (H. P. 843) (L. D. 1028)

Bill "An Act to Change Limits under Small Claims Actions" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-52) (S. P. 207) (L. D. 697)

Bill "An Act Relating to the State Soil and Water Conservation Commission" — Committee on State Government reporting "Ought to Pass" on amended by Committee Amendment "A" (S-54) (S. P. 135) (L. D. 474)

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 15, under listing of the Second Day.

Consent Calendar

Second Day

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

Bill "An Act to Repeal References to Dairy and Farm Institutions within the Department of Mental Health and Corrections" (H. P. 514) (L. D. 632)

Bill "An Act to Eliminate the Position of Farm Supervisor of the Department of Mental Health and Corrections" (H. P. 516) (L. D. 634)

Bill "An Act Providing for a State Developmental Disabilities Planning and Advisory Council" (H. P. 871) (L. D. 1077)

Bill "An Act to Remove the Limitation on the Amount of Real or Personal Property Authorized to be Held by the Portland Diet Mission" (C. "A" H-151) (H. P. 647) (L. D. 799)

Bill "An Act Relating to Compensation

and Benefits under the State Classified Service" (C. "A" H-153) (H. P. 406) (L. D. 495)

Bill "An Act Prohibiting Increase of Finance Charges on Outstanding Balances of Open-End Accounts under the Consumer Credit Code" (Emergency) (C. "A" H-150) (H. P. 600) (L. D. 743)

Bill "An Act to Require a Notice of Default to be given within Prescribed, Intervals as Applicable for Open-End Credit Transactions under the Consumer Credit Code" (Emergency) (C. "A" H-151) (H. P. 608) (L. D. 751)

Bill "An Act Concerning Refinancing of Credit Sales on Consolidation under the Consumer Credit Code" (C. "A" H-152) (H. P. 610) (L. D. 753)

Bill "An Act Relating to Motor Vehicle Certificates of Title" (C. "A" S-51) (S. P. 217) (L. D. 716)

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

Passed to Be Engrossed

Bill "An Act to Require the Executive Council to Inform the Governor and the Legislature of its Activities" (H. P. 1483) (L. D. 1620)

Bill "An Act Relating to the Sale or Possession of Commercial Slingshots and the Possession of Pellet Guns in Motor Vehicles" (H. P. 1487) (L. D. 1679)

Bill "An Act to Clarify the Law Relating to Group Insurance Certificates" (H. P. 1485) (L. D. 1677)

Bill "An Act Amending Certain Laws Relating to Games of Chance" (H. P. 1486) (L. D. 1678)

Bill "An Act Relating to Sale of Stuffed Toys" (H. P. 669) (L. D. 843)

Bill "An Act Increasing the Number of Associate Justices of the Supreme Judicial Court" (S. P. 147) (L. D. 510)

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

Amended Bill

Bill "An Act Concerning Annual Notification Fees under the Consumer Credit Code, Concerning a Lender Collecting and Enforcing Loans without a License, and Requiring the Payment of Certain Investigation Fees to the Superintendent of the Bureau of Consumer Protection" (H. P. 607) (L. D. 750) (C. "A" H-149)

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

Emergency Measure Tabled and Assigned

An Act Appropriating Funds for the State Share of the Spruce Budworm Control Program and Imposing a Tax on Forest Lands for Spruce Budworm Control (H. P. 560) (L. D. 689)

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

(On motion of Mr. Smith of Dover-Foxcroft, tabled pending passage to be enacted and tomorrow assigned.)

Emergency Measure Tabled and Assigned

An Act Amending Chapter 6 of the Private and Special Laws of 1975, Relating to the Borrowing Capacity of School Administrative District No. 19 (H. P. 1484) (L. D. 1682)

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 none 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 to Abolish Certain Filing Requirements for Out-of-State Nurserymen and Dealers Doing Business with this State (S. P. 262) (L. D. 859)

Finally Passed

Resolve, Providing for Purchase of Copies of Town Histories (H. P. 1381) (L. D. 1410)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bill passed to be enacted, Resolve finally passed, both signed by the Speaker and sent to the Senate.

Orders of the Day

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

Bill "An Act Concerning the Municipal Valuation Appeals Board and Procedures for Municipal Appeals" (H. P. 1015) (L. D. 1520) which was referred to the Committee on State Government in the House on March 26. Came from the Senate referred to the Committee on Taxation in non-concurrence.

Tabled — April 11, by Mr. Cooney of Sabattus.

Pending — Motion of Mr. Finemore of Bridgewater to Recede and Concur.

Mr. Finemore of Bridgewater withdrew his motion to recede and concur.

On motion of the same gentleman, the House voted to insist.

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

Bill "An Act Exempting Certain Energy-Conserving Building Construction Materials from Taxation" (Emergency) (S. P. 461) (L. D. 1514) — In Senate, Referred to Committee on Energy.

Tabled — April 11, by Mr. Cote of Lewiston.

Pending — Motion of Mr. Finemore of Bridgewater to refer to the Committee on Taxation in non-concurrence.

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

Mr. KELLEHER: Mr. Speaker, I move this lie on the table one day pending reference.

Thereupon, Mr. Dam of Skowhegan requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that this matter be tabled pending the motion of Mr. Finemore of Bridgewater to refer to the Committee on Taxation in non-concurrence and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

70 having voted in the affirmative and 34 having voted in the negative, the motion did prevail.

The Chair laid before the House the third

tabled and today assigned matter:

HOUSE DIVIDED REPORT — Majority (8) "Ought Not to Pass" — Minority (4) "Ought to Pass" — Committee on Election Laws on Bill "An Act to Provide for Open Filing in Primary Elections" (H. P. 624) (L. D. 770)

Tabled — April 11, by Mr. DeVane of Ellsworth.

Pending — Motion of Mrs. Boudreau of Portland to accept Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. DeVane.

Mr. DEVANE: Mr. Speaker, Representative Call, Republicans and Democrats of the House: I make that introduction because I rise to oppose the motion of the lady from Portland that the majority report of the Election Laws Committee on L. D. 770 be accepted.

L. D. 770 is An Act to Provide for Open Filing in Primary Elections. I wouldn't take the time of this House, except that I would like to point out that of the six members of the Election Committee who were able because of press of business to make the hearing and hear it, three signed the "ought to pass" report and three not. On that basis, I think it is worth defending. I am sure that even Mr. Bustin, Chairman of the Democratic Party, when he hears these remarks may join me.

This is not a proposal for cross filing. This proposal would not permit Democrats to vote in a Republican Primary, nor the reverse, inverse, converse or whatever. It would permit anyone constitutionally able to seek an office to offer themselves to a constituency of either party. I think there is a great deal of difference. I am of the opinion that people are higher Democrats for good, substantial reason and that people are Republicans for similar good and substantial reason. I suggest to you that a party a person belongs to is more apt to reflect their perceptions of the past than it is their aspirations of the future, and it may tell you something of their origins but it will tell you very little of their abilities.

This is not a radical proposal. It is not even mildly radical. It proposes to return Maine to what the State of Maine had for 40 or 50 years. There are people in this chamber who recall when the present law was changed, I think either two or four years ago. At any rate, throughout these remarks, I would ask you to remember this. I am not asking the House to consider anything very new. I am asking you to reconsider what this state allowed for decades and it was a good thing.

Political parties, and many of you have more experience in them than I and know more about them, but they exist primarily for one purpose. They exist primarily to put forward good people for public office. To the extent that they do that they are good, and to the extent that they don't, it is better perhaps that they have an occasional challenge.

I would point out to you that the framers of the Maine State Constitution, like the framers of the Federal Constitution, left the question moot. There is nothing in the Constitution about the parties. I ask you to examine what are the requirements to join a party. You present yourself and you are qualified to vote, and you elect to join a party. There is no fee, there is no examination, you don't even have to pledge to support the platform. You can even be a Republican if nobody in town wants you to be, and you can be a

Democrat if nobody in the state wants you to be; it is that simple. Each of us join and belong to a party and try to make it what we think it should be. I suggest to you that is for the best. It would be tragic to have it otherwise.

I guess there is no other way to approach this than to get right down to what is called the nitty-gritty. For 40 or 50 years in Maine, anybody who could hold an office could take a nominating petition and they could put down Jane Doe, enrolled in, and fill it in, seeks the nomination of, and fill that in. Now, it wasn't done very often and it won't be done very often in the future and it isn't successful and it isn't even attractive to a lot of people, but it is a possibility that I think should always be there.

It seems a few yers ago a Mr. Quinn, and I am unacquainted with Mr. Quinn in Bangor and I don't know which party he belongs to, but he ran in both primaries and lo and behold he won them both. That was just terrible. Coincidentally, in Hancock County a Democratic candidate for sheriff entered the Republican primary and came within 104 votes of winning. I understand in York County a Republican made so bold as to enter a Democratic primary and did very nicely. I would suggest to you that if you could find an issue on which you could unite York County Democrats and Hancock County Republicans, you have a very fine issue or a very poor one, and in this case, I think it was a very poor one, because the party people in both parties in response to these three situations came to Augusta and drew the wagons around the party, so to speak. We must not let this happen again.

As a practical matter, if the Hancock County Republicans had addressed the real problem, they wouldn't have a Democratic sheriff up in Hancock County today, because that was the real problem. If they had been half as concerned about what the citizenry thought in the enrolled Republicans about the office holder and the candidate, and he is a fine man and a friend, but if they wanted to be realistic, they should have addressed the problem instead of changing the rules of the game. I think that maybe 10 or 15 or 20 times in 40 years in this state a member of one party or a member of no party has submitted themselves to a constituency of the other party and a half dozen times they won, and my God, we have changed the rules.

I didn't say this to the Election Laws Committee, but I am going to say it here. I don't make this proposal; I don't have any intention of entering a Republican primary, and I assure you I will not and I have very serious doubts about entering a Democratic party again, but we will address that later. But I would point this out to you. Thomas Jefferson observed that a man's religion is good to the extent that it makes him a better man. I suggest to you that a persons partisan politics is good to the extent that it makes him a better citizen. I belong to a church, I support it, I attend it, but I observe in our little city that many of the finest people in the community don't go to my church. I observe, in fact, that many of them don't go at all. But I wouldn't suggest for a minute that they aren't fine people. I wouldn't suggest if one of them wanted to that we ask them not to.

The political parties are not fragile. The political parties, I suppose, we could address it this way. There are issues in this state and in this country when people abandon parties by the thousands and

sometimes the parties don't even address themselves to that. We can look, to the election in district after district and see where the party faithful were not faithful, but if three or four people constitutionally able to hold an office present themselves to a constituency, that alarms the party people. Well, I am a party people. I have been a county chairman, it is no great distinction, in the Democratic party in Hancock County, but I have done it, and I have been a town chairman, and I have broken bread with many of the party faithful in both parties around this state. I think they are outstanding people and I can't tell you what a few weeks legislative experience and knowing the people here has done for my estimation of the people in both parties. I am much happier now for some of the past efforts to elect people here. I appreciate more some of the good we did 10 or 12 years ago. But I don't see any need to drag a circle of wagons around this to change the rules every time some small thing happens.

I think that right now is the worst possible time for either of the political parties in this state — and don't think the general public doesn't have some stakes in a primary, ladies and gentlemen, I think they pay for them. Somebody suggested to me, he said, you are not going to get up and talk about that with 150 members of the House. I said, yes I am, I think the public has an interest in the primaries of both of our parties. They have a financial interest in them and they have an interest in the future. I think at a time when 30 or 40 percent, they tell us, in certain age groups of people are saying a plague on both your houses and not joining either and not caring less is a very poor time for the parties to say, we will only consider our own. So I would ask you to consider not a radical idea but consider turning Maine back to where it was for 40 or 50 years when the political parties in every constituency, whether it was a town or county in the state said, come on, you get the same number of signatures, an independent, get the same number of signatures as a member of a party, of party members, you go on the ballot, you win, fine. I will tell you, it won't happen ten times, but you will be able to hold your head up. Those of us who want to say to other people, yes, I am proud of the Democratic party and will consider the candidacy of anybody constitutionally able to hold the office. It is not radical in Maine, it is traditional.

The SPEAKER: The Chair recognizes the gentleman from Limestone Mr. Albert.

Mr. ALBERT: Mr. Speaker and Members of the House: Could I have the Clerk read the committee report.

Thereupon, the Report was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. Albert.

Mr. ALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I voted on the minority side. I would like to change my position to the majority "ought not to pass".

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: The Chairperson of the Election Laws Committee is not present this afternoon because of another engagement. She asked me to say a word or two about this bill in behalf of the majority report. It rather grieves me to have to do so, because I am going against

the bill, my very good friend and Democratic colleague, Mr. DeVane. I might say I am quite surprised that this bill comes from the man who is so vehement against paddling around in other people's primaries, Mr. Quinn acknowledges that he finds that ironic too.

I guess the position is very simple as far as the Election Laws Committee is concerned. You declare yourself one way or the other. What are you saying about yourself when you are filing both ways? You have either got spots, or you have got stripes, or you have no markings whatsoever. Let the people know; it is as simple as that when we move the majority report.

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

Mr. CALL: Mr. Speaker and Members of the House: The voters need a variety of opportunities because of the apathy demonstrated by voters. We need bills like this to bring the voters back to the polls. We need not only to bring back the voters who have stopped voting, but to keep the voters we have now.

As a member of the Election Laws Committee, I am hearing bills which, if they become laws, I am afraid will repel voters instead of persuading them to vote.

I agree with the gentleman from Ellsworth, and I feel that this proposed legislation is good and I support it. The national percentage of voting by the registered voters is less than 40 percent. Of course, that average includes the times when they don't go and then when it is up above 70 or 75 percent at a general election and even more at a presidential election. Certainly, we should be doing our part here in Maine to increase the percentage of voting.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: Like the Biblical leper, I rise and to support Mr. DeVane. I hope this is not the kiss of death, but I am glad that no matter how late, he comes to wisdom.

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

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: As you are probably aware, I was one of those majority signers of this report, my reasons being first that I am opposed to this philosophy of selecting candidates at the primary election. Second, that the first section of the bill would appear to be unconstitutional. If you look at the bill, it amends the Title 21, Section 444, in the second sentence to read, "he must be a legally qualified voter on or before April 1 in the district he seeks to represent." The present statute reads, "he must be an enrolled voter on or before April 1 in the party named in the petition."

If you refer to the Constitution of the State of Maine Section 4, Article 4, it says, "No person shall be a member of the House of Representatives unless he shall, at the commencement of the period for which he is elected, have been a five-year citizen of the United States, have arrived at the age of 21 years, have been a resident of the state one year and for the three-month period preceding the time of his election."

The election they are referring to is the general election; they make no reference to the primary election at all. This would be, I think, kind of a highly irregular way of amending the Constitution.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. DeVane.

Mr. DeVANE: Mr. Speaker and Members of the House: It is beyond my competence to comment on the Constitution, at least as it relates to this.

I would like to respond to Mr. Quinn. I said, I guess, perhaps unkindly, that his proposal for open primaries would permit people to paddle around in other people's primaries. I should like to put it a little better and a little more nicely. It would have allowed people who are not Democrats to vote in a Democratic primary, and it would have allowed people who are not Republicans to vote in a Republican primary, and I am of the opinion that Republicans should select their own candidate, and I am of the opinion that Democrats should select their own candidate, and I think that is simple enough and I regret having had fun with that phrase.

This proposal guarantees not only the integrity of the parties. Only a Republican could vote in the Republican primary; only a Democrat could vote in a Democratic primary, but if I may talk about turkeys a little, if a party's candidate is that vulnerable that they can lose in their own primary, so be it. I wouldn't suggest any system which would permit persons not members of a party to select that party's candidate. I would suggest that I would hope that the parties in this state have enough conviction in their own purposes that they would at least countenance the candidacy of a person who wasn't a member if 25 people, in the case of a House seat who were party members, would sign their papers. I guarantee you, a very few would win.

I suppose after those remarks I will lose two more signers of the report, but I would like to point out that of the six people, hard-working members of the Election Committee, and believe me, some people with very strong feelings about the parties seat that committee and serve on it and serve it well. I perhaps shouldn't have said, when I got up the first time, that because three of the six who managed to be at the hearings signed the bill, I felt encouraged; I am less encouraged now but I still commend it to you.

The SPEAKER: The pending question is on the motion of the gentlewoman from Portland, Mrs. Boudreau, that the House accept the Majority "Ought not to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. DeVane of Ellsworth requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Portland, Mrs. Boudreau, that the House accept the Majority "Ought not to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS: Albert, Ault, Bachrach, Bennett, Berry, G.W.; Berry, P.P.; Birt, Bowie,

Burns, Bustin, Carey, Carter, Chonko, Churchill, Clark, Cooney, Cox, Curran, P.; Curran, R.; Curtis, Drigotas, Durgin, Farley, Fenlason, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Hall, Henderson, Hennessey, Hughes, Hunter, Hutchings, Ingegneri, Jalbert, Joyce, Kauffman, Kelley, Laverty, LeBlanc, Lewin, Lizotte, Lovell, Lynch, MacEachern, Mackel, MacLeod, Mahany, Maxwell, McBreairty, Mills, Mitchell, Morton, Mulkern, Nadeau, Najarian, Peakes, Pelosi, Perkins, T.; Post, Powell, Raymond, Rolde, Saunders, Shute, Silverman, Sprowl, Talbot, Tarr, Theriault, Tierney, Torrey, Truman, Twitchell, Tyndale, Wilfong and Winship.

NAYS: Berube, Blodgett, Call, Carpenter, Carroll, Connolly, Dam, DeVane, Doak, Farnham, Faucher, Finemore, Garsoe, Gauthier, Greenlaw, Hewes, Higgins, Immonen, Kelleher, Kennedy, Laffin, LaPointe, Leonard, Lewis, Littlefield, Lunt, Martin, A. Peterson, P.; Pierce, Quinn, Rideout, Rollins, Smith, Snow, Stubbs, Tozier, Usher and Walker.

ABSENT: Boudreau, Conners, Cote, Davies, Dow, Dudley, Dyer, Gray, Hinds, Hobbins, Jackson, Jacques, Jensen, Kany, Martin, R.; McKernan, McMahon, Miskavage, Morin, Norris, Palmer, Perkins, S.; Peterson, T., Snowe, Spencer, Strout, Susi, Teague, Wagner and Webber. Yes, 79, No, 38; Absent, 32.

The SPEAKER: Seventy-nine having voted in the affirmative and thirty-eight in the negative, with thirty-two being absent, the motion to accept the majority "ought not to pass" report did prevail. Sent up for concurrence.

(Off Record Remarks)

Mr. Dam of Skowhegan was granted unanimous consent to address the House.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I think it is quite evident to many of the people here that I have no love for the Guy Gannett Newspaper chain. I also have no love for any reporter of any newspaper in this state or any state that prints an outright lie. This lie was printed in last Friday's Kennebec Journal. It was printed in regard to a bill that was heard before the Committee on Local and County Government, a bill that is sponsored by the Representative from Winslow, Mr. Carter. I would read to you from the issue of 4-11-75 of the KJ, and this was written by Sara Hurter, KJ Staff Writer. This is in regard to the Kennebec County Commissioner District Bill which Mr. Carter has filed.

The legislature's Local and County Government Committee held a hearing on this bill, L. D. 1174, Thursday, when Commission Chairman, Charles E. Moreshead of Augusta presented the views of the commission. There was no opposition at the hearing, there was no views of the Kennebec Commissioner's position stated at that hearing and this morning, when I picked up my mail, as I am sure many of you people picked up your letters in your mailboxes, a letter was addressed to the Senate Chairman of the Local and County Government Committee saying, due to a conflict in my schedule I was unable to attend the hearing before your committee on L. D. 1174. Then he goes on to give his views. It is signed, Charles E. Moreshead, Chairman of the Kennebec County Commissioners.

This is not in anyway to debate the merits of the bill, whether it has merit or not. What I

want in the record is to show that what we read in the newspapers, especially in the Gannett chain of newspapers, is not always the truth but sometimes reported when not even the reporter is there or anybody from the news staff is there. I think it high time that maybe the Gannett Company will read this day and they will decide that they will start reporting the truth.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: Now that the door has been opened, I would be remiss if I didn't stand up on my feet and put in my two words of disgust with this thing that occurred last Friday. To say that I was flabbergasted at the attempted "con" job that appeared in the KJ on Friday last, is putting it very mildly. Of course, I refer specifically to the article which the good Representative Dam has just referred to. It deals with my bill and it was under the by-line of "Commissioners Glum About District Plan." I refer specifically to the passage that states "The legislature's Local and County Government Committee held a hearing on bill, L. D. 1174, Thursday, when Commission Chairman Charles E. Moreshead of Augusta presented a view to the Commission." Ladies and gentlemen of the legislature, this is nothing but a bald-faced lie.

Commission Chairman Moreshead was not present, as you have heard Representative Dam so state.

There were no opponents to my bill at the hearing. Only proponents appeared before the committee. Now, I don't know where this particular reporter obtained her information, but it is apparent to me that she erred greatly. I had a release prepared for the Kennebec Journal, but apparently she chose to ignore the handwritten note attached to it and I noted specifically on that note that there was no opposition present at the hearing. Had there been opposition, I would have been able to rebut their testimony. After all, this is the reason for public hearings.

Commissioner McClay refers to my bill as a "Mason-Dixon Line Creation" and goes on to say "that this kind of districting would only precipitate more sectionalism in the county." I submit to you, ladies and gentlemen, that Commissioner McClay should be more selective in his verbiage. If there was any thought of a Mason-Dixon line connected with this bill, it is the result of their own thoughts and actions, not mine. My thoughts deal with fiscal responsibility and not sectionalism or Mason-Dixon Line concepts.

As some of you know, I am presently serving on a subcommittee of the county delegation charged specifically with looking into various aspects of Kennebec County budgetary procedures and expenditures. Ladies and gentlemen, it is difficult for me to believe what I have found. It all seems so incredible, incredible because the county commissioner's duties are strictly defined and governed by the statutes, and this fact has been reinforced in a recent court decision of State v. Valley and recent opinions from the Attorney General's Office.

Their budgetary duties are plainly PRINTED IN Section's 251, 252, 253, 253a, 254 and 408 of Title 30, Maine Revised Statutes, but it appears to me that either the commissioners cannot read or they have chosen to ignore the statutes.

In short, they have overdrafts of upwards to a quarter million dollars for the last biennium, overdrafts IN "I

separate departments during each year of the biennium. Overdrafts are plainly prohibited by the statutes. They have transferred funds from department to department, which is also prohibited by the statutes. They fail to provide the delegation with all the budgetary information required by the statutes. They have made several expenditures, not approved by the legislature, as required by the statutes. They fail to set up a contingency fund to take care of the emergencies. They exceeded the two percent overlay authorized by the statutes by nearly 8 percent, or more specifically, they over assessed the communities of the county by more than \$93,000. They used the surplus funds as a slush fund in lieu of reducing the tax levied for the ensuing year as required by the statutes. The commissioners want us to ignore this as irrelevant and would like us to believe that my district bill, as proposed for the county, would foster sectionalism and create a Mason-Dixon Line between Augusta and Waterville. I ask you, ladies and gentlemen of the legislature, who is conning who?

(Off Record Remarks)

On motion of Mr. Twitchell of Norway, Adjourned until nine-thirty tomorrow morning.