

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

SENATE

Tuesday, April 1, 1975

Senate called to order by the President.
Prayer by The Honorable Cecil H. McNally of Ellsworth:

If you folks think I am frightened, you are correct, I am, but let us pray.

Lord, you know better than we know ourselves that we are growing older. Keep us from getting talkative and from the fatal habit of thinking we must say something to every subject. Make us thoughtful but not moody, helpful but not happy. With our wisdom, it seems a pity to not use it all, but you know, Lord, we want a few friends at the end. Amen.

(Off Record Remarks)

Reading of the Journal of Thursday, March 27, 1975.

**Papers from the House
Joint Resolution
STATE OF MAINE**

In the Year of Our Lord One Thousand Nine Hundred and Seventy-five.

**IN MEMORIAM
Having Learned Of The Death Of
DONALD CLYDE PRINCE
OF
TURNER**

The Senate and House of Representatives of the State of Maine do hereby extend their sincere heartfelt condolences and sympathy to the bereaved family and friends of the deceased; and further

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine. (H. P. 1237)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

**Joint Order
STATE OF MAINE**

In The Year of Our Lord One Thousand Nine Hundred and Seventy-five.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Caribou Cougars Catholic Youth Organization State Basketball Champions for 1975

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 1225)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

ORDERED, the Senate concurring, that Joint Rule 7C is amended by adding at the end the following new sentence: Orders,

resolutions and memorials may be cosponsored in the same manner as bills and resolves. (H. P. 1226)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

House Papers

Bills and Resolves today received from the House requiring Reference to Committees were acted upon in concurrence, except for the following:

Bill, "An Act to Incorporate the Town of Rockwood." (H. P. 966) (L. D. 1218)

The Committee on Reference of Bills suggests that this Bill be referred to the Committee on Legal Affairs.

Comes from the House referred to the Committee on Local and County Government and Ordered Printed.

Which was referred to the Committee on Legal Affairs and Ordered Printed in non-concurrence.

Sent down for concurrence.

**Senate Papers
Agriculture**

Mr. Hichens of York presented, Bill, "An Act Relating to the Division of Hundredweight Fees between the Maine Milk Commission and the Maine Dairy Council Committee." (S. P. 417)

Which was referred to the Committee on Agriculture and Ordered Printed.

Sent down for concurrence.

Education

Mr. Katz of Kennebec presented, Bill, "An Act to Clarify Certain Provisions in the Education Laws." (S. P. 418)

Which was referred to the Committee on Education and Ordered Printed.

Sent down for concurrence.

Liquor Control

Mr. Berry of Cumberland presented, Bill, "An Act to Adjust Liquor License Fees." (S. P. 420)

Which was referred to the Committee on Liquor Control and Ordered Printed.

Sent down for concurrence.

**Committee Reports
House**

The following Ought Not to Pass reports shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Relating to Administration of the State Retirement System." (H. P. 364) (L. D. 458)

Bill, "An Act to Provide for a Line Budget Procedure for All School Systems." (H. P. 841) (L. D. 1014)

Bill, "An Act to Permit Certain Persons to be Exempt from the Participation of a Local District in the State Retirement System." (H. P. 686) (L. D. 870)

Ought to Pass

The Committee on Legal Affairs on, Bill, "An Act to Provide Criminal Penalty for Tampering with Passenger Tramways." (H. P. 632) (L. D. 783)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on, Bill, "An Act Relating to Public Safety on Passenger Tramways at Ski Areas." (H. P. 633) (L. D. 784)

Reported that the same Ought to Pass. (Rep. Cote of Lewiston Abstained)

Come from the House, the Bills Passed to be Engrossed.

Which reports were Read and Accepted

in concurrence, the Bills Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Legal Affairs on, Bill, "An Act Clarifying Sprinkler System Requirements in Boarding Homes and Existing Places of Assembly." (H. P. 531) (L. D. 649)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-105).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Senate

Leave to Withdraw

Mr. O'Leary from the Committee on Veterans and Retirement on, Bill, "An Act to Base Adjustments of Teacher and State Employee Retirement Allowances on the Consumer Price Index." (S. P. 235) (L. D. 814)

Reported that the same be granted Leave to Withdraw.

Mr. O'Leary from the Committee on Veterans and Retirement on, Bill, "An Act Relating to Service Retirement of Employees in Direct Contact with Patients at State Hospitals." (S. P. 124) (L. D. 410)

Reported that the same be granted Leave to Withdraw.

Which reports were Read and Accepted.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Veterans and Retirement on, Bill, "An Act Relating to Retirement of Deputy Attorneys General, Assistant Attorneys General and Staff Attorneys." (S. P. 237) (L. D. 790)

Reported that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Knox
CLIFFORD of Androscoggin
O'LEARY of Oxford

Representatives:

NADEAU of Sanford
LEONARD of Woolwich
LAVERTY of Millinocket
MacEACHERN of Lincoln
CURTIS of Rockland
THERIAULT of Rumford
KELLEY of Machias
MORTON of Farmington
POWELL of Wallagrass

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Representative:

USHER of Westbrook

Which reports were Read and the Majority Ought Not to Pass Report of the Committee Accepted.

Sent down for concurrence.

Divided Report

Seven Members of the Committee on Liquor Control on, Bill, "An Act Raising the Age of Persons who may Purchase Alcoholic Beverages or Sell as Licensees." (S. P. 4) (L. D. 4)

Reported in Report "A" that the same Ought to Pass as Amended by Committee Amendment "A" (S-40)

Signed:

Senator:

GRAFFAM of Cumberland

Representatives:

LIZOTTE of Biddeford

TWITCHELL of Norway

DYER of South Portland

PERKINS of Blue Hill

IMMONEN of West Paris

RAYMOND of Lewiston

Four members of the same Committee on the same subject matter reported in Report "B" that the same Ought Not to Pass.

Signed:

Representatives:

FAUCHER of Solon

JACQUES of Lewiston

MAXWELL of Jay

PIERCE of Waterville

Two members of the same Committee on the same subject matter reported in Report "C" that the same Ought to Pass as Amended by Committee Amendment "B" (S-41).

Signed:

Senators:

DANTON of York

CARBONNEAU of Androscoggin.

Which reports were Read.

Mr. Graffam of Cumberland then moved that the Senate accept the Ought to Pass as Amended Report "A" of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. GRAFFAM: Mr. President and Members of the Senate: You know me as a reasonable, quiet Senator from Gorham, and as a rule I am just that. But there comes a time when even the quiet become bold, when even those who do not use well the art of persuasion oratory are stirred into action by the voice of conscience and the sheer weight of the facts. I hope fortunately for all of us that this is one of those times.

Members of the Senate, for the last few months we, the members of the Liquor Control Committee, have been embroiled in one of the most uncontroversial discussions of a legislative document that it has been my experience to witness: This document, L. D. 4, is capable of affecting virtually every constituent in every district represented by this body. The scope of this bill is so broad as to make it the most important piece of legislation introduced in this session.

Now, I said that L. D. 4 is uncontroversial. Since the introduction of this bill we have had hundreds upon thousands of communications and testimony. Virtually all of it is in favor of passage. It has been endorsed by the Maine State Police and by the Principals Association and all other bodies and individuals who are directly concerned with the development of Maine's young people.

You all have before you a copy of all the facts presented to the Committee. However, one of those facts I, as Chairman, found to be so relevant that I must mention it here for the record. Now, please get this. Since we passed the law allowing 18-year-olds to drink, the number of persons 15 to 18 years old — that is, 15 to 18 years old — arrested for drunken driving has increased almost 104 percent.

Maine has made a mistake. This legislature has made a mistake. We have given this law a chance to work, but it has not. To use the old cliché, the handwriting is on the wall.

Now, many of us have heard it said that the future of Maine rests in the hands of

our young people. But to a greater extent the future of Maine, its youth included, is dependent upon the present sense of maturity and good judgment, and I am relying upon that maturity and good judgment, of this legislature, and I recommend wholeheartedly that you accept the Committee's Ought to Pass Report "A"

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Carbonneau.

Mr. CARBONNEAU: Mr. President and Members of the Senate: Committee Amendment "B" is what we think is a good compromise. The bill asks for 20-year olds, as against 18, and we thought 19 would be good. The reason is that our youngsters today are given the right to vote, they are given the right to handle a gun, to be drafted and defend our country, and we are taking a right away from them that we gave them a few years ago.

Now, from among the many hundreds of people that showed up at the hearing on this bill, we heard maybe at least a hundred times, if not a thousand, that the parents are concerned about their kids having access to booze in the high schools, while most kids of 19 are not in high school. They are either in college or working somewhere. So with a 19-year old law, it would remove practically all the booze from the high schools. They were concerned about it because the 18-year olds were providing beer and liquor to the 14, 15, 16 and 17-year olds.

Now, I have inquired at my local high school in Lewiston, where they have 1,674 students. 24 of these are 19-year olds, which is about 1.5 per cent. And some people will have you believe that 19-year olds make up 20 percent of the high schools. I don't believe it. Thank you, sir.

(Off Record Remarks)

The PRESIDENT: The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President and Members of the Senate: First, I would like to say that the hearing we had on this bill to bring the drinking age back up to 20 years old was a very impressive one, and I would like to congratulate the Senator from York, Senator Hichens, for being well prepared for that hearing.

I guess it is obvious enough that the Senator from Androscoggin, Senator Carbonneau, and myself see that perhaps there might be a problem with the drinking in our high schools. But a few sessions back this legislature voted for adult rights at 18 years old. I would like to say that at that time I was one of the few Senators that voted against adult rights at 18 years old.

I have taken a survey in my Senate District, and I think my Senate District perhaps has as many beer take-out stores and as many cocktail lounges as any other Senate District in this state. They were not opposed to the drinking age going up to 20. In fact, to be very truthful with you, they could care less whether it went up to 20. But the thing I am concerned about is that where we gave them adult rights at 18 years old, which I felt was too much at that time, now I think we are going to take away from them too much all at one time.

I think you will all agree with me that most of the students at 19 years old are out of high school. They have gone on to college, and you all know that our university system has pubs on our campuses. So what we are going to do is that we are going to take and have freshmen at the age of 19 on one side of the room while the 20-year olds are on the

other side of the room having their beer. You are going to encourage them or force them to take and break the law.

New Hampshire the other day voted to keep their drinking at 18 years old. I am afraid that perhaps our boys and girls at the age of 18 are going to take and travel to New Hampshire, and there is a problem there.

I think by setting it at the age of 19 will take the drinking out of our high schools. I think that is where the problem has been, that those who are 18 have been buying it for younger students, and I think that always existed. I know I had my first illegal beer when I was 16 years old. I think that is perhaps our way of growing up here in America, and maybe because of our affluence today it is being done to a much greater degree. I think at 19 years old we ought to be able to handle the problem; it will be out of the high schools. The legislature will be here come another session, and if that problem still exists, then I would have to assume we would go up to 20. But I thought that coming out with this minority report of 19 would give the legislature an opportunity to look at the problem. Like I said earlier, it is obvious that both Senator Carbonneau and myself thought that something had to be done, and this is why we signed the minority report.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I was looking over these statistics that were made available to us and I see that it only goes to the age of 24, and they talk about increases. I was wondering if the Senator would have figures on those above 24 and if the accidents and crimes for people above 24 have increased in relation to drinking, or if he has that information available.

The PRESIDENT: The Senator from Penobscot, Senator Pray, poses a question through the Chair which any Senator may answer who so desires.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate: I will answer the Senator's question during the course of my presentation.

I have fought with myself back and forth for the last week, since I knew this bill was coming on the floor this morning, as to how much I should say or how little I should say, and then after the prayer that was given to us this morning I further debated with myself as to whether I should get into the argument at all. But I do feel that regardless of whether all I have to say is important to be said this morning that it should be on the record so in future years people may know how we considered this issue this morning and what final action was taken.

L. D. 4 is before you because people in Maine are concerned, concerned with the problems created by passage of the adult law which included granting permission for 18-year olds to purchase alcohol. They see the problems created now, but also they see the problems for Maine and the United States as these young people become the adults of tomorrow. As evidenced by the letters, phone calls and personal conversations with people all over the state, the time has come, long overdue in fact, to do something about it.

In addition to those who spoke and the 600 people at the hearing who showed by their presence that they were concerned, I have received over 300 letters personally, and I know that you have received many also,

from parents who are worried about their teen-age sons and daughters who are subjected to the pressures put on them by drinking schoolmates and friends. I have petitions signed by over 500 concerned residents of Maine who have without solicitation sent these petitions to me. And carloads of concerned State-of-Mainers came from as far south as South Berwick, as far north as Presque Isle, as far east as Belfast, and as far west as Rumford to appear before the Liquor Control Committee at their hearing.

Shortly after this law came into effect in June 1972, reports of problems encountered by police, and later when school was opened by principals, began to come in. Several legislators who had voted in favor of the 18-year old rights law stated that they would vote to repeal the drinking rights section during the 106th session. The bill was presented, but the state police claimed that the law had been effective for too short a time to compile facts and figures. The excuse of legislators opposing the bill was that "it hasn't had time to prove its worth or it is false".

The problems continued to multiply, and in early spring 1974 the Portland Press Herald in an editorial stated that the Maine Legislature, although knowing the problems at hand regarding teen-age drinking, had refused to do anything about it. I resented that assertion because some of us had tried but failed, and I had not noticed any press support for the bill when it had been debated.

Having contacted the original sponsor as to whether he intended to resubmit his bill in the 107th session, and ascertaining that he did not plan to do so, I submitted L. D. 4, which you have before you, amended by the Committee to clarify certain sections of the law.

Maine is not alone in considering the problems arising from 18-year old drinking rights. I remind you that our neighboring states of Massachusetts and New Hampshire also have bills to raise the age not only to 20 but to 21 years. The Senator from York, Senator Danton, has referred this morning to the New Hampshire House having turned down that bill, but as I read the paper I read that only 261 members of a house that has over 400 members were even present to vote on that bill. It also has to go to the Senate and, although the headlines come out that New Hampshire had killed the bill, it is not dead yet by any means.

I present to you information that I feel is very pertinent to L. D. 4.

Senator Stafford of Vermont, speaking at a children's advocacy conference at Durham, New Hampshire, said that 70 million of 215 million in the United States are under 18 years of age, and seven million need psychiatric help. One-half of patients treated at mental health centers are under 18, and one and a half million teenagers were arrested for crimes in 1974. The crime rate in Maine rose nine percent in 1974, compared to a six percent nationwide average. There are 30 teen-age suicides every day.

In a television film which was shown last month, entitled "The Teenage Alcoholic", they said, as quoted, "It takes adults 15 years to become alcoholics; it takes a teenager 15 months to be an alcoholic." One out of every four teenagers in the United States drink alcohol. One out of every high schooler gets drunk every week. One of every ten have drinking problems, and one of every 20 become alcoholics.

Editors of at least 11 Maine newspapers endorsed L. D. 4. And I have this morning a Maine Telegram article on remarks on the task force on responsible decisions about alcohol, of which our own Senator Katz is vice chairman, Reading from that article: "Dr. Morris Chafetz, who directs the Federal Alcoholism Institute, gave the Katz study his warm endorsement recently at a poorly-reported press conference here in which the Maine man and former South Carolina Governor, John West, task force chairman, participated.

"After one year, West and Katz confirmed that marijuana and related drugs are taking a back seat to the drug known as liquor among young people. They also reported that causes of alcohol misuse are broader than have been previously assumed and that society up to now has come to grips only with the symptoms of the problem.

"Before coming here, Chafetz did a study in the Cambridge, Mass. court clinic on first-arrest offenders with alcohol-related problems. When the study was proposed, Chafetz expected to get an age group of 18 to 20 and ended up with a study group between the ages of 14 and 16.

"This study, Dr. Chafetz said, highlighted the fact that young people are not just having troubles with alcohol but are having other deep problems. Because society turns a deaf ear to them, they resort to alcoholism.

"Dr. Chafetz said a recent comparison of the FBI's uniform crime statistics show that among young men below the age of 18, there was a 200 percent increase in arrests for alcohol intoxication in the ten year comparative study and among women below 18, the arrest record for alcohol intoxication rose by better than 300 percent."

On page 14 of the University of Maine newspaper which you have on your desk today there is another article telling about the dangers of alcoholism in our colleges. Referring to a State Police Report, we are told that there are 32,756 licensed drivers between 16 and 18 years of age in Maine. Persons arrested for drunken driving by individual ages: Age 15, in 1973 — 12, in 1974 — 70, an increase of 483 percent. At age 16, there were 45 arrests in 1973, compared to 244 in 1974, a 442 percent increase. Age 17, in 1973 — 164 arrests, in 1974 — 346, a 111 percent increase. At age 18, 277 arrests in 1973, in 1974 — 355 arrests, or a 28 percent increase. A total of 498 in 1973, compared to 1,015 in 1974, an overall increase in those ages of 103.8 percent in one year. In 1973 there were 7,172 drivers between 15 and 19 involved in accidents, resulting in 58 deaths and 2,286 personal injuries. In 1974 there were 7,549 drivers between 15 and 19 involved in accidents, resulting in 52 deaths and 2,342 personal injuries.

The question was asked by the Senator from Penobscot, Senator Pray, as far as to other ages. Between the 15 and 75 age limits, in 1973 there were 6,314 arrests, in 1974 — 6,977 arrests, or a 10.5 percent increase, as compared to 103.8 percent increase in the ages of 15 to 18.

Reports from 28 police chiefs in Maine as to the question "Has there been an increase in problems with teenagers as a whole since the 18-year-old adult law became effective?" 23 reported an increase in problems due to the 18-year old law. Three reported no problems. Two reported little change. And three reported a 75-100 percent increase in the problems.

On the second question, "What

percentage of teenage driving violations can be attributed to liquor?" eight reported an increase of ten to 50 percent. 26 did not answer that specific question.

Question three: "What percentage of teenage crime violation can be attributed to liquor?" Two reported 70-79 percent increase. Nine reported 20-60 percent increase. 13 could not give a percentage but noticed an increase, and two could not see any change.

Question four: "What percentage of teen-age social problems can be attributed to liquor?" Two said 90-99 percent increase. Ten said over a 50 percent increase, two said over 20 percent, seven could not determine as yet, and one reported no change.

74 principals reported back to me on the questionnaires that I sent to them: "Has there been an increase in problems with teenagers as a whole since 18-year old adult law became effective? Yes — 47, no — 18, six — not many.

"How has the 18 year-old drinking law affected classroom activities in school?" 14 stated that 18-year-old permissive drinking increased, with disruptive behavior, excessive absenteeism, tardiness, or forced restrictions of activities such as field trips. 35 stated that drinking did not affect class room procedures.

The third question: "How has 18-year-old drinking affected social activities in the schools?" 33 reported that all of their extra activities had been cancelled or curtailed because of the 18-year old drinking law. 15 noted disruptive behavior created need for stricter supervision or police protection, and 14, 15, and 16-year olds coming to school drunk.

A great many reports indicated that 18-year olds have many younger friends who easily come under the influence by drinking 18-year olds. Many letters echoed this comment: "The major problem with 18 year-old drinking, as I see it, is that teenagers do not drink to be sociable but rather to get drunk."

Others who answered my question: the State Principals Association endorsed L. D. 4. The Student Council of Winthrop High School endorsed L. D. 4. The Maine Secondary School Athletic Directors Association endorsed L. D. 4. The Department of Mental Health and Corrections' Division of Probation and Parole sent their endorsement, as did the Maine Law Enforcement Association, and a telephone poll conducted by WGAN-TV reported that 1265 people voted to raise the drinking age to 20; 544 voted against it.

We cannot compromise, ladies and gentlemen of the Senate. There are 4,000 19-year olds in our high schools, according to Mr. Asa Gordon, Deputy Commissioner of Education in the State of Maine.

I realize that I have taken more of your time than I perhaps should have, but I have only scratched the surface as to the problems resulting from passage of the 18-year old drinking rights, and I feel that these facts should be on the record. I therefore urge you to vote in favor of the majority report and, Mr. President, I ask for a roll call.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate: I would like to thank the Senator from York, Senator Hichens, for answering my question. Although I did notice that the percentage from the 15 to

18-year olds is only a three year margin, and the 15 to 75 year olds is a 60 year margin, it might have something to do with the statistics.

For one thing, this isn't a right, as some people mention, it is a privilege, and when the Senator talked I kind of thought back to my high school years; it sounded like back in the late 50's and early 60's. I think I beat Senator Danton by a year. I started a little bit earlier. But I think basically what this law is doing is punishing 80 to 90 percent of the people, young adults, for what perhaps a minimal percentage is doing, 10 to 20 percent.

The basic argument that I have heard seems to be the filtering down of the age into the 14-year olds, 15-year olds and 16-year olds, and we have a small percentage of the people doing it, but that is another law. We have a law on the books which prevents adults from purchasing liquor for minors, and I think we should perhaps spend more time on trying to find out how the police could better enforce this law. I have talked to the police chiefs throughout my district, and I only had one where I received a letter, in answer to Senator Hichens' questionnaire, that was in favor of raising the drinking age. The rest of them thought it should stay down there. You are going to have more crimes and more young people in our schools system breaking the laws and going to court for illegal possession, especially when you take the privilege away from those people who already have it. As somebody once said to me, those ones who are already addicted, well, perhaps so, but I think we are taking something away that we shouldn't.

There was one other point I wanted to make, but it is gone.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Carboneau.

Mr. CARBONNEAU: Mr. President and Members of the Senate: I agree with Senator Hichens on practically everything he said from one end to the other. I think something should be done, and I think my proposal is a good compromise.

Now, I would like to call your attention to this piece of paper that was distributed to us this morning, if you will turn to page 2. As the good Senator said a little while ago, he covered ages 15, 16, 17 and 18, and he stopped right there. Of course, the percentage was decreasing as they grew older. But take the 19-year old category and you only show a 4.2 percent increase in arrests for drunken driving by individuals, yet you show a 7.4 percent increase for the 20 to 24-year olds. This is why, I think, Senator Danton and I proposed the amendment that we are suggesting you adopt. I would like to call your attention to this because I think it is a very small minimal increase in comparison to the others.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, it seems to me that the tone of the Senate, as I have heard it this morning so far, is that we do something in this area. I want to express my personal concern that from a strategic point of view we are going off in two different directions.

I don't think the Senate has a clear-cut decision here, and on that basis I might suggest to the proponents of the minority report that the proper approach here, so the Senate can have a clear-cut decision, would be to vote in favor of the majority report and then face us with a specific

Senate amendment so we can make up our mind whether 18 or 19 is the direction we want to go.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: The question before us today is really not one of a philosophical view. To me, it is one really of deep concern not only to us, as members of this Senate, but also as citizens and as parents. And I can concur with many of the things that have been said by each individual who has risen here to speak on this particular item.

I personally feel that the good Senator from York, Senator Hichens, has presented a very legitimate bill before this body, and there is no question in my mind that the citizens of this state, if it were to go to referendum, would overwhelmingly support it. And it is not the basic rights of 18-year olds that are being taken away, because I think again the good Senator from Penobscot, Senator Pray, has referred to it as a privilege, and it is a privilege which the state can relinquish and it should be treated accordingly.

Several years ago, as a member of this body I supported the 18-year old voting rights bill, the 18-year old adult rights bill, and the 18-year olds being allowed to purchase alcoholic beverages, but I think at that time my feeling was that we should give them a chance. We have given them the chance, and I think they have had several years now for us, at least, to sit by and see what has happened. And there is no question in my mind that not only in the City of Portland but also in many of the smaller towns and communities throughout the state they are having a great deal of serious problems. We can't just point our fingers at the 18-year olds or the 19 or 20's, because we all know very well that it does come down to 17 and 16 and perhaps even 15 years of age. What we did when we passed the 18-year olds drinking rights act is that we actually opened up another layer of age brackets, which has been described by several of the members of the Senate this morning.

My concern for this problem has been a very serious concern for a number of years, because I think as a young lad myself I probably was one of those who first initiated the abuse of alcohol and found at a very early age in life that I couldn't handle it. In fact, I can't mind saying that at the age of 26 I came to a decision in my life that I just could not handle alcohol and could not afford to even try to attempt to.

There are many youngsters in this state today who are being confronted with the same problem, and it is being confronted at the ages of 15, 16, and 17, not even to speak of the fact that it is legal to drink at the age of 18 today, because we all know, most of us who have encountered what we consider to be entertainment, that we came to a conclusion perhaps a day or two later as to what type of a problem we had encountered perhaps a few days before or perhaps the night before. But I think there is nothing more disarming then to pick up a newspaper in the morning and see where some youngster driving down a highway got washed out, or we see where some elderly citizen was crossing the street and again a tragedy takes place.

This is a very emotional, very serious and delicate problem, and I for one am going to support the bill that was sponsored by Senator Hichens of York this

morning and support the Senator from Gorham, Senator Graffam, on accepting the majority report. At least that will give it a chance to get down to the other body and come back here and give us perhaps even more time to think a little bit more clearly on the subject.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President and Members of the Senate: I am going to take the advice of one of the veterans here in the Senate, Senator Katz from Kennebec. I am going to support Report "A", and I will offer an amendment making it 19 years old. I think the Senate is entitled to that opinion, and I will offer that during the second reading.

I can see that the legislature is once again put into the role of playing "Big Daddy". I have got a lot of phone calls and a lot of people are interested in this bill. They want the drinking age put up, but I think they want it up because they admit they have no control over their sons or daughters. I would like to say that somewhere along the line the judges, the police officers and the legislature just have to stop playing "Big Daddy". I know my father, Vasilios, used to look at me in the eye when I was a young teenager and he told me what the law was, his law, and there was never any danger of me getting in trouble with alcohol or with stealing or women, or anything else. There was one law that everybody abided by, and I had his law to abide by. So today we will support Report "A", and an amendment will be offered.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate: Now that we are down to a discussion of the 20-year olds, as has been mentioned, it is a privilege and, as I said earlier, there are abuses in it. But I don't think we should take that privilege away, except away from those people who abuse it, and by raising it to 20 we are taking away from that percentage, which I think is the large majority, of kids or young adults between 18 and 19 who don't abuse it. They don't buy for minors and they don't go out and get drunk every Saturday night, and I think in voting for this you are taking away a lot of their faith in themselves, their belief that they can handle it. We have given them adult rights, and now we are starting to take certain privileges away that we say adults can have, that you are not an adult old enough to handle liquor or to make these decisions.

Society has changed, and it has changed a lot in the last 20 years. I think this is one of the reasons for the social problems that we have. I don't think it is just the drinking. You can't come down and say well, 18-year olds and 19-year olds now have the right to drink and that is why we have the increase in numbers of automobile accidents. For one thing, we have more cars and more families have second cars, so the children get the second car. More kids are working today — at least in my district I see them out working and they are saving their money to buy a car.

I was talking to one chief of police who said we ought to leave it as it is. He said yes, there are a lot more accidents, but they are not as severe because the kids used to drink in cars, and of course that was illegal, so if you saw a cop's car, what did you do? You either ran or threw the bottles out, or did something, and it caused

accidents. He said they are now in the bars, they are drinking, and they are more mature about their drinking. So if you are going to raise it to 20, you are going to have these people and you are going to have the people down below, and a lot of them already have state I.D. cards — which, by the way, I have been informed aren't used very much — and you are going to still have the abuses. I don't think raising the drinking age to 20 or to 19 is going to solve that problem.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President and Members of the Senate: I am going to vote against L. D. 4, and I would like to say just briefly why. Senator Pray touched on the subject somewhat and so did Senator Danton.

I don't think the real issue here should be are we going to pick and choose at what age a person may buy alcoholic beverages. I think what we are talking about is adult rights. I think what you are all saying is that you don't agree with the 18-year old adult rights law. I support that theory; I don't agree with the 18-year old adult rights law. I don't think it is right because I don't think the majority of the people have matured at age 18, and that is what we should be talking about here today: at what age does a person become an adult.

You know, the drinking problem has increased. I think we all have witnessed it and we all know it. So has the crime rate increased. So has the unemployment rate increased. I know and want to support what the Senator from York, Senator Danton, said about parents and guardians asking the legislature and asking the police force to discipline their children, and I don't think this society will ever work with the legislature and the police disciplining the children. That discipline belongs at home because that is where the responsibility is and that is where it should stay.

How can we expect 18-year olds to have respect for our laws when we say at 18 you are old enough to vote, you are old enough to make up your mind on whether you want to get married, you are old enough to make up your own mind on whether you want to sign contracts, and you are an adult under the law, but you can't go buy a bottle of beer because we don't think you are old enough. I think that is terribly inconsistent and I don't think we can expect 18-year olds to learn respect for the law when we act so inconsistently as that.

Laws don't necessarily change things. I wish they did. We all know that the use of most drugs is illegal under every law in the state and the nation, but I guess probably we all recognize that that law, for one reason or another, is not being very well enforced. The law doesn't change that. How many of these accidents were caused by the use of drugs rather than by the use of alcohol? Who knows? Certainly I don't.

In closing, I would just like to say this: as long as the law says a person is an adult at 18, I feel that if we are ever going to have respect for the law we must be consistent.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: Lest there is any misconception from the remarks by the Senator from Somerset, Senator Cianchette, I would like to clearly state that alcohol today in this country is the No.

1 drug problem and is clearly recognized as such.

Secondly, I would like to point out that two years ago, in fact perhaps four years ago, as the sponsor of the Uniform Alcohol Treatment and Rehabilitation Act, that act set up several areas of rehabilitation and treatment. It also did away with the crime of public intoxication, which I think was one of the greatest steps that this state could have taken. But I think when you start confusing drugs as away from alcohol that you are not really speaking to the real serious problem. And there isn't anyone in the field of health today, and particularly those dealing with the problem of alcoholics, who doesn't recognize that alcohol is the No. 1 drug problem. We are not saying to 18-year olds that we don't feel you can drink or purchase it; what we are saying is that we really do not want to see you become addicted to it at such an early age.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I think maybe a little detached viewpoint is in order. As has been indicated by Senator Cianchette and Senator Pray, we have here a far more serious issue than the statistics which have been given out.

I think the matter of breaking of faith with a significant segment of the population in the State of Maine is a very important issue. As Senator Pray says, we are planning to take something away that was given to these people, and it was given to these people when the people of the State of Maine voted to give voting rights at age eighteen. Everything else followed automatically, as it should have. And because some people were asleep at the switch at the time, that is no reason we should now make a mistake and go back.

I recall very well the debate on the voting issue. I think the most impressive point that was made was that people eighteen years of age now are far superior in outlook and judgment than they were when we were young people at that age too, and this was brought out very emphatically and I think quite convincingly. This has been proven by experience since the voting age was dropped to eighteen.

Senator Hichens of York has referred to the paper on our desks. I suggest that you leaf through it and look at the subjects that are discussed in this paper. God knows there are some publishers in this state that could well emulate the example set forth here by giving good, unbiased and total coverage of very important issues. I can tell you that when I was at Orono the "Maine Campus," of which I had the pleasure of being the business manager, would never publish an article entitled "Rape". And I can tell you when I was there the Maine Campus would never have put on the front page of the paper a picture of a Governor with a hat on his head and saying something rather humorous. We also didn't come to Augusta and lobby intelligently and courageously with facts, as we see now and you all see before your committees. They have got an article entitled "Collective Bargaining, a Good Approach for Students. Good luck to them; that ought to have some good results before they are through. They have got a very good article on foreign aid in here. Okay, want to take away some of their rights? I think this is the issue.

As was stated by a previous speaker, if we want to turn this back to the people and have a vote, not necessarily just a vote to remove the voting rights at 18, but if the people of the State of Maine wanted to take a significant segment of our citizens and vote on the issue to take away the drinking rights, I would agree by the decision to turn that out to the people for a vote. I think here we have a contract that was originally instituted by the people, morally very definitely, almost constitutionally, and we should not take this away at this time. If it is necessary, put the issue out to the people, but we cannot break faith with a significant segment of our people when we have trod this path very courageously, very intelligently, and based all action on the facts which I have indicated to you. I hope you vote against the motion.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: We have heard a lot of statistics this morning and based on national study or survey, but I have a questionnaire that was presented to me by the good Senator, Senator Hichens, involving my own community, which is the City of Auburn, of approximately 25,000 people. Auburn is surrounded by 11 satellite towns, which we draw many of the teenagers from those towns. We also have our sister City of Lewiston across the river, which is equivalent to double the population of the City of Auburn. But the things that are in this questionnaire that I took notice of if you would indulge me for a moment are: "What percentage of teenage driving violations can be attributed to liquor?" The answer unknown. "What percentage of teenage crime violations can be attributed to liquor?" The answer unknown. "What percentage of teenage social problems can be attributed to liquor?" And again the answer unknown.

But when they get into the fact of statistics taken from department records, in 1972 total number of juveniles handled by this department were 200. Out of that, 11 were for intoxication and violation of liquor laws were ten. In 1973, of 358 juveniles handled by the department, nine were for intoxication and 26 for violation of liquor laws. In 1974, 423 were juveniles handled by the department, eight for intoxication and 27 for violation of the liquor laws. In 1974, six 19-year olds were brought in for intoxication, and four 18-year olds were brought in for operating under the influence. In 1974, auto accidents involving liquor: 248 auto accidents involving juveniles who had been drinking. Three were 17-year olds, seven were 18-year olds, and six were 19-year olds. But the thing that remains unanswered is how many out of the over 600 liquor violations that the City of Auburn received last year were over 20 or 21 years of age? That was omitted from the study.

Auburn handled last year in excess of 15,000 complaints, so it is my contention, and I agree with Senator Conley, that liquor is one of the biggest problems in our state and in every state in the nation. I don't agree with some of the facts that were stated here today and that the liquor problem is with the 18 and 19-year olds. I think the liquor problem is with the age group that yourself, myself, and every member of this body is in. Therefore, I would vote against the motion.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate: In answer to some of the statements that have been made this morning, I would like to refer to the statement made by the Senator from York that the people are using the legislature as a granddaddy. The legislature passed the 18-year old adult law, and not the people. The people had the right to vote on the 18-year old voting law, but they didn't have any vote as far as the 18-year old adult law. The legislature passed it, and so we have the responsibility to change it.

In answer to the statement that was made as far as punishing these teenagers, I don't think that we are punishing them; I think we are helping them out. I raised seven children, and I made decisions that I sometimes had to change as they grew up. I saw the reactions and what was happening because of some of the decisions I made, and I had to take things away from them. One of my sons didn't like it, so when he reached the age of 21 he left home for a few months. But he came back and he realized that living the law under my roof was better than trying to be out on his own. All of my seven children live within eight miles of my home and at every opportunity they gather around, so I don't think that my wife and I did too bad a job in raising them and taking some of their privileges away.

As far as amending it to take away some of their privileges, when we passed the 18-year old law we amended that law to give them the privilege of staying in school until they are 20 years of age. If we had gone by the original aspect of the law, after they had reached 18 they would have to pay for their education, but we took that part out of the law and a couple other parts along with it.

The insurance companies in the State of Maine make the adult age at 25, so they too have amended our 18-year old law.

In a report given to me by my legislative assistant regarding the constitutionality of L. D. 4, which had been questioned, he reports that the question of the constitutionality of L. D. 4 has been established by an opinion of Assistant Attorney General Philip Kilmister. Mr. Kilmister points out that the United States Constitution does not establish the right to consume alcoholic beverages as an adult right. The Constitution does not establish the regulation of alcoholic beverages as an express or implied power of the federal government. In fact, the federal government has realized that the power more properly belongs to the states. The several states can establish any required age for the consumption of alcoholic beverages and can prohibit the use of such beverages. L. D. 4 establishes an adult age for the consumption of alcoholic beverages in Maine which does not conflict with the federal Constitution.

Furthermore, while the bill removes a privilege granted to persons between the ages of 18 and 20 years, the several states have granted privileges to citizens in the past and saw fit to remove them in subsequent years. One recent example pertains to highway speed limits. Many state legislatures granted citizens the right to travel 75 miles per hour on the turnpikes, and have since reduced the speed back to 55 miles per hour.

The states have the right to enact legislation that is not reserved to the federal government or does not violate the civil rights of the people. The states also have the right to enact laws to protect the people and insure the common safety. The

intent of L. D. 4 meets these requirements.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Graffam, that the Senate accept the Ought to Pass Report "A" of the Committee. A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Graffam, to accept the Ought to Pass Report "A" of the Committee. A "Yes" vote will be in favor of accepting the Ought to Pass Report "A"; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Collins, Conley, Cummings, Cyr, Danton, Gahagan, Graffam, Hichens, Jackson, Johnston, Katz, Marcotte, McNally, O'Leary, Roberts, Speers, Thomas, Wyman.

NAYS: Senators Berry, E.; Berry, R.; Carbonneau, Cianchette, Clifford, Curtis, Graham, Greeley, Huber, Merrill, Pray, Reeves, Trotzky.

ABSENT: Senator Corson.

Mr. Greeley of Waldo was then granted leave to change his vote from Nay to Ye.

A roll call was had. 19 Senators having voted in the affirmative, and 12 Senators having voted in the negative, with one Senator being absent, the Ought to Pass Report "A" of the Committee was Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Liability of Natural Gas Distributors." (S. P. 37) (L. D. 93)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 419) (L. D. 1267)

Signed:

Senators:

COLLINS of Knox
CLIFFORD of Androscoggin

Representatives:

HUGHES of Auburn
SPENCER of Standish
HENDERSON of Bangor
BENNETT of Caribou
MISKAVAGE of Augusta
HOBBINS of Saco

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Representatives:

HEWES of Cape Elizabeth
PERKINS of South Portland
GAUTHIER of Sanford

Which reports were Read.

Thereupon, the Majority Ought to Pass in New Draft Report of the Committee was Accepted, the Bill in New Draft Read Once and Tomorrow Assigned for Second Reading.

Second Readers

The Committee on Bills in the Second Reading reported the following:

House

Bill, "An Act to Exempt Fuel

Adjustment Charges from the Sales Tax." (H. P. 189) (L. D. 266)

Which was Read a Second Time and Passed to be Engrossed, in concurrence.

House — As Amended

Bill, "An Act Relating to the Transfer of Misdemeanor Proceedings without Trial to the Superior Court." (H. P. 1045) (L. D. 1111)

Which was Read a Second Time and Passed to be Engrossed, as Amended, in concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act to Eliminate the 10-day Advance Notice Requirement on License Applications to Sell Liquor at Certain Gatherings. (S. P. 102) (L. D. 357)

An Act to Permit Insurers to Limit Liability on Accident Policies in Certain Situations. (H. P. 24) (L. D. 32)

An Act to Correct Errors and Inconsistencies in the Property Tax Laws. (H. P. 110) (L. D. 156)

(On motion by Mr. Speers of Kennebec, tabled pending Enactment.)

An Act Relating to Payments to the County Law Libraries in the Several Counties of the State. (H. P. 1003) (L. D. 1066)

Which, except for the tabled matter, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate the first tabled and Specially Assigned matter:

House Reports — from the Committee on Taxation — Bill, "An Act to Allow a Trade-in Credit on the Sales Tax on Boats." (H. P. 185) (L. D. 233) Majority Report — Ought to Pass; Minority Report — Ought Not to Pass.

Tabled — March 27, 1975 by Senator Wyman of Washington.

Pending — Acceptance of Either Report. (In the House — Passed to be Engrossed.)

On motion by Mr. Wyman of Washington, the Majority Ought to Pass Report of the Committee was Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

The President laid before the Senate the second tabled and Specially Assigned matter:

Bill, An Act Increasing Certain Permit, Examination and License Fees for Hairdressers and Providing for Biennial Renewal of Certain Licenses. (H. P. 453) (L. D. 559)

Tabled — March 27, 1975 by Senator Berry of Cumberland.

Pending Enactment.

Which was Passed to be Enacted and, having been signed by the President was by the Secretary presented to the Governor for his approval.

(Off Record Remarks)

On motion by Mrs. Cummings of Penobscot,

Adjourned until 10 o'clock tomorrow morning.