

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

Thursday, April 17, 1975
 The House met according to adjournment and was called to order by the Speaker.
 Prayer by Father Kenneth Connors of Lewiston.
 The journal of yesterday was read and approved.

Papers from the Senate Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Remove Certain Provisions in the Motor Vehicle Statutes Concerning Unnecessary Tire and Brake Noises" (S. P. 100) (L. D. 378) reporting that they are unable to agree.

Signed:
 Messrs. GREELEY of Waldo
 MERRILL of Cumberland
 CLIFFORD of Androscoggin
 — of the Senate.
 Messrs. GAUTHIER of Sanford
 BENNETT of Caribou
 Mrs. MISKAVAGE of Augusta
 — of the House.

Came from the Senate with the Report read and accepted. The Report was read and accepted in concurrence.

Reports of Committees Leave to Withdraw

Committee on Business Legislation reporting Leave to Withdraw on Bill "An Act to Prohibit Coordination Benefits under any Group Health Insurance Policy" (S. P. 65) (L. D. 182)

Committee on Natural Resources reporting Leave to Withdraw on Bill "An Act to Require the Consideration of Economic Factors in the Location of Developments under the Site Location of Development Act" (S. P. 246) (L. D. 828)

Came from the Senate with the Reports read and accepted.

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

Ought to Pass in New Draft New Draft Printed

Committee on Labor on Bill "An Act Relating to a Close Corporation Under the Unemployment Compensation Laws" (S. P. 11) (L. D. 43) reporting "Ought to Pass" in New Draft under same title (S. P. 493) (L. D. 1822)

Committee on Labor on Bill "An Act to Clarify the Definition of Employee in the Workmen's Compensation Act" (S. P. 131) (L. D. 436) reporting "Ought to Pass" in New Draft under same title (S. P. 492) (L. D. 1821)

Came from the Senate with the Reports read and accepted, and the New Drafts passed to be engrossed.

In the House, the Reports were read and accepted in concurrence, the New Drafts read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" on Bill "An Act Relating to Filing Requirements for Perfecting a Security Interest in Mobile Homes under the Uniform Commercial Code" (S. P. 297) (L. D. 1023)

Report was signed by the following members:

Messrs. THOMAS of Kennebec
 JOHNSTON of Aroostook

REEVES of Kennebec
 — of the Senate.

Mrs. CLARK of Freeport
 Messrs. PEAKES of Dexter
 BOWIE of Gardiner
 TIERNEY of Durham
 HIGGINS of Scarborough
 RIDEOUT of Mapleton
 PIERCE of Waterville

Mrs. BYERS of Newcastle
 Mrs. BOUDREAU 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 member:

Mr. DeVANE of Ellsworth
 — of the House.

Came from the Senate with the Majority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A".

In the House: Reports were read.
 On motion of Mrs. Clark of Freeport, the Majority "Ought to pass" was accepted in concurrence and the Bill read once. Senate Amendment "A" (S65) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act Relating to Leasing and Selling of Property Taken or Acquired for Highway Purposes" (S. P. 310) (L. D. 1058) which was indefinitely postponed in the House on April 15.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed in non-concurrence.

In the House:
 (On motion of Mr. Rolde of York, tabled pending further consideration and specially assigned for Monday, April 21.)

Non-Concurrent Matter

Bill "An Act to Clarify the Law Relating to Group Insurance Certificates" (H. P. 1485) (L. D. 1677) which was passed to be engrossed in the House on April 14.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-62) in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Exempting Solar or Wind Power Facilities from Sales Tax" (S. P. 56) (L. D. 125) on which the Committee of Conference Report was rejected in the House on April 15.

Came from the Senate with that Body having further insisted on its former action whereby the Bill in New Draft (S. P. 402) (L. D. 1171) was passed to be engrossed as amended by Senate Amendment "A" (S-39) and asked for a second Committee of Conference in non-concurrence.

In the House: On motion of Mr. Finemore of Bridgewater, the House voted to further insist and joint in a second Committee of Conference.

The Speaker appointed the following conferees on the part of the House:

TIERNEY of Durham
 DAM of Skowhegan
 FINEMORE of Bridgewater

Non-Concurrent Matter

Bill "An Act to Clarify the Location of Certain Islands as being within the

Territorial Limits of the Town of Deer Isle" (H. P. 1374) (L. D. 1774) which was referred to the Committee on Legal Affairs in the House on April 4.

Came from the Senate referred to the Committee on Local and County Government in non-concurrence.

In the House: On motion of Mr. Greenlaw of Stonington, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Exempting Certain Energy-Conserving Building Construction Materials from Taxation" (Emergency) (S. P. 461) (L. D. 1514) which was referred to the Committee on Taxation in the House on April 15.

Came from the Senate with that Body having insisted on its former action whereby the Bill was referred to the Committee on Energy in non-concurrence.

In the House:
 The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Drigotas. Mr. DRIGOTAS: Mr. Speaker and Members of the House: The Taxation Committee is certainly not looking for more business, but this definitely is a taxation bill, and I move we insist.

Thereupon, on motion of Mr. Drigotas of Auburn, the House voted to insist.

Messages and Documents

The following Communication:

STATE OF MAINE
 DEPARTMENT OF STATE
 AUGUSTA, MAINE 04330

April 15, 1975

To Edwin H. Pert
 Clerk of the House of Representatives of the One Hundred and Seventh Legislature:

This is to notify you that the Governor has proclaimed June 3, 1975 as the date upon which a special election will be held in Representative District 79 to fill the vacancy created by the death of Representative Joseph E. Binnette of Old Town.

Respectfully,

Signed: MARKHAM L. GARTLEY
 Secretary of State

The Communication was read and ordered placed on file.

Petitions, Bills and Resolves Requiring Reference

The following Bill was received and, upon recommendation of the Committee on Reference of Bills, was referred to the following Committee:

Local and County Government

Bill "An Act Converting Hamlin Plantation into the Town of Hamlin" (H. P. 1502) (Presented by Mr. LeBlanc of Van Buren) (Approved for introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Rule 10)

Orders

Mr. Faucher of Solon presented the following Joint Order and moved its passage: (H. P. 1499)

WHEREAS, there have been several pieces of proposed legislation presented to the regular session of the 107th Legislature whose purpose is to ease the statutory requirements for obtaining a liquor license; and

WHEREAS, certain procedural, regulatory and statutory requirements for obtaining a liquor license may perhaps be too stringent in that they disqualify many

potential licensees without clear necessity for their disqualification; and

WHEREAS, there is a need for a total review of the procedures, regulations and statutes governing liquor licenses, in order to arrive at a clear legislative policy concerning the issuance of liquor licenses and qualifications of liquor licensees; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Liquor Control, to study the procedures, regulations and statutes governing the issuance of liquor licenses and the qualifications of liquor licensees; and be it further

ORDERED, that the Council report the results of its findings, together with any proposed recommendations and necessary implementing legislation, to the next special or regular session of the Legislature; and be it further

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said agencies as notice of this directive

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

On motion of Mr. Albert of Limestone, it was

ORDERED, that Patrick Jackson of Yarmouth be excused April 18 and April 21st for personal reasons.

AND BE IT FURTHER ORDERED that Charles G. Dow of West Gardiner be excused April 21st and 22nd for personal reasons.

Mr. Connors of Franklin presented the following Joint Resolution and moved its adoption: (H. P. 1503) (Cosponsors: Messrs. Ault of Wayne, Doak of Rangeley, McBreairty of Perham) (Approved for introduction by a Majority of the Committee on Reference of Bills)

Joint Resolution Memorializing the Congress of the United States to Prevent Selective Taxes from Being Imposed as a Means to Reduce Consumption of Petroleum Based Fuels.

We, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Seventh Legislative Session, now assembled, most respectfully present and petition the Congress of the United States, as follows:

WHEREAS, the citizens of Maine acknowledge there is a limited amount of petroleum based fuel left in the world; and

WHEREAS, the citizens of this State have been and are continuing to reduce their consumption of petroleum based fuels; and

WHEREAS, the imposition of a selective excise tax on noncommercial motorboat motors, snowmobiles and noncommercial aircraft as set forth in Section 323 of House Bill 5005, now before the United States Congress, will cause an undue hardship on said citizens of this State by causing certain selected citizens to pay an extra 20 percent in order to enjoy their sport; and

WHEREAS, this tax will cause an undue hardship on the State Government and the citizens of this State by depriving the State of revenue; now, therefore, be it

RESOLVED: That We, your Memorialists, do hereby respectfully request and urge the Congress of the United States to do all in its power to not impose selective taxes as proposed in House Bill 5005; and be it further

RESOLVED: That the Federal Congress be directed to actively seek alternate

sources of fuel and that any program involving the use of petroleum based energy be established on a fair and equal basis; and be it further

RESOLVED: That a suitable copy of this Memorial, duly authenticated by the Secretary of State, be transmitted forthwith by the Secretary of State to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation.

The Resolution was read.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Connors.

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: A few comments on this resolution. Hardly has the ink dried on the 1975 federal income tax rebate bill and the Federal Congress is taking up a bill which will take back which it gave. Not only that, but it seems bent on wiping out some industries. The bill number is HR-5005, and it was presented to the House Means and Ways Committee on April 7, 1975.

In section 323 of the bill, a proposal is made to impose a 20 percent excise tax on snowmobiles, non-commercial motor boat engines and non-commercial aircraft, including in each case parts or accessories therefor sold or in connection with the sale thereof.

State, county and municipal governments are not exempt. It is a fact that there is an end to the petroleum based fuels, and the people of this state, as well as other states, know it and are doing something about it. It is unfair to the citizens of the state, as well as contrary to the principles under which these same states join together under the Articles of Union to form the United States of America.

Who will be hurt most by this tax? Not the people who are living give-away government programs, not the wealthy, but the ordinary person who is trying to keep his head above water by honoring his financial obligations and hoping to have enough left over so he and his family may enjoy some recreation.

The Legislature of the State of Maine has found by statute that marine engines use not more than one and one quarter percent of the total gas consumed in Maine, and has also found that snowmobiles use not more than one half of one percent of the total gas consumed in Maine.

In view of the fact that this tax is not in the best interest of the citizens of the State of Maine, may I suggest the legislature adopt the resolution.

The SPEAKER: Is it now the pleasure of the House that this Joint Resolution be adopted?

(Cries of No)

The Chair hears objection. The Chair will order a vote. All in favor of this Joint Resolution being adopted will vote yes; those opposed will vote no.

A vote of the House was taken.

90 having voted in the affirmative and 16 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Mrs. Clark of Freeport presented the following Joint Resolution and moved its adoption: (H. P. 1504) (Approved for introduction by a Majority of the Committee on Reference of Bills)

Joint Resolution in Support of International Women's Year

WHEREAS, the United Nations has designated 1975 as International Women's Year; and

WHEREAS, the President of the United States, on January 30, 1974, proclaimed 1975 to be International Women's Year; and

WHEREAS, the aim of International Women's Year is to promote equality for men and women, to assure the full integration of women in the total development effort and to increase the contribution of women to the strengthening of world peace; and

WHEREAS, a conference on International Women's Year will be held in Mexico City beginning on June 23, 1975, which will focus on current trends and changes in the roles of women and men in political, social, economic, family and cultural life and on the major obstacles hindering the contribution of women and men as full partners in the total development effort and which will launch an international action program aimed at achieving the integration of women in development and at eliminating discrimination on grounds of sex; now, therefore, be it

RESOLVED: The Senate concurring, that we, the Members of the 107th Legislature, fully support and join with the United Nations and the President of the United States in supporting International Women's Year; and be it further

RESOLVED: That we respectfully urge the Governor to take such steps as are necessary to support the goals of International Women's Year and we urge continued support for those goals on the local, state and national level; and be it further

RESOLVED: That suitable copies of this resolution be transmitted by the Clerk of the House to the Honorable Kurt Waldheim, Secretary-General of the United Nations, to the Honorable Gerald R. Ford, President of the United States and to the Honorable James B. Longley, Governor of Maine.

The Resolution was read.

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

Mrs. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: The official emblem for International Women's Year is the biological symbol for women, the mathematical sign for equality and the Dove of Peace. The International Women's Year emblem illustrates the determination to help women to participate on every level in the solution of the world's problems. The theme for IWY is equality, development, peace. Our own Governor of this great State, Governor James B. Longley, on March 27, 1975, issued a proclamation proclaiming 1975 International Women's Year in Maine.

Kurt Waldheim, Secretary-General of the United Nations said, "It is important that everyone give serious attention now to International Women's Year in 1975. We must think positively about how the position of women in their respective societies and in international affairs could not only be improved but their large potential contribution better utilized for the benefit of all."

I urge adoption of this Joint Resolution.

Thereupon, the Joint Resolution was adopted and sent up for concurrence.

Mr. Talbot of Portland presented the following Joint Resolution and moved its adoption: (H. P. 1506) (Approved for

introduction by a Majority of the Committee on Reference of Bills) Joint Resolution in Support of the "Dance to Give Them A Chance" Marathon to Benefit the Maine Association of Retarded Citizens, the Pine Tree Camp for Crippled Children and the Maine Chapter of the Epilepsy Foundation of America

WHEREAS, the first annual "Dance to Give Them a Chance" marathon, will be held April 19th at the Wadsworth Gym of the Colby Field House on the Colby College Campus; and

WHEREAS, this dance will be sponsored by the Alpha Tau Omega Fraternity and will be a unique campus-community event which will provide entertainment for young and old; and

WHEREAS, the benefits of this dance will aid 3 charities; Maine Association of Retarded Citizens, the Pine Tree Camp for Crippled Children in Rome, Maine and the Epilepsy Foundation of America, Maine Chapter; and

WHEREAS, Governor James B. Longley has issued a proclamation proclaiming April 19th as "Dance to Give Them A Chance Day;" now, therefore, be it

RESOLVED: That We, the Members of the 107th Legislature in regular session assembled, acknowledge and support "Dance to Give Them a Chance Day"; and be it further

RESOLVED: That a suitable copy of this resolve be sent by the Clerk of the House to the Maine Association of Retarded Children, to the Pine Tree Camp for Crippled Children and to the Maine Chapter of the Epilepsy Foundation of America.

The Resolution was read.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly, this is a joint resolution, which I am sure you will support which in fact does three things. It is a supporting a dance marathon which will be held at Colby College on Friday the 19th, which is tomorrow, from twelve o'clock noon on, which will raise money to benefit three charities. One is the Pine Tree Camp for Crippled Children in Rome, Maine, the Epilepsy Foundation for America and Maine and the Maine Association for Retarded Children.

I guess it is unique in a way, because this is the first time that a fraternity from a college; namely the Alpha Tau Omega Fraternity, which is an active fraternity, will be giving a benefit that will help three organizations at one time. This national fraternity, which is in about 20 colleges across the country, will be giving the same dance the same evening. I think it is very important. I think it is very well done and I would that you would support it and I now move its passage.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to echo the sentiments of the gentleman from Portland, Mr. Talbot. I am sure this may be the first one that honors three different foundations, but there was one held at Farmington last weekend, the University of Maine, sponsored by one of the sororities and backed by one of the fraternities, which was highly successful. It raised over \$3,000 for the Pine Tree Camp. I think it is just amazing and fabulous what can be done by some sort of a spectacular event when you get voluntary

contributions to it. Nobody made any money, except a couple of prizes for the dance marathon winners, and it was a tremendous effort for the Pine Tree Camp.

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

Mrs. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: I rise, too, to support this resolution. I think it is time that we recognized the wonderful things that the young people of the state do in putting on this marathon to raise money for these very worthy causes. I do applaud their efforts.

I don't think I will join in the dance marathon, but I hope they make lots of money.

Thereupon, the Joint Resolution was adopted and sent up for concurrence.

House Reports of Committees Ought Not to Pass

Mr. Walker from the Committee on Local and County Government on Bill "An Act to Increase the Salaries of Certain Sagadahoc County Officers" (H. P. 668) (L. D. 842) reporting, "Ought not to pass"

Mrs. Berube from the Committee on Local and County Government on Bill "An Act to Increase the Salaries of the Register of Deeds and the Deputy Register of Deeds of Cumberland County" (H. P. 776) (L. D. 947) reporting same.

Mrs. Berube from the Committee on Local and County Government on Bill "An Act to Increase the Salary of the Treasurer of Cumberland County" (H. P. 779) (L. D. 950) reporting same.

Mr. Walker from the Committee on Local and County Government on Bill "An Act to Increase the Salary of the Clerk and Deputy Clerk of Courts of Penobscot County" (H. P. 823) (L. D. 1007) reporting same.

Mr. Walker from the Committee on Local and County Government on Bill "An Act Increasing Salaries of County Officers of Kennebec County" (H. P. 949) (L. D. 1187) reporting same.

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

Leave to Withdraw

Mr. Tierney from the Committee on Labor on Bill "An Act to Extend Collective Bargaining Rights to Employees of the University of Maine" (H. P. 960) (L. D. 1112) reporting Leave to Withdraw.

Mrs. Berube from the Committee on Local and County Government on Bill "An Act Concerning the Powers of Counties" (H. P. 688) (L. D. 871) reporting same.

Mrs. Berube from the Committee on Local and County Government on Bill "An Act to Increase Salaries of Certain County Officers for the County of Aroostook" (H. P. 737) (L. D. 918) reporting same.

Mrs. Berube from the Committee on Local and County Government on Bill "An Act to Repeal the Legislative Power to Change Specific Line Categories within the Annual Estimates for County Taxes" (H. P. 922) (L. D. 1137) reporting same.

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mr. Hall from the Committee on Natural Resources on Bill "An Act to Require Consideration of Economic Factors under the Site Location Law" (H. P. 47) (L. D. 59) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to

Authorize the Board of Environmental Protection to Solicit and Receive Testimony on the Economic Effects of Proposed Developments" (H. P. 1500) (L. D. 1823)

Mr. McBreairsty from the Committee on Natural Resources on Bill "An Act to Extend the Back Bay Sanctuary, Portland" (H. P. 417) (L. D. 589) reporting "Ought to Pass" in New Draft under same title (H. P. 1501) (L. D. 1824)

Reports were read and accepted, the New Drafts 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:

(H. P. 616) (L. D. 761) Bill "An Act Relating to the Employment of Veterinarians by the Commissioner of Agriculture to Ensure Compliance with the Harness Racing Statutes" — Committee on Agriculture reporting "Ought to Pass"

(H. P. 983) (L. D. 1246) Bill "An Act Relating to Minimum Group Life Insurance Premiums" — Committee on Business Legislation reporting "Ought to Pass"

(H. P. 942) (L. D. 1181) Bill "An Act Relating to Construction Requirements for Sanitary Facilities in School Buildings" — Committee on Education reporting "Ought to Pass"

(H. P. 975) (L. D. 1269) Bill "An Act Relating to Access to Written Records Concerning Elementary and Secondary School Pupils" — Committee on Education reporting "Ought to Pass"

(H. P. 1033) (L. D. 1339) Bill, "An Act Relating to Contracts of Teachers with Municipalities" — Committee on Education reporting "Ought to Pass"

(H. P. 1108) (L. D. 1385) Bill, "An Act Concerning the Qualification of Persons Allowed to Vote at District Budget Meetings of School Administration Districts" — Committee on Education reporting "Ought to Pass"

(Item 7) (H. P. 59) (L. D. 71) Bill "An Act Converting Mount Chase Plantation into the Town of Mount Chase" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-168)

(H. P. 578) (L. D. 713) Bill, "An Act Converting Dallas Plantation into the Town of Dallas" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-167)

No objections being noted the above items were ordered to appear on the Consent Calendar of April 18, 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:

(H. P. 768) (L. D. 939) Bill, "An Act to Specify the Future Use of Certain Lands in the City of Portland"

(S. P. 283) (L. D. 997) Bill, "An Act Relating to Exemption of Law Enforcement Agencies and Courts under the Human Rights Act"

(H. P. 553) (L. D. 681) RESOLVE, Authorizing Priscilla Blodgett of Augusta her Legal Representatives to Bring an

Action against the State of Maine (C. "A" H-162)

(H. P. 710) (L. D. 889) Bill "An Act to Allocate Moneys for the Administrative Expenses of the State Lottery Commission for the Fiscal Years Ending June 30, 1976 and June 30, 1977" (C. "A" H-163)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were 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 Concerning Residence Facilities of State Patients Released into the Community" (S. P. 491) (L. D. 1738)

Bill, "An Act Relating to Specially Designed Registration Plates for the Maine National Guard" (H. P. 733) (L. D. 909)

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

Emergency Measure Tabled and Assigned

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

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

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: I hope we do not give the necessary 101 votes today to pass this as an emergency measure.

I feel that it is not one of the top priority items in the entire state right now. We have been discussing matters the past few days involving money, and this particular bill involves \$49,662 each year, which is more than \$99,000.

I know that we have passed many bills along almost like water through a sieve, but because this is a money matter, I would want to call to your attention it well could pass along also because it is sponsored by the Senate Chairman of the Joint Standing Committee on Appropriations and Financial Affairs, and I think when the pie is cut up the last of the session, this bill, which involves just \$99,000, is a bill that could well pass the Senate table. So if we enact it today, it is the last time we will see it.

I am convinced further that the Governor would be willing to sign this, because this would give him the opportunity to appoint a judge, presumably he will appoint a member of the superior court to the supreme judicial court, as is the custom, but then he would appoint a lawyer to be a superior court judge. It just seems to me this is not a priority item at this time and I hope that you will vote against the emergency passage.

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

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: I arise to support the statement of the gentleman from Cape Elizabeth, Mr. Hewes. After discussing this bill at some length with members of the judiciary and in particular one of the Justices of the Maine Supreme Judicial Court, his feelings were very simply, why give us another judge when the judges we presently have don't have

enough facilities? Now, why throw in one more judge in inadequate facilities? I would agree with the gentleman from Cape Elizabeth, Mr. Hewes, and I hope we do not pass this measure today.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I hate to disagree with Mr. Carpenter, but I would like to mention to him that in speaking with the district court judge, he is very much interested in two bills, and as I spoke to you last week, the two bills that he is very much interested in was the raise for the judges because they haven't had any raises for a long time. But I told him, I said, which bill of the two is more needed at the present time? I said I don't think we can pass two bills but I said we might be able to pass one. He said, well, if I have to, I would have to say it is the bill adding an additional judge because of the fact that they have over a year's work and they are waiting for some help of some kind in order to get rid of it.

As far as having the courts take care of it, there is plenty of room as long as they can get other people to help them out. And I would like to say to Mr. Carpenter, if he has spoken to members of the committee, this report came out 12 to 1 in favor of this here. This is a good bill. As I told you, I have confidence in the Appropriations Committee and if this is not worthy, I am sure they won't pass it.

I hope that you will give this a chance this morning of passing and leave it up to the Appropriations Committee. They have done a good job up to now and I hope you will give them a chance to do so.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: A few days ago when we spoke on this matter, I was opposed to it, basically because I can see many needs that in my opinion should have more priority than this. I think it is spending money in an area where we shouldn't. We have been very reluctant to give increases in pay to the state employees, I see, and very reluctant in other areas, and I don't see why we should have another judge. This costs quite a lot of money, it is something I think we can get along without at a time like we are in right now. So if I had to spend this much state money, I am sure I can show you many areas where the need is much greater, especially in some related to welfare.

I hope this morning we won't pass this emergency measure. I think you will be showing good judgment if you do that.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the gentleman from South Portland on this matter. The problem isn't the number of judges; the problem is the lack of efficiency in operation of these courts. These are the court rooms that persons will be summoned into only to wait eight hours, told to go home, come back in the morning. We have efficient judges; they have no problems.

I think at least we should wait until the bills come through revising the courts before we get into this stacking up more judges. They haven't got room for one down there in Portland anyway, unless they decide to hold court in a telephone booth down there.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I might comment that the supreme court justice would not necessarily go to Portland. I mean there are other communities outside of Portland. I could dissertate on this measure at length but I won't. I would like, however, to see this thing here go on its route. I can go along with the idea of removing the emergency and I would suggest very strongly that someone table this for one day and have the Judiciary Committee consider removing the emergency and then pass it and have it on its way to the Appropriations Committee, which doesn't necessarily mean that it will become a law.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, I move that this matter lie on the table for one legislative day.

Whereupon, Mr. Kauffman of Kittery requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Spencer, that this matter be tabled pending passage to be enacted and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

35 having voted in the affirmative and 80 having voted in the negative, the motion did not prevail.

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

Mr. GAUTHIER: Mr. Speaker, I request a roll call.

I would also like to mention that the Portland paper came out the day before yesterday with an editorial that mentioned that this is one of the most important bills that we have here in the House at the present time.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: As it was noted, this was a 12 to 1 report by the committee and we did give it some thought and I think before we act too hastily today in disposing of this, if that is the case, we ought to be aware of a few things. One is with respect to the cost. I find it rather amusing, quite frankly, that we are talking about the cost on this bill, which is going to attempt to clean up some of the backlog in our criminal justice system and provide for better law enforcement, and yesterday we spend \$600,000, or did not accept from the railroad, and appropriated nearly \$600,000 for the spruce budworm, which may be all well and good, but we also have to look at the priorities and consider the amount involved in this case and the kind of thing that it is trying to deal with.

Over the past 11 years, this legislature has increased the number of superior court justices from 9, in 1964, to 14 today. It is from those superior courts that appeals are moved to the supreme court. During that period, in 1964, there were 65 cases filed with the supreme court. This year, based on the first three months, it is expected that there will be 265 cases before the supreme court, with exactly the same number of judges. It doesn't seem reasonable to us to increase the base of this pyramid and provide a bottleneck at the top.

because at the top a lot of people are waiting years sometimes to have their cases heard before that court. For that reason, those kinds of reasons, I think we ought to pass this bill.

Now, one of the major frustrations, I think, is that people see people who have committed a crime and who are not in jail, are out on bail for a long, long time. One of the reasons they are is the bottlenecks in our court system.

The motion to table a few minutes ago was to provide some salvation for this if we don't get the two-thirds vote at this point. If I understand the process right, and someone might correct me, this is an emergency measure. If we do not pass this as an emergency, there may be a motion to reconsider the fact that we don't pass it, and if we don't pass it as an emergency and if it is not reconsidered, I understand that we will not be able to pass this in this session. So I hope that if we don't get the two-thirds, which I plead with you that we get it as soon as possible to reduce this backlog, that you would at least vote to reconsider it so the emergency preamble could be taken off.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I took some interest in this bill a few days ago because of the position of the gentleman from Cape Elizabeth, Mr. Hewes, and I inquired of him, is it not a fact that perhaps because of the size of the state and the million or so people that live here and the caseloads that these justices have to consider, is it not a fact that they probably should have an additional justice? He provided me with some information of states in the eastern part of the United States, for example, Rhode Island, which is a much smaller state than we are and much larger in population, and they have the chief justice plus four others. Pennsylvania, which is a considerably larger state than Maine, has seven members on the bench. New Hampshire has five; Delaware only has three, and I think we should heed the argument of the gentleman from Cape Elizabeth in supporting his motion, which I believe to be the majority in here by looking at the lights this morning — I don't believe there is a two-thirds vote in here, and not putting an additional member on the supreme court. I think it is unnecessary. I think his arguments were well presented, and I think we would be doing ourselves a favor and the people in Maine by supporting him.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I have to disagree with the previous speakers that this additional judge is not needed. In fact, I mentioned last week that I had tried on four or five different occasions to reach the chief judge and I was unable to because the chief judge was traveling every day for four or five days up to Farmington to try a case up there, and when the chief judge has to work like this gentleman is working, I think we certainly do need another judge.

This bill, as I mentioned to you a few minutes ago, was very well discussed in our committee and it came out with a "ought to pass" 12 to 1, so you can see that it had a majority in favor of this.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: This bill is asking

for an additional Supreme Court Justice. It is my understanding that on appeal cases the justices sit as a body and the arguments are made before them as a unit. I fail to see why the addition of another judge would eliminate any of the cases, the 200 or so cases, coming up for appeal. They are all sitting at the same time.

The increase from 9 to 14 Superior Court Justices was justified, and in fact this is probably one area that we need additional judges.

In the district court, we definitely need additional judges. It is my understanding that the Chief Justice of the District Court requested three additional judges, and due to pressure brought to bear because of this particular bill, he was requested to remove it, and it is my understanding that he did remove his request for three additional district court judges. We need these judges; we need them badly. We have three judges currently that are unable to serve because of being sick, yet we are coming in asking for another Supreme Court Justice that I don't believe we need.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: There is another point that has not been raised today on this. It was raised briefly, I believe, in the last debate, and this does not relate to the caseload of the courts but it relates to the structure of the courts. It is one of the principles for setting up committees and one that should be applicable to courts also, that any time you have an even number of people on a committee or on the court, you have a built-in mathematical factor here that increases the possibility of tie votes where nothing will happen. Adding another Supreme Court Justice would remove this factor from our Supreme Judicial Court where we have an even number of justices, which increases the possibility at the present time that you will get tie votes.

The second point that has been raised here this morning is the numbers of Supreme Court Justices that other states have. I submit that this argument means nothing to us unless we know how well the courts are operating in these other states. We frequently read of the backlog of cases in states that is practically a disgrace the way the cases are backing up in the courts of our land, and unless we know that these states that have these smaller supreme courts are doing a superior job, which we have not been presented with this evidence today, I would submit that the argument that other states have less justices on their supreme courts simply does not relate to our problem.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members of the House: I would like to respond to the gentleman from Brewer, Mr. Cox's comments. Scoring in a judicial decision is not like scoring in an athletic contest. The judges sit together, as the gentleman from Anson indicated, this is a group sitting en banc, as they call it, together, and they hear appeals so that if the vote should be a three to three vote, it would mean the appeal is denied, just as here in this House, when we have a tie vote, the particular motion does not carry. So I would distinguish the scoring of a sports contest from the scoring of a judicial decision.

Mr. Gauthier of Sanford was granted permission to speak a third time.

Mr. GAUTHIER: Mr. Speaker and Members of the House: To answer the gentleman from Anson, Mr. Burns, where there are three judges that are sick in the district court, I would like to say to the gentleman that I know of one of them, if not two, that was sick before he was appointed as a judge.

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

Mr. BURNS: Mr. Speaker, I move indefinite postponement of this bill and all accompanying papers.

The SPEAKER: The gentleman from Anson, Mr. Burns, moves that this bill and all accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Auburn, Hughes.

Mr. HUGHES: Mr. Speaker and Members of the House: I had not intended to speak on this issue today, but there are several points that have been made that are going unanswered and deserve responses. One is the comments of the gentleman that a supreme court meets together and therefore adding another member won't help on the workload. Well, that is true. When they hear cases, they are meeting together, but that is really a very small part of the workload of a supreme court justice. The major workload is in writing the opinion after the cases have been heard. And the process is, after the court has conferred about the decision, to assign the writing of those opinions to one judge or another or another, trying to keep the workload roughly divided equally among the six justices.

Now, fourteen superior court justices are producing a much greater workload than the original number did. We haven't added to our supreme court since the 1930's in terms of numbers of people, so in writing of these decisions as they are passed out, that is where the delays come. I would point out that one of the results of that kind of delay is that in most cases the person whose appeal is being heard is out on the streets waiting for that appeal, and I think one of the greatest frustrations for the citizenry of this state is to see somebody who has been found guilty of a crime out on the streets because he is on appeal, and they don't understand that judge-so-and-so just has 31 opinions to write and can't get that opinion out for six or eight months.

I would further point out that the number of supreme court justices in other states is not necessarily what we should be looking at, because many of those states have intermediate courts of appeal. For example, the State of New York has several courts of appeals that come between the superior court level and the supreme court level and help out in that process. We have only one court of appeal. Every single appeal from the trial courts goes to the Supreme Court in the State of Maine.

I don't know the states that were mentioned by the gentleman from Bangor in his speech. I believe Pennsylvania does have such an intermediate court. I don't know about Rhode Island, for example, but I know there are some states that do, and unless we have that information, we really can't make a reliable decision based on purely the number on the supreme courts.

For these reasons, then, this is an important bill, and if you want to stand

back and criticize courts for not doing a good job and yet deny them the number of people they need to do a decent job, then I think we are in a very bad posture to go back to the people of Maine and criticize the lengthy process for getting justice in this state.

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

Mr. JALBERT: Mr. Speaker, first I would like to straighten out a couple of comments that were made. For the information of the gentleman from Auburn, Mr. Hughes, one of the states mentioned by the gentleman from Bangor was Pennsylvania, which has an appellate court.

Secondly, I believe the gentleman from Anson, Mr. Burns, made a comment about the whole court hears the cases. This is so, but after they hear the cases, then they individually make up the decisions.

As far as I am concerned, whether this bill passes, and I can assure you of one thing, I have had a little something to do with this bill, if this bill here would take away some SSI money or some money that would concern itself with the St. Andres Home or some money that would concern itself with AFDC or any of these fine programs, I would be the first one to say down with this bill when it comes time to say whether this bill should go or shouldn't go.

But I do want to get this off my chest; I want to make this comment here. We happen to have in Androscoggin County two Supreme Court Justices, the Chief Justice of the Supreme Court, the Honorable Armand A. Dufresne, Jr., and another Supreme Court Justice, the Honorable Thomas E. Delahanty, who is a former floor leader of this Maine House. Any given Saturday or Sunday, if you find your way to the Androscoggin County Building, you will find these people with books stacked up high. And on several occasions I have called or these two gentlemen at their homes, and I have found them at their desks with books this high.

The fact of the matter is this, it only stands to reason that if we have stepped up our Superior Court program from 9 to 14, and I was part of the body that did it and I presented a bill once to raise the courts by one, and I presented one bill to raise the district court, and I agree we should have more district court members also, it certainly means that the caseload is getting greater. These men are completely overworked. As a matter of fact, the Supreme Court Justice only agreed to accept the post after a tremendous amount of discussion with the Governor. I happen to know that. He suffered a heart attack. As the gentleman from Sanford mentioned, he is doing work even that addresses itself to the superior court. I want to put this on the record, as the gentleman from Auburn stated, we have a superior court and then, bang, right to the supreme court, there is no in-between, no circuit court, no appellate court. We just go right to the supreme court. But this I want to get on the record.

I am also proud to say that we have in Maine as fine a supreme court and members of the supreme court, and I would stack them up against anyone in the country, and I am sure that the seventh member, whoever he would be, and I don't necessarily know right off hand every appointment that His Excellency makes, whoever he would be, I am sure it would be a choice that would be cleared by

the Maine State Bar Association and their committee. I just wanted to get that on the record and set the situation straight.

This thing here is something that has been long coming and it is absolutely necessary that this bill would pass. My only reason for asking that the bill would be tabled, and it would be in order, I know, to make a motion now to table it for two legislative day, would be to take the emergency off, let it go on its way, and if passes, it does, if it doesn't, it doesn't.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I would like to rise to rebut the last remarks of the gentleman from South Portland in which he says that we are not speaking of scoring an athletic contest. Indeed, we are not. We are speaking of deciding important matters of whose appeal is going to be denied or whose appeal is going to be granted. And the gentleman from South Portland quite correctly states that in the case of a divided report the appeal is denied. So I would submit to you that the present structure of the Supreme Judicial Court of the State of Maine mathematically discriminates against the appellant.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I think the bill that is now before the House is one that is part of an effort which is extremely significant to the State of Maine. I think that from top to bottom our court system is in a terrible mess. I think everybody is aware of that and the effect of that is the widespread disaffection with the whole process of criminal justice in Maine which is felt across the state.

Now, it is easy to come in with solutions or proposed solutions to those problems which sound as if they are going to have an impact but in fact won't make any difference. I think one example of that was the statute relating to bail commissioners. I don't think it is going to help the problem.

There are several proposals that are coming before this legislature which will deal with the problem of rising crime and of inefficiency and unworkable systems in the courts. I think that this bill will deal with one important problem, which is the current delay in appeals of almost a year. It takes a year from the time that a case is appealed until the verdict is finally handed down on the law and in the meantime, the defendant is apt to be out on the streets. I think this is one way we can deal directly with that problem. It is not the overall solution to the problems with the courts or the problems with rising crime in this state. There are serious problems with the administration of the courts that have to be solved, there are problems with the venue requirements, there are a lot of serious problems with the court system, but I think if this legislature is going to respond in a responsible way to the rising feeling in this state that our system of justice is breaking down, it has got to adopt some of the tough solutions which enable us to solve that problem within the framework of the Constitutional protections of the citizens of Maine. And if we aren't willing to take this kind of step, I think we are going to find that even though we have voted for a lot of bills that are easy to support and which don't, in fact, address themselves to the problems, in the long run the citizenry is going to wake up

to the fact that this legislature is largely responsible for the failure of the court system, and I think we have got to act and I think we have got to try to solve this problem, and I believe that this bill is a step in a series of steps that have to be taken if we are going to make the administration of justice a workable procedure in this state.

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

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: I was not planning to talk on this matter, but I have heard so much that I am reminded of a story relative to an incident that happened, when I was serving in the State of Washington in the Army Air Force. First of all, we are dealing with a situation where we are told there is an addition needed; in this case, a person. My experience over the years has been that many times when there is an addition, a person or an item, the efficiency is even less than it was in the first place.

Now, I am going to tell you the story, a true story. As I said, I was stationed on an Army Air Force Base out in Walla Walla Washington, during World War II. I was working in the operations office, that is the office that has to do with the practice flights. The officials in that office had to their disposal just one jeep, and there was a problem, only one jeep. A lot of people were using the jeep. In fact, sometimes the corporal would take that jeep and he would go to the mess hall with it and it would be there a half hour and nobody could use it. I happened to be present when the discussion was going on one day. Somebody said to the operations officer, you know, Mac, the major who is in charge of the motor pool, don't you? He said yes, I know him very well. In fact, we play cards together in the officers club. Well, will you please tell major-so-and-so that we need another jeep badly here. So, the operations officer did speak to Mac, and it just so happened he picked a good time to talk to Mac. Mac was feeling jovial. So, Mac says, "look, old buddy, I will do better than one jeep, I will let you have two jeeps. Oh, Mac, you're a good fellow. Fine, don't you worry, the matter will be taken care of very shortly. So in a few days there were the two extra jeeps — there jeeps to the disposal of the operations office. Well, I know that you know what is coming. With the three jeeps, there was a jeep there less time than when we had one jeep because a lieutenant would say to the sergeant, come with me, we are going out in the jeep, and he would say, we don't have to hurry about coming back, there are two more jeeps. Then another officer, commissioned officer, would come with another corporal. They would start off in the second jeep. They would say, we don't have to come back until sunset, there are three jeeps. So that could possibly be the same story with this extra judge. I have seen too much of it, and that is all I have to say right now.

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

Mr. FARNHAM: Mr. Speaker, with fear and trepidation, I move the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question, it must have the expressed desire of one third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

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

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: The last time I moved the previous question, I was taken out in back of the hall by, believe it or not, a freshman member of the legislature, and he gave me a sound thrashing, and I haven't forgotten it since. I have spoken twice, I have had my say on this bill, and I think anybody else that hasn't had their say should have their say.

I have had the privilege of getting up twice, and I think the matter of the previous question should be wiped off the books. My ears are still ringing from what I got from this person, and it doesn't happen very often either.

The SPEAKER: Is it the pleasure of the House that the main question be put now? All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

61 having voted in the affirmative and 44 having voted in the negative, the main question was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Anson, Mr. Burns, that this Bill and all its accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

64 having voted in the affirmative and 68 having voted in the negative, the motion did not prevail.

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

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

Thereupon, Mr. Farnham requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that this matter be tabled pending passage to be enacted and specially assigned for Monday, April 21. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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

(Off Record Remarks)

Passed to be Enacted Emergency Measure

An Act Amending the Charter of the Paris Utility District (H. P. 587) (L. D. 726)

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. 125 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.

Emergency Measure Tabled and Assigned

An Act to Fund Public School Education (H. P. 1437) (L. D. 1452)

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: A week ago today, this bill was debated for some four and a half hours and the Education Committee is very appreciative of the support given to the committee. I would like to recall a remark that I made a week ago today, that the legislature is acting under a tight time frame and I urged you to support this bill with deliberate speed but not to vote on anything that you did not understand.

At quarter of five last night, a question was raised as to whether the bill was adequately funded. I don't believe that I want to and I am sure you don't want to proceed with the enactment of anything that the funding is in question.

I would ask that you table this for one legislative day.

Thereupon, on motion of Mr. Rolde of York, tabled pending passage to be enacted and tomorrow assigned.

Enactor Indefinitely Postponed

An Act Raising the Age of Persons who may Purchase Alcoholic Beverages or Sell as Licensees (S. P. 4) (L. D. 4)

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

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I have not spoken on this bill previously. I sat back with you and listened to the debate but personally I have no sympathy for drinkers. Those that know me know that I may be addicted to Coca Cola but that I am a one-beer-a-week drinker at the most. But I have been listening to you as you have tried to deal with the very real problem, the problem of teenage drinking, especially in the ages from 15 to 18 and I have shared with you your concern that something can and must be done toward an intelligent solution of that problem.

As I thumbed through bills this morning, I find several before the legislature which I do think propose good solutions to the kind of problem with which we are all concerned. L. D. 944 would raise the tax on beer and wine and other beverages to provide operating funds for alcoholic treatment facilities, and that is important. Another bill is even another better approach, I think, that of Mr. Silverman of Calais, L.D. 1081, which would provide an educational program both in the area of drugs and including alcohol. We have done that in the State of Maine and I think if we vote against those programs, we will owe our young people an explanation. I plan to vote for them.

There is another bill which ought to be in here and if I hadn't been a freshman and unfamiliar with the way we do things around here, I would have put it in and I will put it in in the next session and that is a bill to ban the advertising of liquor on television, on the public airways coming into your homes and especially pop lines which are aimed directly at our teenage market. So, there are some approaches which we could be taking, but the bill we are debating today is a prohibition bill, only it is a little different from old prohibition proposals, for instance, the one that failed so miserably in the 30's and the ones that have been voted down on almost

every liquor option in the state time after time by the people of Maine. This is a prohibition which deals only with two years of our spectrum of adults in this state, those adults from 18 to 20, and we all know that they can't elect people to this House, that is not members of their own age group. We know that as a rule they are not as organized and not as politically aware as older voters, so perhaps we could get away with taking away some of their adult rights. Prohibition, in my opinion, has failed in the past and will fail again as being an intelligent approach.

Now, my own feelings about law are held very strongly. I think if you knew my parents, you would know the way I was raised, to believe that law breaking was something very serious. I can't stand a thief, for example, whether it is petty shoplifting thief or a guy who steals a \$100,000 from the bank he works for. I just get riled when I think about that. I do about other lawbreaking, but I have learned in law school and in growing up, a lot of our laws are put there for social reasons but really don't make a lot of sense and nobody quite expects them to be followed and I could list off a few of those — blasphemy, for example, which carries a two-year prison sentence in this state — but here we have a proposal to make a segment of our adult population criminals for doing what they are doing right now, legally and most cases perfectly responsibly. At least if one is under 18 and caught with the possession of alcoholic beverages, one is treated as a juvenile and one does not receive a criminal record and that label to carry with them the rest of their life, but for people 18 to 20, if this bill is passed and if they are caught, they will be criminals. If you are filling out applications for a Bar exam, for example, as some of my friends did recently, that criminal conviction will be with you for the rest of your life every time you have to declare that kind of thing.

Nobody in the debate on this bill so far has suggested that 18 to 20 years old, on the day this is enacted, about 90 days after we adjourn, are suddenly going to stop drinking. A few may, a few may be intimidated by the law and I hope they will be, but we know that the majority will not, that if they are close enough to the border of New Hampshire, they will drive over to New Hampshire and drink, then they will drive back, probably under the influence of what they have been drinking. They may go back to what some of our friends used to do when we were in high school, drink in the back seats of cars and kill a six-pack to destroy the evidence or to avoid wasting something they have purchased but they are not going to stop drinking. So the effect of our act today, if we were to pass this would be to make criminal a major portion of our 18 to 20-year-olds. I don't take that kind of stuff lightly.

There might have been some good amendments to this bill which would have made it more perfectly address the problem with which we were concerned, that is teenage drinking under 18, but the other body consistently refused to compromise at all on that. The prohibitionists won out and we got the bill back in the same form it went over there on, 20 years old.

With all of this in mind, Mr. Speaker, and urgently hoping that you will help us kill this bill, I now move indefinite postponement of this bill and all its accompanying papers.

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

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: I won't take much of your time. This bill has been debated for a long time, but the other morning I got up and made a move and sat down. This morning I am not going to sit down. I am very glad that the man has made the move to indefinitely postpone and when the vote is taken, I would request a roll call. The reason I want a roll call vote is so that the 18 and 19 year old adult people can read and see how their legislator voted on it.

I am sure that in my area there is no problem, but I am sure that maybe in some areas — I do have a note here this morning from Jay High School. It says, "We have witnessed no increase in dropouts since the law came into effect. As a matter of fact, our dropout rate this year is the lowest ever."

I ran a place of business for 35 years, part of time beer to take out, part of the time beer in a restaurant and part of the time both. I had no problem excepting the time that we, the legislature, lowered the drinking age from 21 and then in two years came back and raised it back up and this was before we had ID cards. Now, if you don't think it is a mess for a storekeeper to try to straighten this out and keep things straight, you want to try it sometime. I did; I am sure that I sold many, many people who I wasn't supposed to sell to. I didn't intend to, because I never yet have tried to break the law in any way and I don't want to start.

I would like to remind you that two wrongs don't make a right. If it was wrong for us to create these people as adults, then it is certainly wrong for us to take away a part of what we have given them.

A high school student, if he wants to obtain beer, is going to obtain it. For example, in my area there are two or three taxis, these taxis make a practice of going to the stores and purchasing beer or even going to the liquor store and purchasing hard stuff for customers, for people who have called them and asked that they bring them a case of beer or a six pack of beer. This has been done over the years and it will continue to be done.

As the gentleman before me just said, let's not make criminals out of these young people and let's vote to kill this this morning.

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

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the remarks from the honorable gentleman from Auburn, Mr. Hughes, and I certainly cannot refute him, but I would like to express my thoughts.

I have listened intently to the previous debates on this issue and voted my conscience in its passage. This morning I have received support for my position and wish to express it before this honorable body.

It is my privilege today to have two young ladies from my home town as honorary pages. As we drove over, one topic of conversation was this drinking age bill and I was very interested in the opinions of my two guests. They reported that schoolroom discussions of this bill resulted in unanimous support to age 20 and they personally are in favor. Their testimony reaffirms my support to enact this bill.

The SPEAKER: The Chair recognizes

the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: Today we have before us probably the strongest emotional issue that will come out of the 107th Legislature.

Two years ago, the same bill was presented, and the man who sits in this seat presented it. It is the same bill and two years ago it was defeated. It was defeated quite strongly, by 15 or 18 votes in this House, and two years ago, it was said, that if you don't take precautionary measures against drinking amongst our teenagers, you are going to have a major problem in your school systems. Everyone went away after it was defeated, they had done their part, they had pressed their buttons. If you are a person who believes in drinking, then you probably could have gone and celebrated and been happy; if you were a person who thinks it must have some control, you could have gone off and said, I have been defeated again. But the major problem was that at that time it was starting to go stronger and influencing our primary or secondary education program; today it has become an even stronger problem. Last time, we only had the police chiefs pushing this along, with say, the fundamentalists, but this time we have also got the principals involved, because they are finding the problem in their schools, and yet there are people in this House who stay somewhat polarized in a point that we definitely have got to train our young people in an idea of education, talk to them, be nice to them, and possibly, we hope, they will not get involved with abusive drugs or alcohol. You have been trying it for three years, this is the fourth year; your problems are getting greater as far as alcohol is concerned.

Representative Hughes mentioned the bill 1081 sponsored by the Representative from Calais. It is the approach that I think everyone who is going to vote against this bill this day will be voting for because it is educational, it is a casual approach, it is dealing with the behavior habits that are not being taught in the home and hoping that they can be taught at the educational system on personality problems that lead to drug or alcoholic abuse. We need it in this state, and it certainly is not being sponsored because it isn't needed, but that is only going to solve part of the problem. The other part and the reason why I will be voting for L. D. 4 today is that there has got to be a disciplinary action also. You are not going to clean your booze out of your schools unless you can stand up and say no, and it takes a lot of guts to say no. It is very easy to go along with the crowd. It is very easy to look at the bleeding-heart approach and agree with it, but are you going to stop a major problem? This is the reason why I think it is important this legislature considers this bill today. Already we have what we might call "young intellectuals" that are saying, prohibit the advertising of booze. That is quite a change. People who will be voting against this bill are saying prohibit the advertising of booze, that is coming a long way, eventually, probably it will pass if younger men take this approach.

We have recognized something else with this bill, that we in the legislature consider it a major problem and that major problem is not going to be solved by brushing it under the rug, by telling our students who are only going to be following us in their way of life that if you go on the path of alcohol you are going to have a

good way of life and will have a family unit you will be proud of. They are looking at both sides and which side of leadership are you giving them? Which side of guidance are you giving them? Are you still going to keep the double standard in America? It is all right for me to do it but it is not all right for the next guy? I am self righteous but it is all right what someone else does regardless of how it affects him and his neighbor, his home and his family and the rest of society, which we taxpayers are eventually going to be supporting. A double standard you are faced with, how is it going to be corrected? Two ways — education, we are going in that approach. The other way — discipline, and as much as you hesitate to say no, I say, the time is to say no.

I would like to mention one other thing or two other things. One is, when I turned the TV on this morning around seven-thirty or so, the first thing that is mentioned is a new congressional study, if accurate, says you are spending a half a billion or a billion dollars for books for education and half a billion or a billion dollars for destruction of school property throughout the United States. It shows you it is a serious problem. Another thing too, when you have alcohol abuse, what do you have, you have violence. And you same people that are all against corporal punishment, on the other hand are voting for more booze which leads to violence.

And the last thing I wish to say is a major argument of — you have given full adult rights, then why take one privilege away? When we passed full adult rights, there was some of us in legislature that made sure that under Section 859, Page 112, the School Law Books, that we did not repeal our adult rights down to 18 for a chance for a free education in our public schools. We didn't because we believed that 18 and 19-year-olds should have, at the age of majority, a chance still to have a free public education in the State of Maine. This to us was important, although we didn't extend that age up to all adults. It is something you can think about; it is important.

With that, I hope, with what comes out of this bill, what has come out of this legislature, that we just don't vote today and walk away. We vote today and say, there is a major problem of alcohol in our educational system, it has got to be corrected, it isn't something that you blame the principal, blame the teacher, blame the policemen or the judicial system, you start training those children and letting those children train themselves and let them to stop following peer groups that is leading them into destructive behavior with alcohol and drugs, you train them through good, honest living to have a good chance to have a good honest family life in the State of Maine.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I stand this morning not so much to change anyone's mind on this bill, because I am sure most of us are committed, but only to tell you how I feel about this very emotional issue because I haven't had the opportunity as yet through casting a vote on a roll call to make my position very clear.

I must say from all sincerity that I agree much more with the gentleman from Calais, Mr. Silverman, than I do with the gentleman from Auburn, Mr. Hughes. I felt last session and I felt this session that the drinking age in Maine should be

raised. I feel that quite strongly. The arguments against fractionalizing adult rights are not persuasive to me. Although it is philosophically pure, when you weigh that type or kind of abstract thought against the very real social problems that many of us have in our communities with drinking, I think that most of us would choose to try to solve the practical problem of alcohol in our schools and turn to follow some philosophical abstracts.

I do support raising the drinking age as I did last session, but there is another side to the issue, of course. I have young men and women in my community who are working, who are supporting a family, or married, going to school, who are under the drinking age. I even had a call from a concerned mother the other night who was very upset because her son is a bartender and she is afraid he is going to lose his job. They have a right too, don't they? I mean, if a young man is 19 years old and he works all day in a factory, it seems to me he has a right to sit down with his wife at night and have a bottle of beer with his meal. So, it is for that reason, ladies and gentlemen, that my position hasn't changed from the 106th to the 107th and that is that I favor increasing the drinking age in this State to the age of 19. I feel it would take care of many of the problems that Mr. Silverman spoke about, getting liquor out of the schools, and the same time maintaining some rights for our young Maine citizens.

Unfortunately, I have not had the opportunity in this House as of yet to vote on that precise issue and that is why and really that is the only reason I am speaking on this very volatile issue. So, with great reluctance, men and women of this House, I must vote against this bill today on enactment because I oppose raising the drinking age to 20, and — would only hope that the Liquor Committee, in its good judgment, would report out a bill before the end of the session, raising the bill to 19 so that I can vote for it and try to solve this problem.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House I haven't changed my position on this bill. I am still going to vote against lowering the age to 18. I think that we have had bills before us this session, some quite recently, where we talk about discrimination in housing. Well, I think one of the greatest things as far as discrimination would be if we were to lower the drinking age to 18 and have a second class or second rate citizen created. I think when we gave the adult rights to the 18-year-old, we gave them the right of being an adult. I don't think we should say to them, we are going to give you the right — except. I don't think there is any exception. I think an adult is equal. I have never considered anybody that I have ever met any better than I am and I have never considered myself any better than anyone else. This what we would be doing if we were to drop this age to age 18 now. I go along with the gentleman, Mr. Tierney, in a way, that if it was up to 19-year old I might support it but I could truly support it if we took away all adult rights and made them up to 19 — took them away from the 18, all adult rights, but not just the one right to buy liquor or to buy booze.

As far as the problem is concerned in the school, legislating this age down to 18 is not going to change it, it is not going to eliminate it, it is still going to be there. We have laws in the books now — it is against the law to go out and kill someone, but it is

being done everyday. We have laws against drunken driving but that is being done by the older people everyday too. So, you are not going to sweep this under the table or do away with the problem. Last night on the news cast, I think that Governor Longley summed it up quite well when he said he thought the problem was not with the law but with the operation of the school system. I want to commend him for making that statement in public on the TV tube because that is where the problem is. The problem is, when you have got people hired that don't want to accept the responsibility of their position, they don't want to accept what they should be doing but they still want to draw that weekly pay check. If the school systems across this state want to get rid of liquor or booze or whatever you want to call it, out of the school system, it can be done. It can be done by regulations passed by the school board and enforced by the administration. Evidently they don't want this.

Yesterday, on the Taxation Committee, we heard a bill that will put a small tax on booze and this will go to the alcohol rehabilitation program. Personally, I favor even raising that a little more than what it shows in the bill. I favor L. D. 1081, the educational process and I think this should be funded for, out of the revenues that are collected from liquor. If it means enacting a new tax to do this, then we should do it, not just try to say, let's stop the 18 and 19-year olds from buying it because they are going to get it, whether it is legal or illegal. When we had prohibition there was a good business done in the State of Maine and a lot of people made money but it was illegal. So, today I would hope that you people would go along with the motion for indefinite postponement. Then, maybe, as the good gentleman Mr. Tierney said, that a bill could come back looking at the age of 19. Maybe that bill could take away the adult right at 18 and make them back juveniles again in all respects and then we could pass out a bill that would be decent for the younger people. Another question that I raise in my mind as to L. D. 4, and I can't stand here off the top of my head and tell you how many 18-year-olds there are in the State of Maine or how many 19-year-olds, but I am sure that the Liquor Commission has had an increase in revenues since we have lowered the age. I just wonder how much loss of revenue there is going to be on L. D. 4 when we take these 18 and 19 year olds out. As I look at the bill, I see no fiscal note attached. We know there is going to be a revenue loss. So I would like for someone to tell me how much they are going to lose on this bill and why the bill is in its present form? Why there hasn't been an amendment come in showing me how much money is going to be taken out of the General Fund? Actually, I don't think the bill is even in the proper form to be considered without a fiscal note. I don't intend to stand here for any longer time and take up your time but, again, I would try to say to you people to see your way to go along with the motion of indefinite postponement.

There is one other thing I would like to put into the record. The last time we debated this bill, I said that I had received a communication from the Superintendent of Schools that was not signed by him. That is true. What I said at that time is still true today. I received a note from the person that was responsible for sending out the questionnaire telling me that he was sorry that I had assumed it had gone to the superintendent, that it had gone to the

principal of the high school. I accept that but when he uses a word in that communication to me of Mr. Dyer, it so happens that in my school district of SAD 54, we don't have a teacher named Mr. Dyer, we don't have a principal named Mr. Dyer and we don't have a superintendent named Mr. Dyer. So, somewhere there is some confusion on this questionnaire that has been sent out. The principal of my high school is Philip Harris, the Assistant Principal is Bertram Dumais, that is not Mr. Dyer. So that paper that was sent to me, means nothing, it may mean something to someone here in this House if your principal in your school is named Mr. Dyer, but it means nothing to me.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the house: On Monday, after debating this bill and losing it, I went home and told my 14 year old daughter and this is what she had to say to me, "Why are they taking it away from us?" and with almost tears in her eyes she said, "Don't they trust me?"

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I could pontificate here for hours on the use and abuse of alcohol from actual experience. This bill does not address itself to that because that is an individual's decision at any age, whether he be 18 or 80, it is a decision that has to be made by the individual. I am not going to go into all the pro's and con's of alcoholic abuse. I am going to take your time for a short while to read one letter which gives a pretty good indication of the type of communication that I have been getting from my constituents on this problem. This was written on "64 Hillcrest Drive, Brewer, Maine, April 2, 1975. State Representative John Norris, State House, Augusta, Maine. Dear Mr. Norris since you represent the people of Brewer, I am sure you are interested in what the people of your city have to say about the proposed bill to up the drinking age to 20.

If young people of 18 have the right to marry without parental consent, vote, and are drafted into the armed services, shouldn't they also have the option to drink if they so desire?

For many older teenagers, and I think this is a point, that really hasn't been brought forth and I didn't realize it until I read this letter, for many older teenagers, their only source of income is doing waitress or grocery clerk work. How many of these people will lose their jobs because they won't be old enough to sell or serve liquor? Jobs are scarce, especially for young people, many of whom must work their way through college or support themselves.

Is it fair to take away a privilege that has already been given to a person? A person of 18 or 19 will have to give up a right they have already enjoyed for a period of time.

I am sure you will consider all of these aspects when you represent your people. Respectfully yours, Mary B. Cuskelly."

I would hope this morning that you would vote for the indefinite postponement of this bill.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: Parents live in fear of alcohol. We, by this bill, I feel, are trying to cut off the supply. What we are really doing is trying to get the beer out of

the lunch-box of these children, out of the school locker room. Yes, I agree with the gentleman from Skowhegan, there will be a loss of revenue for those people from Milwaukee. No doubt they will shed a tear in their beer because of the loss of brewers gold. I feel that when they go after this business they have placed themselves on that pedestal as the cradle robbers of this generation. Get the booze out of the school before they let it flow into the cradle. I am not going to speak long on this, I have gone over it before with you. I think we will agree the meeting area of the home is the kitchen and I have been in many of those kitchens. Never in there to sit down and write an insurance policy, I have been in those kitchens often to carry that child in. That child, because of our living today, it is the in-child, those 18-year-old college boys, those 19 year old college boys, they seem to feel their dates should be in the area of the 15 and the 16 year olds. I don't feel I am that old. I used to try to get the girl my same age. Now they like them a few years younger and that is where we are having the problem. We are putting the alcohol in the schools. This is not a prohibition. Oh-how they blamed so many things on the prohibition. The problem is in the junior high and the high schools. We are really letting them make these children out as tinker-toys rather than our great asset of this state.

I just want to remind you that "chicken" is a very real thing with these kids. They know they have the love of the parent, they know that mother sitting there in the kitchen waiting for them, loves them, but what they are trying now to attain is, that when they pass the beer bottles and they reach up with almost infant hands, they hear, if you don't take a drink you are chicken. Yes, it is so important to them, that they get the recognition from their peers. This is where we have the problem. I am hoping that today you will vote against indefinite postponement and you will support this bill to cut off the supply of alcohol that is getting down into these younger years. I know any of you have never seen that six year old or that eight year old, drunk. I hadn't seen it 20 years ago but it has gradually worked down. I ask your support for that mother in the kitchen. Please, this is truly a "mothers bill."

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I debated this point, this bill, when it first came out to us. I will try not to cover too many of the points that I made but I just want to get across my feeling on this and what has happened over the weekend since supposedly the dries went to work on all the legislators. I guess my name was mentioned in one of my local churches, I don't know, but I got a couple of calls after church Sunday. It is strange that after I explained my position to the people calling me, they could see nothing wrong with the way I was voting. They still felt it should be raised to 20 but they were not upset that I wasn't going to vote for that. My main reason for voting to indefinitely postpone this bill is that I cannot see how anyone in this House can on the one hand tell a 18 and 19 year old that you are mature enough to get married and bring a life into the world, which I think is a lot more important than being mature enough to drink that you are on the one hand able to do this but on the other hand, you are not able to have a bottle of beer. I just can't understand how people can do that.

The argument for this bill has been said to that the 18 and 19 year olds supposedly aren't mature enough to drink. Well, they are going to drink. I will tell you what is going to happen if we pass this bill. Perhaps not so much in the central and northern and the eastern parts of the state, but I can tell you what is going to happen in the southwestern part of the state, 18 and 19 year olds are going to jump in their cars on Friday and Saturday night and head to Portsmouth, to Hampden Beach, to Rocksford, to Dover, all these New Hampshire towns and they are going to drink and they are going to sit in the clubs and drink. Then they are going to be driving back 20, 30, 40, 50, 60 miles drunk. You say, well, they can do that now. Well, now they can also pick up a six pack and go back to their home and drink too. The only point I am getting at is that this bill isn't going to solve the problem. There is still going to be that problem but this bill isn't going to solve it.

I don't agree also that there is going to be a loss of revenue on this bill because those who want to drink are still going to get it. I feel that 15, 16 and 17 year olds in the high school know that it is wrong to drink beer, that it is illegal for them to drink now. If you raise the drinking age to 20, it is still going to be illegal for them to drink and they are still going to drink. Ten years ago-eleven years ago when I was in high school, I could get beer any time I wanted to and the drinking age was 21. When I went to college, I could get it any time I wanted to, and when we did get it we went out and we drove around in cars. We drank on the back roads, and we got really drunk. This is what is going to continue to happen and it is not going to solve the problem.

You talk about drinking in the high schools. I don't know how you can solve it until you can stop adults from drinking in the high schools because they do drink in the high schools. I ran an adult ed program for two years and I had to kick out people that came into the adult ed program in their 20's and 30's that were drunk or tried to carry a beer in. Until you solve that matter, you are not going to solve it from drinking in the high schools.

I guess that is about all I have to say on this bill. I guess that my main point is, that just can't comprehend the fact that we can sit here as responsible adults and tell a person, yes, you are old enough to vote for me because I am responsible, but you are also not old enough to go to a bar and drink or go to a store and buy a six pack.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Kauffman.

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I am in favor of indefinite postponement of this bill. We have on the statute today a public drinking law. It has been in effect now for nearly 28 years. It is very strict, it prohibits drinking in any public place, and a school room certainly is a public place or any part of the school grounds, but I agree with Representative Dam, the administrators do not enforce this law, the police do not enforce it, the judges do not enforce it. I see the district court in my home town-they will go down, and a police officer makes probably two or three trips during the evening down to a beach we have there, and occasionally, he will arrest or summons a minor or 18 year old or something into court but it is never for drinking in a public place. They either get them for illegal possession or some other minor charge. I state now that we have proper laws to enforce this. As far as children taking a bottle of beer to school in

their lunch-box, I don't know anybody in junior high or high school today that takes a lunch-box. I think we have hot lunch programs throughout the state. Furthermore, in my area, the only employment for 18, 19 year old school children in the summer, is in the supermarkets because we have an influx of tourists. If this bill is passed, they will be out of a job. When they are out of a job, what do children do? I shouldn't say children because they are classed as adults now. They get together and the first thing, one of them has the price of a six pack, they go and buy the six pack and congregate and that is where the trouble starts. One guy thinks he is braver than the other, somebody has told them to keep off their property so they go and damage the property. Ladies and gentlemen, I say raising the age is not going to help our problem one bit.

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

Mr. DOAK: Mr. Speaker, Ladies and Gentlemen of the House: I probably should apologize to this House for speaking on this issue one more time, as I said I believe what I had to say the other day. There have been certain remarks made which would cast reflections upon the ladies and gentlemen that are voting for raising the age to 20, I, as one of those gentlemen, hopefully, would like to state very sincerely that I do consider myself a responsible person, and a member of this House. My only problem is that I am concerned about all people, the 18 year olds, and the 60 year olds and the 16 year olds. This is the reason that I am taking your time at this point to say anything about it at all. I will say definitely my position has not been changed by the oratory or by the facts that have been brought forth. I concur wholeheartedly with most of the statements that have been made, but I must make one statement or rather I will make three statements and then sit down. First statement, if, by my action in this House, I can protect and save one teenager from going the path of alcoholism, I feel that I am obliged to do so, and this is the way I feel about the voting on the 20 year-old bill. The other two statements I would like to make is, that if this bill goes through at the age of 20, I pray to God I am right. If it stays at the age of 18, I pray to God I am wrong.

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

Mr. TRUMAN: Mr. Speaker and Members of the House: May I pose a question through the Chair? This bill doesn't seem to amend section 1001. Does this mean that the 18-year-olds can still transport alcohol? I will read part of the section if you want me to.

The SPEAKER: The Chair would advise the gentleman the Chair is not in a position to answer but he could pose a question to any member of the House who might be in a position to answer.

Mr. Truman poses a question through the Chair to any member of the House who cares to answer.

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

Mr. TRUMAN: Mr. Speaker and Members of the House: In section 1001, no person under the age of 18 years shall knowingly transport or knowingly permit to be transported any intoxicating liquor in a motor vehicle under his control except in the scope of his or her employment or at the request of his or her parent or guardian. If a minor is charged with illegal transportation under this section, he may

not be charged with illegal possession. No person under the age of 18 years shall be convicted of any offense under this section if intoxicating liquors are found outside the passenger or driver section of a motor vehicle under his control unless said person has actual knowledge of the presence of said liquor. The trunk or locked glove compartment of any vehicle shall not be construed under this section to be within the passenger or drivers section thereof.

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

Mr. CALL: Mr. Speaker and Members of the House: The argument that the 18 year olds are going to get the alcohol anyway is not a good argument. In fact, the argument is all the more reason to pass the bill. I have not changed my position since our last debate and action. I beseech the members of this House to vote against indefinite postponement and then to enact this bill.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mrs. Snowe.

Mrs. SNOWE: Mr. Speaker, Ladies and Gentlemen of the House: I have been wrestling with this issue particularly in the last 24 hours as I am sure many of you have. I finally concluded that there is one question which I consider the crux of this bill and I think we should be addressing ourselves to only. Therefore, the question I pose is this. Does anyone have any strong correlative statistical data which indicates that since lowering the drinking age in this state and in other states, that there has been revealing increases in teenage drunken driving, teenage alcoholism and teenage fatalities in car accidents attributed to inebriation or to put it another way, is there any correlation or trends between raising the drinking age and a decrease in these types of problems as I have mentioned? Maybe the age has nothing to do with it, maybe it is a strong social trend. If age doesn't make a difference, then ladies and gentlemen, 20 is not the age which we should be addressing for the solution to our major problem, and that is keeping it as much as possible out of the high schools. Nineteen would be a far more realistic consideration. I am sorry that is not what we are considering here today.

The SPEAKER: The Chair recognizes the gentleman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker and Members of the House: I have a question to pose through the Chair. In reading over this section, and I think it is one that since I had voted for raising the drinking age to 20 in previous roll calls that we have had in the House, I really felt as though I wanted to look into the matter and realize the implications that this bill might have. In reading over Section 3, about the issuances of licenses, some questions came to my mind. I would like to know whether this bill means or does this, in essence, mean for instance, that people of 19 are not able to own and operate, say a Mom and Pop grocery store which may want to get beer and wine? Since associations have liquor licenses, organizations such as the Elks Club, and this amendment says that no members of any association can be under the age of 20, does that mean that they would have to limit their membership to people of 20 or over? I think that it is important that we answer some of these questions before we pass on this bill today because I don't think that I can pass, enactment or pass the bill or vote for

enactment unless some of the questions that have been raised, have been answered.

The SPEAKER: The gentlewoman from Owls Head, Mrs. Post, poses several questions through the Chair to any member who cares to answer.

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

Mr. HINDS: Mr. Speaker, Ladies and Gentlemen of the House: Committee Amendment "A" straightened out some of those problems. Licensees would be allowed to be licensed. I understand some licensees attended the hearing that were 19 years of age and the committee amended the bill with Committee Amendment "A" and also waitresses and other people like that selling liquor in Class A Restaurants, etc., will be allowed to sell it at the age of 18 or 19.

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

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps I could partly answer the lady. The amendment does, but it is discrimination. If a person is now 19 or 18 and he is in the business, he can continue. Now, this isn't right, in no way.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: Due to the fact that I am now on the Education Committee, I have refrained from becoming involved in numerous debates in this House. But I do feel that I must rise here today and I rise with a great deal of passion in my heart, a great deal of worry, a great deal of concern.

There is a gentleman up back lobbying this House and has been lobbying in the corridors, ladies and gentlemen from our newspaper, and in the primaries my name was mentioned and he said I had a poor voting record. He did not call me prior to the issuance of his press and he informed me that I could add a rebuttal to the articles he wrote about me or the mention of my name. He took it upon himself to criticize without giving me the opportunity to rebuttal and so today I take it upon myself to criticize without giving him the opportunity of rebuttal.

We will get back now to Mr. Joyce, my fellow friend, who I have a great deal of respect for, and if you have so much beer, so much liquor and so many bottles in your schools in South Portland, don't spend another minute in this House, go back there, get the cops and clean out your schools. Our schools and our young people in the town of Limerick, School 57 and various other districts, we do not have people hauling beer in by the case, we don't have it in the lockers and we do not have drugs laying all over. I have heard the young people of my state criticized here today and you are talking about all young people. You haven't named off individuals. You talk about them being drunk, going to parties, well, I have had the opportunity through my affairs with the American Legion Post of being asked to go and be a chaperone at dances and whenever a young person left that dance, he never came back. They came in there and they were allowed to come and dance with the teenagers, but they had to stay and they could not come back. We set hard and fast rules and hard and fast rules is what goes with our society. Permissiveness is what has destroyed many many of the good things of our lives.

You took the rock pile away from the county jails. If you had left it there, they wouldn't be stealing our televisions when we go to the store. They wouldn't be committing all these crimes. They would know there is a rock pile and a sledge hammer and don't tell me that doesn't work because in World War II I was in North Africa and the 1st Sergeant had a nervous breakdown and I was asked to take his place. On the first morning I blew the whistle and they answered the call to duty, two thirds of the company was there, one third was drunk. Now, they were not 18-year-olds that were drunk, no sir, they were 45 and they were not supposed to be drafted but they were there. There were 30-year-olds, there were 25-year-olds, so that morning I covered for them and then I went forth to all the tents later and I rolled them out and I said, fellas, I came over here to do a job and I am not going to do two jobs while you sleep in your tent after you have been out carousing around. When I blow the whistle tomorrow morning, you be there. The next morning I blew the whistle, there were a few more standing at attention but there were a few of them still testing me out. They went forth to do their duties and I went forth to do mine. Each man was given a pick and shovel and a bar. Each man was placed in a position where the guard walking duty around the perimeter would observe that man. That man dug a six by six by six, some of them were still drunk from the night before and when it came to eat, some who had not worked did not eat and I was told, you cannot do this, you cannot do it, and they reported me to the colonel. It wasn't long before I was summoned and I said, either back me up or ship me out, one or the other. I am going to break this problem right here and now. They are going to answer the call when I blow the whistle just as I answered the call. About ten o'clock that night, some of them began to make a lot of progress on those holes. Two o'clock in the morning, they were all dug.

I went forth, I didn't go to bed, I punished, I stood punishment too. I threw a stick in a hole and they buried it. It was a great burial ceremony, I can assure you. When I blew the whistle the next day, every man answered the call and every man went forth to do his duty, and this is what we call discipline. And this stems from the youth as you grow up, in the home we have discipline, we have things our parents teach us, and I hear them say, mother's bill. You are fortunate you had one. I never knew mine.

I will have to excuse myself, I am getting emotional, but this is a great problem. I want you to know many a gray-haired mother is rocking alone in an old rocking chair and she seems so neglected by those who should care. My wife happens to be a social worker, she goes and visits the elderly, thanks to the funding of the Human Relations, and many of these people have six, seven and eight children, many of them have big families, they don't consider their mother or their parents their responsibilities any more. This is what we have brought onto our society by so much of our permissiveness.

Now, I had the privilege of serving with your sons in World War II and I know of some in here who served with your sons in the Korean War and others who served with the young people in the Vietnam War and they say there is no correlation between the young enough to die and fight for your country and young enough to drink. Ladies and Gentlemen of this House,

how can you set two standards for our society? This is what you are talking about — double talk, double standards. No, this is wrong. I say, educate our young people in the dangers of drugs, the dangers of liquor, and those who violate the law, put them out on a rock pile, that is where they belong and I urge you all now to kill this 20-year-old bill and I am going to stand by and hope to see my name in that little newspaper that that gentleman puts out.

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

Mrs. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: My career orientation is education, as most of you well know. For the past 10 to 12 years, I have been teaching and associating with the young adults of this state. In this close association with these young people, I have learned and proudly herald that most 18-year-olds are responsible. Furthermore, I recognize that being able to buy and consume alcoholic beverages is a right that they can well live without and by far the majority of them do just that. But it is a right and they and they alone are to be trusted — yes, trusted, as to whether they will respect it or abuse it.

I do not intend to reflect lack of concern about alcohol reaching those youngsters who are 15, 16 and 17-year-old students. It is, however, not the 18-year-old who stocks the family liquor cabinet or places that six packs in the refrigerator or even the child's lunchbox. It is not the 18-year-old who offers the infant and the toddler his or her first sip of Daddy's beer or Mummy's beer, it is not yet evident that efforts are being made to raise fines for alcoholic offenses. It is evident that the courts are slow in processing cases, that law enforcement agencies and educational people are handicapped by lack of personnel, policy, motive, inefficiency and even sometimes downright laziness in processing current statutes and enforcing current policies which exist today.

Small stores where alcoholic beverages are purchased by young people under age of 18 and by those people who are over 18 on Sunday are not watched carefully. Drug abuse programs conducted in our local schools usually feature samples of marijuana, cocaine, heroin, etc., but a bottle of Scotch or a six pack of beer are never part of the exhibit. Compounding these areas of negligence and neglect, the State of Maine has refused to fund ASAP, which was and is one of the finest alcohol control and rehabilitation through educational programs on offenders this state has ever seen.

Citing the age factor as the great panacea of the problems associated with alcoholic use and abuse is the wrong approach. Zeroing in on 18-year-olds will serve only to demean those who are trustworthy, responsible and in the majority. In a democracy, we do punish the whole for the wrongs of a few.

I support the motion of indefinite postponement.

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

Mr. DYER: Mr. Speaker, Ladies and Gentlemen of the House: This is my first word concerning this bill. I am not an eloquent speech maker. I have listened to many and I am just wondering where the gentleman, Mr. Carroll, has received any information concerning the liquor in the the South Portland schools. I have not heard that word mentioned or any school mentioned here. There has been one or two

schools mentioned in the press, the evening papers this past week, but on the floor of the House, I am very sure that I have not heard any high school or any school system mentioned as to the amount of alcohol or beer that there was in the school system. I would like to ask through the Chair, ask Mr. Carroll where he received the information that we had an excessive amount of liquor being brought into our school system in the city of South Portland?

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

Mrs. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I think perhaps I have a question to ask through the Chair. As I read the bill, it says raising the age of persons who may purchase alcoholic beverages or to sell as licensees. Nowhere in the bill can I find that person under 20 cannot sell as a salesman in a store and may I ask somebody to clarify that?

The SPEAKER: A question has been posed through the Chair to any member who may answer if he so desires.

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

Mr. LIZOTTE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to express my feelings toward the 18-year-old. I think a great deal of the 18-year-olds and I think this is the reason I am going to vote the way I will this morning.

I am not the eloquent speaker, as many of you are, I wish I was, but I would like to give you a little reasoning why I feel the way that I do.

We were the ones in the 105th that gave the adult rights to the 18-year-olds. If there is a problem with the adult rights, I think we should try to remedy it on the floor of this House, seeing we were the ones that gave it to them in the first place.

If I was to buy an automobile and the thing was defective, I wouldn't get rid of the automobile, I would just take care of what is wrong with it. The problem is, we have a problem in the school system as far as the drinking below the age of 18. The reason for this is that the younger ones hang around with the 18-year-olds and as friends they do get the alcohol.

Another thing I would like to bring out is, when we passed the adult rights for the 18-year-olds, before it was at the age of 20, and at the age of 20 there was a certain paragraph in there that concerned a rape charge. If an individual was convicted of rape, he got two to five years imprisonment, up to five years. When we dropped the age to 18, this paragraph was taken out, so then we told them that they had all the adult rights, they had the right to get married, sign contracts, to go out and have all the liquor they wanted, and we also added to this, that if by chance they should get under the influence and take advantage or indecent liberties, they were still all right because under that right of 18 years old they were not an adult. This is one of the things that bothered me greatly, so I hope that we do go against the indefinite postponement and do enact this bill.

The SPEAKER: The Chair recognizes Mr. Nicholas from the Passamaquoddy Tribe.

Mr. NICHOLAS: Mr. Speaker, Ladies and Gentlemen of the House: I really wish that I could be here every day to listen to the pros and cons. I don't know whether it would be apropos for me at this time to voice in this debate and I do not intend to. What I do wish to do is to put in two cents

worth of wampum because I live next to the problem that deals with alcohol.

We are a reservation of 440 and much is noticeable. I have a brother who I did not know drank until I saw him sober one day, and this is a fact.

What I think I would like to bring out is the fact that the 18-year-olds have the right to vote. The 18-year-olds have the right to fight in the service of the war. We were drafted off the Reservation at the age of 17 and 18, but we were less fortunate because of the fact that we never had the right to vote until I was 32 years old. To take that away from me now, after giving me that right, I am wondering what the psychological effect it would be.

I realize that I can't vote one way or the other, but I think, basically, what is needed, and I am speaking for the Reservation systems and their problems with alcohol, is the education in that school, in that home, and unless respect stems from the home, you will always have these problems.

I have a son who is 24 years old. He lives in the same house that I do. He comes in still at ten o'clock in the evening unless something is going on special. He does this because I maintain discipline at home. I have often told him that there are things that I know that he doesn't seem to think I know, that I have been where he is going. That is all I have to say. Thank you.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I rise to answer the question of the gentlewoman from Madison, Mrs. Berry, regarding where in this bill it says that persons under the age of 20 would not be allowed to sell alcoholic beverages. You will find it in Amendment "A", which is part of the engrossed bill, on the reversed side of the sheet. No licensee for the sale of liquor to be consumed on licensed premises, except in Class A Restaurants, Clubs or Hotel dining rooms shall employ any person under the age of 20 years in the direct handling or selling of liquor on the premises where such liquor is sold.

The SPEAKER: A roll call has been requested. In order 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. If you are in favor of a roll call, you will vote yes; those opposed will vote no.

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

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, I ask to be paired with the gentleman from Caribou, Mr. Bennett, who would vote yes, and I would vote no.

The SPEAKER: The Chair recognizes the gentlewoman from Owls Head, Mr. Post.

Mrs. POST: Mr. Speaker, in reference to the question of Mrs. Berry, I think maybe the section she was referring to was section 751A, which deals with the payments of sales in retail stores and that section, as is in the one dealing with transportation, didn't seem to be amended at the time.

I also am not sure that my question was answered in terms. I realize that people are sort of grandfathered in, and that is sort of a strange word to use maybe, but that there is a grandfather clause of people who now have retail licenses. My question was, in the future when people are 19 years

old and want to have ownership of a store, will they then be able to sell beer and wine in that store as a licensee?

The SPEAKER: The pending question before the House is on the motion of the gentleman from Auburn, Mr. Hughes, that this bill and all its accompanying papers be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Berry, P.P.; Berube, Burns, Bustin, Byers, Carey, Carpenter, Carrol, Chonko, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, Dow, Drigotas, Farley, Faucher, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessy, Hobbins, Hughes, Hutchings, Ingegneri, Jacques, Jalbert, Kany, Kauffman, Kennedy, Laverty, LeBlanc, Lovell, MacEachern, Mackel, Martin, A.; Martin, R.; Maxwell, McKernan, Mitchell, Mulhern, Nadeau, Norris, Peakes, Pelosi, Peterson, T.; Pierce, Post, Powell, Raymond, Rideout, Rolde, Rollins, Smith, Snow, Snowe, Spencer, Talbot, Tarr, Tierney, Tozier, Truman, Usher, Wagner, Walker, Wilfong, The Speaker.

NAY — Albert, Ault, Bagley, Berry, G.W.; Birt, Boudreau, Bowie, Call, Carter, Churchill, Connors, Doak, Dudley, Durgin, Dyer, Farnham, Fenlason, Finemore, Flanagan, Garsoe, Gould Gray, Hewes, Hinds, Hunter, Immonen, Jackson, Jenson, Joyce Kelleher, Kelley, LaPointe, Leonard, Lewin, Lewis, Liffefield, Lizotte, Lunt, Lynch, MacLeod, Mahany, McBrearty, McMahon, Mills, Miskavage, Morin, Morton, Najarian, Palmer, Perkins, T.; Peterson, P.; Saunders, Shute, Silverman, Sprowl, Stubbs, Teague, Theriault, Torrey, Twitchell, Tyndale, Webber, Winship.

ABSENT — Blodgett, DeVane, Fraser, Laffin, Perkins, S.; Quinn, Strout, Susi.

PAIRED — Bennett, Higgins.

Yes, 77; No, 63; Absent, 8; Paired, 2.

The SPEAKER: Seventy-seven having voted in the affirmative, sixty-three in the negative, with eight absent and 2 being paired, the motion does prevail.

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

Mr. NORRIS: Mr. Speaker, having voted on the prevailing side, I now move that we reconsider our action and I hope that you will all vote against me.

The SPEAKER: The gentleman from Brewer, Mr. Norris, having voted on the prevailing side, now moves that we reconsider our action whereby this bill was indefinitely postponed. The Chair will order a division. If you are in favor, you will vote yes; those opposed will vote no.

A vote of the House was taken.

46 having voted in the affirmative and 89 in the negative, the motion did not prevail.

Sent up for concurrence.

(Off Records Remarks)

Passed to Be Enacted

An Act Relating to Motor Vehicle Certificates of Title (S. P. 217) (L. D. 716)

An Act Relating to the Disposition of Fines and Penalties Resulting from Criminal Prosecutions by Wardens (H. P. 405) (L. D. 494)

An Act to Clarify the Requirements for Voting in Municipal Elections (H. P. 1475) (L. D. 1565)

An Act to Provide Accessible Polling Places for the Physically Handicapped and the Elderly (H. P. 1476) (L. D. 1566)

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

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

Orders of the Day

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

An Act Relating to Pulmonary and Cardiac Disease under the Workmen's Compensation Act (H. P. 230) (L. D. 286)

Tabled — April 16, by Mr. McKernan of Bangor.

Pending — Motion of Mr. Farnham of Hampdon to Indefinitely Postpone Bill and Accompanying Papers.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: Before making a few remarks which I have prepared on this bill, I would like to informally, first of all, say a couple of things. I want to make it abundantly clear that I am speaking here this morning as an individual and not as the leader of my party in the House. That sometimes is totally misunderstood. Also I want to make it very clear that because of a very unfortunate incident yesterday involving a very dear friend of my own party in the Senate, I want to make this clear that I in no way by opposing this bill have less respect for those who propose it and for those in the Senate who have worked very diligently to see that it passes. I want to make that clear because the opposition which I have for this bill really arises out of the fact that this past week when I was speaking to a group of selectmen in my own county, the issue arose and they asked me about the bill. I frankly, at the time did not know about the bill and I expressed that to them. They were seriously concerned about it and said I wish you would do something about it at least to put on the record how we feel about this because they were very much opposed to it. Many of them who were in the group, in the audience that night, were volunteer firemen from the smaller towns and many in most of our smaller towns do have volunteer fire departments, and they were very much opposed to the bill themselves. So with that as a background, I hate to really speak from a prepared text, but this is a little delicate subject and I don't want to make any errors or say anything which is not exactly correct. I want to now make these remarks for the record because I feel that this bill perhaps has not had the consideration it should have had up to this point in time. It seems to be running through the House and Senate quite easily without too much debate. I am sure there may be some good thing in the bill. I am sure there is some very, very bad legislation also in the bill.

L. D. 286 is a prime example to me of an unnecessary bill that has been lobbied by a special interest to the point of enactment. This is a professional fire fighters bill. Although firemen are covered, volunteer firemen are covered, they do not all like the bill, they do not all favor the bill and certainly most of our municipal officials throughout Maine do not favor the bill.

I am speaking for myself only and for the communities I represent and every municipality within my district is opposed to this bill and they all have volunteer fire departments.

This bill will result in a substantial increase on small and large towns for their workmen's compensation insurance. It will not end there if passed. For then, we will be asked and will be hard put to deny the same benefits for the police, and eventually, I believe, for all public service

employees. Then it will necessarily be extended to all employees and this to me is the real issue on this bill right here this morning. Should we change the burden of proof in workmen's compensation cases?

A volunteer fireman, say from Nobleboro, or Boothbay, or Vienna, or Corinna, or Dexter dies of a heart attack at a picnic six months after having a fire fighting drill. The town is liable unless they can prove that the heart attack was not related in any way to that drill. This is not only an impossible burden for the town to overcome, but it really is a perversion of our entire system of jurisprudence.

The most insidious part of this measure is a statement that it corrects an oversight. Now, the original bill does not say that but if you look at the committee amendment you will find that in that amendment it says that this is the result of an oversight. I want you to pay particular attention to that. This statement is not true. The original bill did not contain such a statement, it came from the Labor Committee, whose chairman admitted that this statement is not true, that such coverage was inadvertently left out of an older statute. Firemen now are covered under Title 39 Section 2, 5-B, in this language. Policemen and firemen shall be deemed employees with the meaning of this act and they presently collect benefits under this section. The section that has been changed is 39 MRSA, Section 193, the section on occupational disease. That section listed 18 occupational diseases prior to the year 1967. Those sections were intentionally repealed in 1967 and were replaced with an umbrella statute covering all occupational diseases. That section, 39, 183, reads as follows; the term occupational disease shall be construed to mean only a disease which is due to causes and conditions which are characteristic of and peculiar to a particular trade, occupation, process or employment in which arises out of and is the cause of employment. Parenthetically I would say that it would be very difficult to prove in a case of a volunteer fire department that this would be the case as we know most of our volunteer fire departments are people who work outside and may have very hazardous occupations aside from being a volunteer fireman. I also say parenthetically that I think this may very well damage volunteer fire departments, because many of the young people and all the people that we use for volunteer fire departments in our smaller towns are people who have retired and I doubt that if this bill passed those same people would be allowed, as a matter of fact, to be volunteer firemen. I suspect there could be some very serious problems.

This section, the one I have just referred to, in referring to the 18 diseases was definition prior to 1967. It really was a streamlining of the law following the trend not to specifically enumerate these diseases. So, if you favor this bill because of the explanation that it was a coverage once that had been inadvertently lost, that simply is not the case and it is admittedly a false statement. If you vote for this bill, you would realize or should realize that it creates a concept in the workmen's compensation law which has not previously existed, that of strict liability of an employee against an employer.

The purpose of compensation acts was to eliminate litigation and place on business burden of caring for injured employees or when killed their dependents. That is the

statement directly from the Maine Supreme Court.

The entire theory of workmen's compensation developed as a result of a bargain. That bargain which brought about workmen's compensation was this. An employee gives up the right to sue his employer for negligence for on-work related accident and thus is not forced to prove that he was contributorily negligent for the accident, in exchange for which automatic compensation for the resulting injury as long as that injury arose out of the course of employment. This is all a workman must presently show to be reimbursed for his losses. To have a law assume that a volunteer fireman, who may answer one call a year, had a heart attack as a result of that call defies logic and common sense to me.

In my own geographic area I might say that we have, for example, the Bath Ironworks. Many of our people in the area work at Bath Ironworks, many of them are welders, many of them work in the paint shops, occupations which obviously have an adverse effect upon the heart. These people may also smoke two packs of cigarettes a day. It is incongruous for me to think that same person who might come home on a Saturday and answer a call to a brush fire had a heart attack because he went to the brush fire because he is a fireman when perhaps during the week he ate too much drank too much, smoked too much and welded too much.

Fire fighters are not now being denied compensation; let's not forget that. They are not now being denied compensation. It is not at all difficult for them to prove cardiac vascular damage as a result of employment under the existing law.

If a fireman, volunteer or otherwise, falls off a fire truck on the way to a fire, he is completely covered. If a professional fireman has a heart attack and he can show that it is an occupational hazard, he is completely covered, no matter when or how he has that attack, but to give strict liability coverage to that volunteer fireman who has a heart attack on a picnic is wrong. If we create this new concept, then we open ourselves up to the more compelling claims of other groups. Policemen certainly are involved every day in things which might strain the heart in restraining a prisoner in an arrest. An insurance agent who smokes two packs of cigarettes a day and is rather obese certainly might be covered. Certainly all doctors in this state will admit they are prime targets of a heart attack. Let's not forget that heart is the number one killer in this country.

This bill is a property owner, subsidized, health insurance policy for a special group. If that is what it really is and if that is what the proponents are really after, then they should approach it in that fashion. If this bill passes, I think that every one of us here in this House should go out immediately and join some volunteer fire department, because I am sure that a great number of us eventually will die of a heart attack and if we belong to the volunteer fire department, we will be covered and our dependents will be covered because the cause will be because we were fire fighters. I submit to you that this is dangerous legislation. I think we should think about it very carefully before we pass it, especially those of us who live in areas where we have volunteer fire departments. I submit to you that that is most of the towns throughout our state.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: As chairman of the committee which heard this bill, I would like to make a few remarks as to the substance of it in reference to my good friend from Nobleboro's statement, because the statements he made, if this bill did any of the things that he said it did, this bill would have received a 17-A report. That I can guarantee you, because I couldn't support a bill the way he just outlined this one. Instead, this committee turned out a unanimous "ought to pass" report. Why would the Labor Committee come out with the unanimous "ought to pass" report if it did the things Mr. Palmer said it did? Obviously it doesn't. I am going to try, first of all, to describe what the bill does and why it is necessary. I know there are other members of this House who might speak as to the more motive connotations to this piece of legislation.

The first statement by Mr. Palmer, he said the bill was unnecessary and it was lobbied by a special interest group, professional fire fighters. The statement is just not true. This bill has the full support of the association in this state representing all the volunteer fire departments. Both of my towns have volunteer fire departments and I had members of both those departments call me and come to see me and describe the problems they have and why they need this bill. I was persuaded locally as well as by the excellent hearing which we had.

Number two, Mr. Palmer said there would be a substantial increase in rates. We were concerned about this on the committee, but when we were presented at the hearing a letter from our own Insurance Department saying that there is no way to make that kind of statement, there is no way to make that kind of determination and that only several years from now, after we try to examine this thing, will there be any indication as to what will happen to the rates, could we even begin to make that kind of determination. Mr. Palmer's allegation unsubstantiated seems not to carry much weight, at least in my own mind.

Thirdly, Mr. Palmer stated that we have created a monster of strict liability here, and that is simply not true. This is not strict liability. We are not denying the insurance company from coming in and showing that this isn't an obese insurance man who smoked two packs of cigarettes a day or who had two previous heart attacks. In that case, I think we will find it to be quite clear that the town would prevail; they would have no trouble, they would have met their burden under this bill. This is not strict liability. Strict liability means that no matter what happens one side wins. This isn't the bill; this isn't the case.

Number four, Mr. Palmer said that the bill was not well debated and that it slid through. We had no debate on this in the House, that is true. We passed it through this House, passed it to be engrossed almost a month ago and since that time it has been sitting in the other body, there have been a number of amendments, a great deal of debate, a great deal of legislative history, which I would hope the good gentleman has taken the time to read because it was very illustrative of my point. The Senate was persuaded to that point.

Number five, Mr. Palmer stated that it is not at all hard to prove under the present system as to pulmonary and cardiovascular disease on the part of firemen. Not true. Not true, because we

heard from the firemen themselves at the hearings, they came up one by one and told us individual examples of the incredible difficulty they have had in prevailing in this.

Number six, Mr. Palmer points to the technical error in the Statement of Fact. It is a technical error, he is correct, but naturally the Statement of Fact is not part of the legislation and I would urge you to read the text of the bill before reacting. But, more important is the tone behind the Statement of Fact which is important, because prior to the legislative change in 1967, municipalities had been quite willing to pay for these questions on pulmonary and cardiovascular problems but unfortunately in recent years they have become much more hard lined, they have a more professional advice from the Maine Municipal Association, who we all know who has lobbied very hard against this bill for reasons which quite honestly escape me, and since that time the firemen have been denied this form of compensation.

The last argument from Mr. Palmer, and then I will sit down, was it is the old foot in the door theory. If we do it for the firemen today it will be the policemen tomorrow and so on, and so on. I thought about this quite a while. I searched my mind, and tried to figure out if that is true. I guess the answer has to be no, that it is not the old foot in the door theory because the firemen in this state and the firemen in this country are in the most hazardous occupation in the nation. Statistics from the National Safety Council say that firemen are in the most dangerous occupation, bar none. I just can't imagine any other occupation, garbage collectors for the town, trying to come in and make the same argument. It would be laughable. Firemen, it is different. This is a good bill, it has had a lot of debate, we had a good hearing, it is a unanimous report. I hope we enact it today.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Probably after my speech I won't have a party, because this morning you have heard a canned speech by MMA if you ever heard one. You have heard a deliberate speech made out by MMA who has opposed this bill.

I don't believe it has ever been mentioned in this House that this was a law on the book from 1955 to 1967. On checking this this morning, I find there are only two amendments recorded on it, Senate Amendment 47 and Senate Amendment 49 and possibly a Committee Amendment I may have missed up on, if I do, I apologize. This is a simple bill and it is a bill that will help the little towns rather than hurt them.

You can stand here this morning and say your little towns don't like changing the burden of proof upon the little towns; but this is not so. I have a volunteer fire department in my town and they are not all old men, they are all young men. We don't have anyone, probably not anyone even 50 years old. We probably have more men 24, 25, 26, 27 years old. I don't think there is any need to say that there are all old people in these towns. I don't think there is any need to come back and read a half an hour speech put out by MMA on this, and that is what we have heard here this morning just because it is going to cost the towns a little money. This isn't going to cost the towns any money, it is going to

cost the workmen's compensation if anything.

I have checked two companies on premiums and I find there will be no additional premiums. They may possibly be increased but we will go to another point of idea here. Here is a man with five or six children, has family, is getting along, doing well, has a fine job, who gets into one of these places where he has to work under this. What happens, if the burden of proof lays to his feet to prove a point he is definitely going to be out of work, he is definitely going to be destitute and he is going to have to go on welfare. I wonder if it would be cheaper for the towns to buy maybe \$100 or \$200 insurance more a year for maybe ten years and maybe save \$25,000 or \$30,000. I can't picture any town manager calling or any town municipal officer calling any member in this. The only thing is that it has been beat in their heads by Maine Municipal Association who has times they help the individual towns and times they hurt the individual towns. I would say that the latter is the most usual.

This morning you have heard it said what is going to happen to the little towns and how they have all called. I would like to poll and be able to poll, which I can't do, how many people in this House have had their towns calling in regard to this bill.

The gentleman who asked for indefinite postponement, I doubt this morning if he could tell you what amendments are on that bill and what the changes are. It is a whole thing that came out of the Minority floor leader's office, this whole charge came out of the minority floor leader's office and it is a shame to penalize your volunteer fire departments, as individuals, a right to have this so they don't have to prove it themselves. You don't have to prove in other liabilities, why in this one? The liability is there and why not the burden of proof lie on the towns? That is the main question here this morning.

Last evening, you had a meeting at the Civic Center and one of the simple reasons for having it, one of the biggest reasons for having it, one reason was that they put out papers saying that this bill ought to be killed. I resent that. You sit here and talk about lobbying this bill, which side has the lobby been on? The lobby has been on the side to kill the bill rather than on the side to save the bill, something that is going to help the individual volunteer members of the fire department.

I say here this morning, ladies and gentlemen, if I don't have a party when I get done this talk, it doesn't make any difference to me. I am sticking up for what my people want, not only in my town, not only in my district, but in the whole of Aroostook County, and I hope this morning you vote against indefinite postponement of this and bear in mind my words because right in Senate Amendment 47 it says right in there it was law in 1955 through 1967. It showed no ill effects and it won't again.

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

Mr. FLANAGAN: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 286 is "An Act Relating to Pulmonary and Cardiac Diseases under the Workmen's Compensation Act." This act changes the burden of proof from the employee to the employer. Statements have been made on the floor of this House about what might happen because of this act, with great possibilities of serious mistakes, costing the communities large sums of money. This is purely negative thinking. The

hearing and working sessions on this bill clearly show the opposite to be true. If anything happens, it will be a strong positive because the bill will alert communities to the necessity of a better safety program for the protection of these employees that are participating in such hazardous duties.

It has been quite evident in the past years, every time the compensation act has been amended for the protection of employees, now safety programs have been instituted to protect people from accidents. Safety minimizes workmen's compensation expenditures and people want safety.

This is a good bill, it has been hampered on its route to passage by some forces that failed to appear at the hearing or work sessions to clearly spell out their opposition. I am in favor of lobbying; lobbying is part of the game of politics, but I think you should lobby before the bill is heard, not after the bill is on its road to passage.

The attitude so clearly exhibited in the hearings of L.D. 286 and the work sessions that followed led the committee to be entirely positive and to present a unanimous "ought to pass" report; consequently, I urge you good people here to vote against this motion to indefinitely postpone this bill because it is truly a bill for our working people.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I just want to say at this time that this bill has a lot of weight behind it, I sponsored it, along with my cosponsor, Mrs. Clark of Freeport.

I sponsored this bill and I am not a professional fire fighter in any sense of the word because I believe in fair play. I believe that this bill, as was stated by other speakers, was on the books from 1955 to 1967 and whatever the reason was it was taken out, I don't know, but as usual, somebody was a little bit underhanded somewhere along the line when they reviewed these labor laws. I support this bill wholeheartedly.

All the firemen that I know, and there were about 150 at the hearing, without any opposition the good committee came out with a unanimous "ought to pass" report and I don't think anybody in this House at any time can put anything over that committee of fine men. They know what they are doing and they did a good job. I ask for a roll call when the vote is taken, Mr. Speaker.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I wholeheartedly disagree with our minority floor leader, Mr. Palmer, but this isn't the first time. Unless you have been a fire fighter, you couldn't possibly know the dangers that exist in the life of a fireman during a fire. Fire fighting is one of the most hazardous conditions that any occupation will ever endure, especially for the small towns where we have volunteer firemen.

Mr. Finemore, hit it right on the head and I will agree with him for once. Unless a man has been in a fire and been trapped and wondering whether he is going to get out or not, wondering whether his oxygen is gone once the bell has rung, then they don't know what it is to fight a fire.

I am not talking about doctors and I am not talking about professional men and I am not talking about lawyers where you can have all day to make a decision. A

fireman must make a decision fast and quick when he is in a burning building. They protect people, and that is very important in our society.

The firemen, in many, many cases, they are not in a profession for the money. We have in this state 7,000 volunteer firemen. These people are firemen because they like it. I have been a volunteer fireman for almost 20 years and it has cost me more money to be a volunteer fireman than I would ever receive out of it — burned clothes, numerous things.

This bill is for the volunteers; this is a good bill for the volunteers. In your small towns where you depend on volunteer fire department men to get to a fire, immediately they have to go into a burning building without their Scott air packs. Many times this has happened. The larger cities have permanent men such as drivers — Portland, Bangor, Lewiston, Auburn and South Portland they have their permanent men, but some of these, such as South Portland, also have a back-up volunteer fire department. The City of Portland does not. But all the small towns have volunteer fire departments, even the drivers are volunteers. When the alarm rings, they have to run to the truck, get onto the truck and go to the fire. The volunteers usually drive their cars, because they are not in the vicinity of the station, drive their cars to the fire right from their work or right from their homes, any hour of the day or night.

We are not talking about passing a hose up to somebody, we are talking about men who fight fires, who get in where the fire has got to be fought at the start of the base of the fire. That is where you fight fires. You don't fight them from the streets; you fight them in the building, and that is what this bill is all about. It protects the firemen; it gives him a chance to say to the towns and the municipalities that you prove it didn't happen to me, and that is the basis of the bill. That is the good part of it.

I have been on the city council in Westbrook. I have sat there and I have heard complaints on fire departments, and sat next to people who have never even been in the fire department, don't know the first thing about a fire department. How can they judge intelligently? A man that had never been in war could never judge a battle, and that is just what this is. It is for the small town fireman, who is a volunteer fireman, who gives up his time, who endangers his life, and that is just what this bill is. And as Mr. Cote says, it is a good piece of legislation. In fact, it is better than what I had even hoped.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I know this item has been belabored somewhat. I do want to set the record straight. The name of the association of fire fighters that supports this, and there has been an attempt to make it seem as if some volunteer fire fighters were against it, the Maine State Federation of Fire Fighters, Inc., which represents 7,000 fire fighters in the State of Maine, only 800 of which are professional fire fighters, is wholly in support of this bill.

I know I first heard of it from my next door neighbor who is a captain in the York Volunteer Fire Department. He has had a special problem in dealing with worker's compensation because his own son, who was 26 years old, was killed en route to fire, and I know, although it doesn't deal with this particular bill, I am having a great deal of

difficulty in trying to help that Family get workmen's compensation.

There has been a special group lobbying this, as you all know, and it is the Maine Municipal Association, and they are afraid it might cause the towns a little extra expense. But I don't think anyone has pointed out how much a volunteer fire department does save a town, the untold man hours of expense that are saved to a town because they do have volunteers and don't have to have fulltime fire fighters. So I suggest we all follow the advice of the gentleman from Nobleboro and join our local volunteer fire departments, because I cannot think of a higher form of civic duty.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Snow.

Mr. SNOW: Mr. Speaker and Members of the House: I believe that I am the fourth or fifth member of the Labor Committee to rise in support of this legislation. As a matter of fact, I should confess that the good chairman of the committee, the gentleman from Durham, Mr. Tierney, asked me if I would support the bill as I did in committee, but he left me very little to say.

I had written a list of things I would like to say. I wanted to point out that the bill had been fully debated in the other body — he said it. I wanted to point out that it was important that the burden of proof is now on towns and the town has greater resources than do individual firemen. This was also pointed out. But I have found one thing which no one has mentioned, and that is that last year, if my memory is correct, over 600 fire fighters suffered coronary accidents, and over 300 became victims of pulmonary disease.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: The fact that a few people in this corner have gotten up on this bill should not indicate any type of a party position. In fact, I intend to vote against the motion to indefinitely postpone. However, I do have some serious problems, some of which I think everyone can understand, others, perhaps, only the attorneys will.

I do want to make one thing, though, I am not an expert on the workmen's compensation laws, but from talking to people who do know a fair amount about workmen's compensation laws and from my cursory research, I don't think there is another law on our books which puts the burden of persuasion on the employer in workmen's compensation cases, and that is what we are doing here.

Another thing that has been stated which I think is erroneous is that this is the way the law was back in the late fifties and sixties. To my understanding again, I stand to be corrected if anyone would like to, between '55 and '67 there were certain diseases that were listed in our statutes, I believe. In '67, the amendment did not take away the burden and put it back on the employee. What the amendment did in '67, as far as I can tell, it is simply to say that all diseases would be covered. In fact, it would not have to come within a specific number of listed diseases. So those statements that there were any changes that were going to help the employer are erroneous.

Now, there was a statement made that there was no opposition at the hearing. That is right, there wasn't. If you read the original bill, you will see why. The original bill didn't do anything. The original bill just listed a couple more diseases, but

already on the books there was a law that said you didn't have to come within the diseases, so of course nobody bothered to complain about it. The Statement of Fact said that it changed the burden of proof, but the bill didn't do that. And as Representative Tierney said, we don't make our decisions on laws based on the Statement of Fact, it is only on the words in the bill. So, in fact, the original bill was meaningless, and that is why it had to be redrafted. It was after the redraft, in fact, the opposition began, because all of a sudden they changed what the original bill said.

I agree with the basic concept behind it still. I think we ought to do something for our firemen. I think that giving them a presumption is one thing, and I think they should have presumption, and that is why I wouldn't vote to indefinitely postpone the bill, because we give other people presumptions in our statutes as well, but nowhere else do we also require that the employer have the burden of persuasion. In fact, that runs contrary to our present law regulating presumptions in other fields.

I think, as Representative Palmer stated, what we really are trying to do is protect our fire fighters and probably the best way to have done that would have been by some kind of a health and life insurance plan that the municipalities or employers would be required to have for coverage on these people. However, the Labor Committee, in its wisdom, has seen to do it a different way. That is fine; I can accept that, but I can't accept switching the burden of persuasion in only one instance. So I intend to vote against indefinite postponement and then hope we can table this so I can have an amendment prepared to delete the section which switches the burden to the employer but, however, would leave in the presumption that the heart attack was caused by the fire fighters participation in any kind of a drill or a fire.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I would not in any way try to push my colleague from Lewiston around and as for our colleague from Freeport, I would be more apt to put my arms around her and give her a hug, but I wouldn't push her very far, if she didn't hit me first.

I think there have been a few misleading statements made. Most towns do cover their firemen. I want them covered if they are going to get hurt on the job, if they are going to have a heart attack on the job, if they are going to get pneumonia from fighting that fire. But do you realize that in any community in this state, there never will be a period during the year when a man who dies, a fireman dies of either pneumonia or pulmonary disease or has a heart attack that it can't be traced back to a fire, because there is a fire in nearly every community at least once every two or three months, so he is continually under this six-months clause.

The gentleman from Bridgewater, Mr. Finemore, said it wouldn't cost anything. That is the perfect truth as far as he went, but he didn't take a very long walk this time.

Workmen's compensation rates are set on the occupation; a hazardous occupation takes a high rate. An occupation such as ours would take a low rate because we are not exposed to many hazards. So when a town or city takes out workmen's

compensation to cover its road crews, its firemen, its policemen, even its office people, a rate is established for that town, and we will say their workmen's compensation rate is \$10 premium for each hundred dollars of payroll. Now, they pay that \$10 premium for two or three years. They have had no accidents or very few and the claims against them have been very small, they get a reduction in their premiums, but if they have a bad record due to poor safety or other reasons they can have a higher premium. There is a penalty. And I think the gentleman from Bridgewater, Mr. Finemore, knows that countless small loggers pay a penalty premium because they are in a high risk occupation and do not practice safety.

Now, I appreciate his sincere concern for the firemen. But looking through the legislation, I find that he wants to repeal a bill which I tried to get through here in the 104th. I tried to reduce coverage so that anyone who employed one or more, the men would get unemployment compensation. In the 104th Legislature, I had bills in to reduce coverage so that if a man became unemployed and he worked for an employer who had one or more, instead of four, as the law then read, he would be entitled to unemployment coverage. I had this identical bill in on workmen's compensation coverage. I was concerned with the injured workmen, and he needed benefits just as much if he was the only employee of an employer as he did if he was the fifth or sixth and covered by the law. I think my record is clear there. I want firemen protected, but I want him protected for something that happens on the job or in a reasonable period of time after the job. Certainly if he gets soaked with ice water in January and comes down with pneumonia a week later he is suffering a job injury, but he isn't suffering a job injury if he goes ice fishing three months later and gets pneumonia. It shouldn't be traced back to his work as a fireman.

Somehow or another through it all, and I realize that this bill is not going to be indefinitely postponed, Maine has always had a very good workmen's compensation law. I have watched over a number of years here, and I felt it had been turned into a trial lawyer's law, regardless of whether or not there were benefits for the employee. I do wish you would vote for indefinite postponement, because I just think it is all wrong to say that I can't die of natural causes or a heart attack anytime during the year just because I am a fireman.

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

Mr. FLANAGAN: Mr. Speaker, Ladies and Gentlemen of the House: I want to rise to talk about one predominant item that was heard at the hearing and in our work sessions, and it is this, that the underlying substance behind this bill is safety. Even though the books allow these safety measures to be taken, they are not being taken, and this law here would help to generate an impetus that would get these communities and cities and all to take these measures for safety. What I am relating to in particular is I have heard so many ridiculous arguments here on heart attacks and blaming it on the fire departments. The compensation laws now detail that these people being hired and put in volunteer fire departments should be examined before they go to that job, and if this law does nothing more than to make that become a reality, it would be a success for everyone. It gives these people

it will have them take these measures to protect these people that are working. If they give them the examinations before they take the job, they won't have to cry about complaints later on it.

The **SPEAKER**: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. **PALMER**: Mr. Speaker and Members of the House: I think a couple things should be clarified. I am sorry that the gentleman from Bridgewater, Mr. Finemore, feels that he has to leave the party because he disagrees with me. I think I made it quite clear when I stood here that I was speaking as an individual. I hope I will always have that right. That is one of the great disadvantages, I guess, of being in one of these corners, that every time you open your mouth someone relates it to your own philosophy or your own party's philosophy. I am speaking for myself, and I think I made that abundantly clear.

I also do take issue with him, however, in that fact that he accused me of having a canned speech put out by the Maine Municipal Association. That really does irk me, because I have a perfect right as an individual to believe what I want. The Maine Municipal Association is no dearer to my heart than they are to his. In fact, I have more difficulty with them than I do probably with any other organization in this state. They didn't give me one ounce of help. I did not confer with one person. This is my own work, and I resent very highly being told that it isn't.

Now as for my good friend Tuffy up there, I love him and we disagree on a lot of things and I hope we always will. I am sure that things will be okay.

I do resent slightly, though, the gentleman in the other corner who accused me the other day of having the breezes of spring laugh through this House. In a very poetic fashion he described it, because he thought some partisanship was being involved. I resent the fact that he did stand without saying he was speaking as a person and perhaps not as leader of his party, because I made it very clear last night to both the majority leader of this House and to the Speaker of this House that whatever I said today I was speaking as an individual legislator from a community and from a county which is very much involved and very much concerned. And if I have done nothing else this morning but just have everyone realize what this bill said, I have accomplished my purpose.

I want to address two little things, though, to my good friend Mr. Tierney. He corrected some of the errors that I had made. I would like to correct a couple of his. I do know that when this bill was heard before the Committee on Labor, there was not one word of medical testimony. I think that is a most important thing, when you pass a bill of this nature — one word of medical testimony. And as far as the cost of this bill is concerned, in saying there is no evidence of it, all that you have to do is look at the State of New Hampshire, and I think you will find out there is ample evidence that it does cost and cost a lot.

The **SPEAKER**: The Chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. **TIERNEY**: Mr. Speaker, Men and Women of the House: Very briefly, to respond to those two points, it is true we heard not one word of medical testimony, but we did receive two in depth medical analyses from physicians, out of state physicians who are experts in the field of cardio-vascular and pulmonary disease, one of whom had been expected to fly in

that day to the hearing but due to a medical emergency was not able to come. The committee digested that medical information and made the decision.

Number two; the question of New Hampshire law. The New Hampshire law is a bad law. It reverses the presumption for anyone indefinitely, not just for six months, including after his retirement. So the analogy between New Hampshire and Maine is a very weak one. I hope we proceed with the 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 will vote yes; those opposed will vote no.

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

The **SPEAKER**: The pending question is on the motion of the gentleman from Hampden, Mr. Farnham, that An Act Relating to Pulmonary and Cardiac Diseases under the Workmen's Compensation Act, House Paper 230, L. D. 286, and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bagley, Berry, G. W.; Bowie, Burns, Conners, Curtis, Doak, Dyer, Farnham, Gray, Hunter, Hutchings, Kelley, Leonard, Lewis, Littlefield, Lovell, Lynch, MacLeod, Palmer, Peterson, P.; Rideout, Rollins, Torrey, Tozier.

NAY — Albert, Bachrach, Bennett, Berry, P. P.; Berube, Birt, Boudreau, Bustin, Call, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Dam, Davies, DeVane, Dow, Durgin, Farley, Fenlason, Finemore, Flanagan, Garsoe, Goodwin, H.; Goodwin, K.; Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hobbins, Hughes, Immonen, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Lewin, Lizotte, Lunt, MacEachern, Mahany, Martin, A.; Maxwell, McBrearty, McKernan, McMahon, Miskavage, Mitchell, Morin, Mulkern, Nadeau, Najarian, Norris, Peakes, Pelosi, Peterson, T.; Pierce, Post, Powell, Raymond, Rolde, Saunders, Shute, Silverman, Smith, Snow, Snowe, Spencer, Sprowl, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong, The Speaker.

ABSENT — Blodgett, Byers, Drigotas, Dudley, Faucher, Fraser, Gauthier, Gould, Greenlaw, Jackson, Mackel, Martin, R.; Mills, Morton, Perkins, S.; Perkins, T.; Quinn, Strout, Susi, Webber, Winship.

Yes, 26; No, 103; Absent, 21.

The **SPEAKER**: Twenty-six having voted in the affirmative and one hundred and three in the negative, with twenty-one being absent, the motion does not prevail.

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

Mr. **McKERNAN**: Mr. Speaker and Members of the House: As I stated during the debate on this bill, I do feel that this is not the time to switch the burden of persuasion in only one case of our whole workmen's compensation laws, and therefore I would hope somebody would table this so that we could amend it to bring it in line with the rest of our laws.

The **SPEAKER**: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. **PALMER**: Mr. Speaker, I move this lie on the table for one legislative day.

Thereupon, Mrs. Clark of Freeport 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 will vote yes; those opposed will vote no.

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

The **SPEAKER**: The pending question is on the motion of the gentleman from Nobleboro, Mr. Palmer, that this matter be tabled pending passage to be enacted and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bagley, Berry, G. W.; Berry, P. P.; Birt, Bowie, Burns, Call, Carey, Carpenter, Carter, Churchill, Curtis, Dam, Davies, Doak, Dow, Durgin, Dyer, Farnham, Faucher, Garsoe, Gray, Hall, Hewes, Higgins, Hunter, Hutchings, Immonen, Jacques, Jensen, Kany, Kauffman, Kelleher, Kelley, Kennedy, LaPointe, Laverty, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lynch, MacEachern, Mackel, MacLeod, Maxwell, McBrearty, McKernan, McMahon, Mitchell, Norris, Palmer, Perkins, T.; Peterson, P.; Pierce, Post, Raymond, Rollins, Shute, Silverman, Snowe, Spencer, Sprowl, Stubbs, Teague, Torrey, Twitchell, Walker.

NAY — Albert, Bachrach, Bennett, Boudreau, Bustin, Carroll, Chonko, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; DeVane, Drigotas, Farley, Fenlason, Finemore, Flanagan, Goodwin, H.; Goodwin, K.; Henderson, Hennessey, Hinds, Hobbins, Hughes, Ingegneri, Jalbert, Joyce, Laffin, LeBlanc, Lunt, Mahany, Martin, A.; Miskavage, Morin, Mulkern, Nadeau, Najarian, Peakes, Pelosi, Peterson, T.; Powell, Rideout, Rolde, Saunders, Smith, Snow, Talbot, Tarr, Theriault, Tierney, Tozier, Truman, Tyndale, Usher, Wagner, Wilfong.

ABSENT — Byers, Conners, Dudley, Fraser, Gauthier, Gould, Greenlaw, Jackson, Martin, R.; Mills, Morton, Perkins, S.; Quinn, Strout, Susi, Webber, Winship.

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

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

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

Bill "An Act Relating to Mandatory Reporting of Child Abuse or Neglect" (Emergency) (H. P. 1488) (L. D. 1680) which was passed to be engrossed as amended by House Amendment "A" (H-161) in the House on April 15.

Came from the Senate with the Bill passed to be engrossed as amended by House Amendment "A" (H-161) and Senate Amendment "A" (S-73) in non-concurrence.

In the House: On motion of Mr. Ault of Wayne, the House voted to recede and concur.

By unanimous consent, ordered sent forthwith.

At this point, the Speaker announced the assignment of Seat No. 142 to Mr. Farley of Biddeford.

The Chair further rescinded the appointment of Mr. Albert of Limestone to the Joint Standing Committee on Election Laws and announced the appointment of Mr. Albert of Limestone to the vacancy on the Joint Standing Committee on Transportation.

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

Bill "An Act to Create the Commission on Governmental Ethics and Election Practices" (S. P. 487) (L. D. 1778) — Committee on Reference of Bills suggested Committee on State Government — In Senate, referred to the Committees on State Government and Election Laws jointly.

Tabled — April 16, by Mr. Birt of Millinocket.

Pending — Reference.

On motion of Mr. Birt of East Millinocket, retabled pending reference in concurrence and tomorrow assigned.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. This morning I sent a note to the Speaker and said I wouldn't take more than a minute and a half, and I know it is getting late. I didn't want to do this earlier in the session, because it could be looking like your remarks were used to promote or defeat a special bill.

Today, I do have a page from Skowhegan, a boy serving as Honorary Page, and he is going to testify this afternoon before the Committee on Business Legislation on the supplemental newspaper bill. He is a newspaper boy, and what I want to get into the record mainly, and to you people, is that this boy is 14 years old. He is in the eighth grade in Skowhegan Junior High. He gets up at four o'clock in the morning to deliver the papers. He never misses a day, and then he is in the classroom at seven-thirty in the morning in order to take algebra, which he couldn't squeeze in under the regular classroom schedule. I think when you look at people like this, and I am sure you have got them in your communities as well as I do, that we have no fear of the future, for this state at least, and that is why I so strongly support the younger people of the State of Maine. (Applause)

(Off Record Remarks)

Mr. Joyce of Portland was granted unanimous consent to address the House.

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: Tomorrow is a school holiday in Portland because the Freedom Train rolled into Portland yesterday morning. It will be a happy day for many children, and I am not going to address this to the happy children. I feel there will be many sad children in Portland tomorrow. I have read a lot about the Freedom Train, how the American Legion donated the bell and of other organizations that made donations on that train. I am wondering perhaps of the many many children in Portland that will never get on that train because they don't have the dollar. I appreciate some of the local business people that bought tickets for some of the children, but I am at odds to explain why one dollar had to be charged for every school child, many of them traveling from your cities and towns to go to Portland and visit this train, and I am

somewhat disturbed that one dollar fee is being charged. It is my understanding that the last time there was a Freedom Train in Portland, I don't know how many cities it visited, it stopped at Lewiston, and I am informed that in the Lewiston area it was free, and this is the way I thought it should be here.

On motion of Mr. Nadeau of Sanford,
Adjourned until twelve o'clock noon tomorrow.