

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

Friday, April 11, 1975

Senate called to order by the President.

Prayer by Rev. Bruce W. Meyer of Augusta:

Our God and our Father, we pause just for a few moments in the middle of this day to acknowledge your presence in our hearts and minds and to invite you once again into the proceedings of this Senate session, that what is said and done here might reflect your concern for the life giving needs and the life sustaining laws for the people of our state.

At the same time, O Lord, we remember and pray for the needs of all our earthly brothers and sisters, and particularly in these days for those who are suffering the agonies of fear and turmoil, uprootedness and homelessness in a far off land. O Lord, in the terribly hard decisions that must be made by the leaders of our nation, we ask that you would guide them with a real sensitivity for the preservation of life and the binding up of the wounds of war. Give us, Lord, a continuing passion for peace and a continuing compassion for all people.

We thank you, Father, for all that we can count as blessings and accomplishments in this past week, for wisdom and insight in dealing with issues, for speaking with conviction and listening with understanding, and together seeking to enrich the lives of those people we have been called to serve.

Give us a good weekend, O Lord, with our families and friends, that our spirits might be refreshed and renewed for the challenges and opportunities of next week, in your name we pray. Amen.

Reading of the Journal of yesterday.

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
A. KERMIT CRANDALL
of
Millinocket

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. 1480)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

Joint Order

WHEREAS, there are presently wide differences in the salaries of county officers within each county and among the various counties; and

WHEREAS, the setting of county salaries is not currently based upon one legislative policy which is valid for the entire state; and

WHEREAS, the Legislature is currently entertaining a number of bills to increase

the salaries of county officers in the various counties; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Local and County Government, to study legislative policies for the setting of the salaries of county officers, to develop a proper salary range for each type of county officer whose salary is determined by statute, and to develop a method of setting the salary for each type of county officer in each of the various counties, based upon the population of the county employing that officer or based upon other factors; and be it further

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

ORDERED, upon passage, that suitable copies of this Order be transmitted to the Chairman of the Legislative Council and to the House and Senate Chairmen of the Joint Standing Committee on Local and County Government as notice of this directive. (H. P. 1477)

Comes from the House, Read and Passed.

Which was Read.

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

Mr. MERRILL: Mr. President, could I ask for an explanation of the Joint Order that appears as Item 1-2 on the calendar.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, poses a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I was not the author of this Joint Order and would certainly defer to anyone who was the author of the Joint Order in giving its explanation. However, in reading down through it this morning, I did frankly feel that it probably was a very good idea.

Every year there is a plethora of bills introduced regarding various salaries of various county officers, and there does seem to be no relationship from one county to another between the salaries that are allocated or authorized for various officers. I do feel that this is one of the inequities that has existed throughout the State of Maine for quite a number of years and that perhaps this order is designed to attempt to alleviate that inequity, and I certainly hope that the originator of the order would give a different explanation if that is not the case.

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

Mr. MERRILL: Mr. President, the only reason I raised the question is that it would be my hope that possibly the study could be broader in scope than what is contemplated in the Joint Order. It seems to me that there are some other questions that go along with this that I would hope maybe a study could take a look at, and I would ask if somebody might table this for one day so I could discuss it with its sponsor.

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

Mr. JACKSON: Mr. President and Members of the Senate: The reason that this

joint order was introduced is that this session we received a very large amount of bills to advance the salaries of various county officials throughout the counties of the State of Maine. In looking at these bills and comparing them with the previous years, we found that there was quite a discrepancy in the various counties in the amounts of monies that were being asked, and the Committee decided that maybe we should take a look at the sixteen counties, their salary structures and the population, to decide if these salaries were in excess or too small for the job that was entailed. And being at the rate that we are moving now in the legislature, we just didn't have the time to analyze the situation, and this is why the Joint Order was put in, because we feel that the joint standing committee on Local and County Government through the summer or when the session adjourns would be able to take a look at this and probably present something to the 108th which might make their job in that committee just a little more easy.

I hope that the members of this body would concur with the members of the House and accept this Joint Order.

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

Thereupon, on motion by Mr. Conley of Cumberland, tabled and Tomorrow Assigned, pending Passage.

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 Lt. Daniel E. O'Brien of the Portland Fire Department for his heroic lifesaving act and deed

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. 1482)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

House Papers

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

(See action later in today's session regarding L. D. 1621 and L. D. 1622)

Bill "An Act to Provide for One Representative of the Fishing Industry on the Board of Environmental Protection." (H. P. 1307) (L. D. 1591)

The Committee on Reference of Bills suggests that this Bill be referred to the Committee on State Government.

Comes from the House referred to the Committee on Natural Resources and Ordered Printed.

On motion by Mr. Speers of Kennebec, referred to the Committee on State Gov-

ernment in non-concurrence and Ordered Printed.

A motion by Mr. Trotzky of Penobscot, the Senate then voted to reconsider its action whereby the Bill was Referred to the Committee on State Government in non-concurrence.

The PRESIDENT: The Senator has the floor.

Mr. TROTZKY: Mr. President and Members of the Senate: The Natural Resources Committee right now is handling a bill which provides for putting two labor representatives on the Board of Environmental Protection. I think that this bill is similar and for consistency should go to Natural Resources.

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

Mr. CURTIS: Mr. President and Members of the Senate: The reference of bills this late in the session is always a difficult thing to handle. The State Government Committee has bills that affect whether or not the Chairman of the Department of Environmental Protection should be on the Board and whether or not the Board should be comprised of full-time members. However, in order to facilitate matters so that we can have the public hearings on these bills, I am not going to object to the motion to send this particular bill to the Committee on Natural Resources.

The PRESIDENT: Is it now the pleasure of the Senate that this Bill, Item 1-36, L. D. 1591, be referred to the Committee on Natural Resources and Ordered Printed in concurrence?

The motion prevailed.

Orders

On motion of Mr. Katz of Kennebec, WHEREAS, state valuation has increased since 1968 from \$2,820,000,000 to \$4,649,000,000, an average of 17 percent per biennium; and

WHEREAS, predictions by the Bureau of Property Taxation indicate significant future increases in value; and

WHEREAS, there is heavy reliance in Maine statutes on state valuation for distributing more than \$175,000,000 each year in grant-in-aid programs, including education; and

WHEREAS, in a democratic society, the public must have confidence in the accuracy and validity of the valuation base used for taxation and for distribution of state financial resources; and

WHEREAS, there has been no adequate review in recent years of the procedures used by the Bureau of Taxation in establishing state valuation; now, therefore, be it

ORDERED, the House concurring, that there shall be a Select Committee on State Property Tax Valuation comprised of 8 members to be constituted and appointed as follows: One member of the Senate who serves on the Committee on Taxation to be appointed by the President of the Senate; one member of the House who serves on the Committee on Taxation to be appointed by the Speaker of the House; 3 municipal officials, representing various sized communities and various geographical areas, one of whom shall be a representative of a so-called high valuation town; and 3 members of the general public, all of whom shall be appointed by the Governor.

The committee shall hold its organizational meeting upon the call of the Governor. The Governor shall designate one of the public members as chairman; and be it further

ORDERED, that the Select Committee shall:

1. Review the procedures by which state valuations are established;

2. Review the validity of the state valuation with respect to a representative sampling of communities;

3. Review the need for a sales certificate to be filed with all real estate transactions;

4. Report its findings to the Governor and the Legislature no later than January 1, 1977 along with recommended administrative action and legislation to implement its findings; and be it further

ORDERED, that the members of the committee shall serve without compensation, but may be reimbursed for their reasonable expenses in attending meetings, procuring supplies, correspondence and other related and necessary expenditures; and be it further

ORDERED, that the committee shall be directed to employ outside professional assistance in the implementation of this Order and all departments of State Government shall cooperate with the committee in the pursuit of its assigned task; and be it further

ORDERED, that there is appropriated from the Legislative Account the sum of \$25,000 for the purpose of carrying out this Order. (S. P. 490)

Which was Read.

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

Mr. KATZ: Mr. President and Members of the Senate: The order that we are considering is in front of you as a supplemental journal and it directs its attention, through the vehicle of a bunch of "Whereases", to the single question of the importance in a democratic society of the public having confidence in the accuracy and validity of the valuation base used for taxation and for the distribution of state financial resources.

This Joint Order came out of the Education Committee because every time we turned around we were faced by the question as to whether state valuation, on which we are basing the distribution of 123 million dollars in the School Finance Act, is well received around the state, and again and again we, and I am sure you, have had the question raised as to whether the procedures in establishing state valuation are really valid procedures. And frankly, we feel it is about time that an outside agency, a professional group, takes a look at the procedures the state uses in establishing state valuations and how it works after they have established these valuations with respect to a sampling of communities.

There is a price tag on the bottom of this order of \$25,000. The Committee on Education recommends very strongly that this is an absolutely essential course for us to follow.

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

Thereupon on motion by Mr. Speers of Kennebec, tabled and Specially Assigned for April 15, 1975, pending Passage.

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:

Resolve, to Reimburse Edward S. and Dorothy P. Crockett for Property Damages Caused by Escapee of Augusta

Mental Health Institute. (H. P. 545) (L. D. 673)

Bill, "An Act to Permit Lessees of Beehives Damaged by Bear to Make Claims for Reimbursement under Certain Statutory Provisions. (H. P. 678) (L. D. 867)

Bill, "An Act to Require Municipal Clerks and Registration Commissioners to File Lists of Certain Residents and Jury Commissioners." (H. P. 716) (L. D. 892)

Bill, "An Act Concerning Court Bank and School Holidays." (H. P. 857) (L. D. 1042)

Bill, "An Act Appropriating Funds for Rebuilding the Dam at Wesserunsett in Somerset County." (H. P. 817) (L. D. 1001)

Leave to Withdraw

The Committee on Legal Affairs on, Resolve, to Reimburse the Town of Waldoboro for Assisting in the Capture of Escapees from the Maine State Prison in Thomaston. (H. P. 886) (L. D. 1057)

Reported that the same be granted Leave to Withdraw.

The Committee on Legal Affairs on, Bill, "An Act Placing Professional and Exhibition Wrestling Matches and Shows under the Jurisdiction of the Maine Boxing Commission." (H. P. 799) (L. D. 972)

Reported that the same be granted Leave to Withdraw.

The Committee on Legal Affairs on, Bill, "An Act Concerning the Installation of Sprinkler Systems in Certain Types of New Additions to Hotels." (H. P. 1077) (L. D. 1357)

Reported that the same be granted Leave to Withdraw.

The Committee on Local and County Government on, Bill, "An Act to Annex Hibberts Gore to the Town of Somerville County of Lincoln." (H. P. 489) (L. D. 608)

Reported that the same be granted Leave to Withdraw.

The Committee on Business Legislation on, Bill, "An Act to Limit Maine Licenses for Real Estate Brokers and Salesmen to Residents." (H. P. 556) (L. D. 685)

Reported that the same be granted Leave to Withdraw.

The Committee on Business Legislation on, Bill, "An Act to Prohibit Retail Stores from Marking Previously Priced Items with Higher Prices." (H. P. 630) (L. D. 781)

Reported that the same be granted Leave to Withdraw.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds for Capital Improvements at the Houlton International Airport." (H. P. 460) (L. D. 563)

Reported that the same be granted Leave to Withdraw.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds for the Acquisition and Construction of a Site and Facilities for Certain Casco Bay Island Ferry Services and to Repair Other Such Ferry Facilities." (H. P. 508) (L. D. 629)

Reported that the same be granted Leave to Withdraw.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Making Supplemental Appropriations for Human Services and Authorizing the Development of a Comprehensive Plan for Human Services." (H. P. 625) (L. D. 771)

Reported that the same be granted Leave to Withdraw.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Establishing and Appropriating Funds for

Para professional Outreach, Referral and Counseling Services for York County." (H. P. 741) (L. D. 912)

Reported that the same be granted Leave to Withdraw.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Require the State to Pay Expenses Incurred by District Attorneys." (H. P. 774) (L. D. 945)

Reported that the same be granted Leave to Withdraw.

The Committee on Appropriations and Financial Affairs on, Resolve, Providing Funds for the Maintenance of Ocean Beaches. (H. P. 787) (L. D. 975)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Public Utilities on, Bill, "An Act Amending the Charter of the Paris Utility District." (H. P. 587) (L. D. 726)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

Which report was Read and Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Election Laws on, Bill, "An Act to Provide Accessible Polling Places for the Physically Handicapped and the Elderly." (H. P. 96) (L. D. 107)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1476) (L. D. 1566)

The Committee on Judiciary on, Bill, "An Act Relating to the Prohibition Against Hitchhiking." (H. P. 35) (L. D. 46)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1474) (L. D. 1564)

The Committee on Election Laws on, Bill, "An Act to Clarify the Requirements for Voting in Municipal Elections." (H. P. 8) (L. D. 13)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1475) (L. D. 1565)

Come from the House, the Bills in New Draft Passed to be Engrossed.

Which reports were Read and Accepted in concurrence, the Bills in New Draft Read Once and Tomorrow Assigned for Second Reading.

The Committee on Education on, Bill, "An Act to Correct Deficiencies in the School Funding Law." (H. P. 472) (L. D. 526)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Fund Public School Education" (H. P. 1437) (L. D. 1452).

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendments "A" (H-135), "J" (H-144), "G" (H-141), "M" (H-147), and "N" (H-148).

Which was Read.

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

Mr. SPEERS: Mr. President and Ladies and Gentlemen of the Senate: This bill obviously has created a great deal of comment and there may be any number of members of this body who may wish to offer amendments or comment on the exist-

ing amendments that have been placed on the bill in the House.

The ordinary procedure on a bill such as this, or on any bill, of course, is to accept the committee reports, debate the House amendments, and assign this for a second reading the next legislative day, at which time additional Senate amendments may then be in order for offering and adopting.

The leadership has discussed this bill this morning and we do feel that perhaps it would be wise to give the membership an opportunity over the weekend to discuss the bill in its present form and any possible amendments which may be coming along with school board or superintendents, or anyone else that you may wish to discuss the matter with.

Because of the timing in the appearance of the bill, and the necessity in many communities around the state to have some bill passed before the end of the month so that they then can adopt their school budgeting, we do hope that during the next week this matter can be debated, can be discussed fully, a decision can be reached, and that the bill will then have its decision made on it during the early part of next week.

What I am saying is that we do not wish to have this matter tabled repeatedly, unless there is some pressing reason for it, during next week. We would like to have the matter tabled today until Monday, at which time the report will be presented and, if accepted, the amendments in the House will then be presented and can be debated. It would then be assigned its second reading on Tuesday, at which point any Senate amendments which may be offered would be in order for offering. But unless there are pressing reasons, we would like to have a decision made on this bill during the early part of next week, Monday and Tuesday, and have it go along or rejected.

So I would like to have somebody table this now until next Monday, and I would hope that those of you who wish to give very careful consideration to this and talk with your constituents about it will avail yourselves of this weekend to do so.

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

Mr. BERRY: Mr. President, I would agree with the Majority Leader, Senator Speers, that this should lie on the table until the early part of next week, and I would inquire of the Chair if it is possible, and I would like to explain why.

There is a meeting this weekend of Maine Municipal Association and Maine School Management Association people in the City of Rockland. Many of us will not be able to get a hold of our local representative until Monday, and we would like to have the opportunity to at least have Monday to go over the bill with these people before we come back to the Senate with our recommendations. So if it is at all possible, I would ask that the Senate not table it until Monday but to Tuesday next.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: It is my understanding that three of the delegations are supposed to meet Monday night with the Committee on Local and County Government. It is also my understanding that the Lewiston delegation has scheduled a meeting on Tuesday night with the school officials and the city officials to discuss specifically this bill.

I agree with the good Senator from Ken-

nebec, Senator Speers, that it shouldn't be retabled an awful lot of times, but it seems to me it is kind of a complicated situation and we certainly would like to get the input from the municipal officials before we begin considering specific amendments because we really are not in a position to know the effect of the amendments on the respective communities. Certainly it would be better to take care of the amendments and then defeating amendments which are already put on, so I would hope that it could be until the middle of next week. Thank you, Mr. President.

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

Mr. KATZ: Mr. President and Members of the Senate: I think we have got to walk a very middle line here. I keep looking at the calendar and knowing that the goal of the committee, of course, was to get an enactment by the 15th, but it is a flexible figure, and it is an important bill for every person here. And between the pressures of moving as quickly as possible to enactment there is a real need to accommodate the needs of the individual Senators.

Might I suggest that of the amendments that were accepted by the House, one of them is a committee amendment and the others, I think, unless I completely misread the significance of the other amendments, the others are of no overriding significance to the interests of the Senate, so might I suggest that a tabling motion until Monday might be in order.

I would hope that every delegation would do what it could to push the municipal officers, and they might very well be willing to accommodate an earlier time. Meanwhile, I would be very glad to offer to remain after the session to go over the specific House amendments with anybody who wants reassurance as to their meaning so that they can go home with some kind of an understanding of the actions which the House has taken.

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

Thereupon, on motion by Mrs. Cummings of Penobscot, tabled and Specially Assigned for April 15, 1975, pending Acceptance of the Committee Report.

Senate

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

Bill, "An Act to Require a Conventional Method for Taking Scallops from Coastal Waters." (S. P. 366) (L. D. 1169)

Leave to Withdraw

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

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted. Sent down for concurrence.

Ought to Pass

Mr. Gahagan for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Additional Funds to the Department of Health and Welfare for Medical Care Payments and General Assistance Payments for the Fiscal Year Ending June 30, 1975." (S. P. 488) (L. D. 1673)

Reported pursuant to Joint Order (S. P. 431), that the same Ought to Pass.

Which report was Read and Accepted and the Bill Read Once. Under suspension of the rules, the Bill was then given its Second Reading and Passed to be Engrossed.

Thereupon, under further suspension of the rules, sent down forthwith for concurrence.

Mr. Collins for the Committee on Judiciary on, Bill, "An Act Relating to Withdrawal of Good Time for County Jail Inmates." (S. P. 210) (L. D. 700)

Reported that the same Ought to Pass.

Which report was Read and Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass - As Amended.

Mr. Johnston for the Committee on Business Legislation on, Bill, "An Act Relating to Single Payment Loans under the Maine Consumer Credit Code." (S. P. 201) (L. D. 668)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-55).

Which report was Read and Accepted and the Bill as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act Relating to Leasing and Selling of Property Taken or Acquired for Highway Purposes." (S. P. 310) (L. D. 1058)

Reported that the same Ought to Pass.

Signed:
Senators:

CORSON of Somerset
CIANCHETTE of Somerset
DANTON of York

Representatives:

PERKINS of Blue Hill
GOULD of Old Town
SHUTE of Stockton Springs
FAUCHER of Solon
CAREY of Waterville
BURNS of North Anson
DUDLEY of Enfield

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

Signed:

Representatives:

COTE of Lewiston
HUNTER of Benton
JOYCE of Portland

Which reports were Read.

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

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on, Bill, "An Act Exempting Solar or Wind Power Facilities from Sales Tax." (S. P. 56) (L. D. 125) ask leave to report: that the House recede and concur with the Senate and Pass the Bill, in New Draft, (S. P. 402) (L. D. 1171), to be Engrossed, as Amended by Senate Amendment "A" (S-39).

On the Part of the Senate.

CUMMINGS of Penobscot
HUBER of Cumberland
BERRY of Cumberland

On the Part of the House:

TYNDALE of Kennebunkport
USHER of Westbrook
BOUDREAU of Portland

Which report was Read and Accepted.
Sent down for concurrence.

Second Readers

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

House

Bill, "An Act Relating to Voter Registration of Persons Born United States Citizens in a Foreign Country." (H. P. 13) (L. D. 21)

Bill, "An Act to Exempt Scouting Supplies and Equipment from State Sales Tax." (H. P. 521) (L. D. 638)

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

Bill, "An Act to Extend Date for Closing of Open Burning Dumps." (H. P. 1464) (L. D. 1502)

Which was Read a Second Time.

On motion by Mr. Jackson of Cumberland, tabled and Specially Assigned for April 15, 1975, pending Passage to be Engrossed.

Bill, "An Act to Prohibit Corporal Punishment of Pupils." (H. P. 275) (L. D. 417)

Which was Read a Second Time.

On motion by Mr. Speers of Kennebec, tabled and Specially Assigned for April 15, 1975, pending Passage to be Engrossed.

Bill, "An Act to Provide Excise Tax Refund for Construction and Operation of Breweries within the State." (H. P. 369) (L. D. 463)

Which was Read a Second Time.

Mr. Merrill of Cumberland then moved that the Bill be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. MERRILL: Mr. President and Members of the Senate: This bill, I think, sets a very bad precedent, and I don't think it is a bill that the testimony in committee really was significant enough and trustworthy enough so that it warranted passage.

What this bill does — this is L.D. 463, if any member of the Senate would like to look at it at this time — presently in Maine we give a special low tax rate for beer which is sold by a brewery that is in Maine, and this bill says that if a company notifies the state of its intent to build a brewery in the State of Maine within the next five years, then the difference in the tax rate for that money will be set aside in a special account; the difference between the tax that would be placed on the beer if it was produced by a brewery out of state and what the tax would be if it was produced by a brewery in the state, that that money will be set aside after they indicate their intent to build a brewery in Maine. And if they meet that intent within five years, then they get that money.

Now, the reason this was put forth is that a gentleman came before our committee and said that an unnamed brewer was considering locating a brewery in Maine. He didn't name the brewer and he couldn't give us any information that satisfied me to show that this amount of money would be a significant amount of money in the determination of his decision, or the decision of his client, to locate here in Maine.

The trouble I have with this bill is that it could end up in a lot of Maine revenues being set aside for a period of some years. Every company that had any intention, or wanted to just say they had an intention of locating here, could have all those revenues set aside by the state until that passage of time was completed. I don't

think there was any testimony that justified putting the state in that position, and even though the fiscal note says that it is hard to estimate because there presently aren't any breweries here, I think we can estimate that it could open up a problem.

There was little testimony supporting the bill, and with the possible problems and the possible tying up of state revenues that could result, I just think this is a bad idea and I hope that the Senate would indefinitely postpone this bill.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: The good Senator from Cumberland I think has presented the facts on this bill very carefully and correctly. Further, at this hearing this brewery was estimated to cost 5 million dollars and to employ 75 permanent people, plus their trained and specialized people that they would have to bring with them. This exemption, as the good Senator said, is already in effect that are built in Maine, but this money would be set aside for five years, as the good Senator explained.

I think the point he is making is that he is afraid there will be a rush of people to apply the bill to breweries in Maine and the money will be set aside and the State will lose the income. They are not going to lose it permanently anyway. They will lose the income but it will be in escrow until the brewery is or is not built. So it seems to me that on the hope that a brewery will come — and the man who testified before the committee seemed quite confident that this brewery would come to Maine — if we can get a 5 million dollar investment in Maine for taxable purposes, and 75 jobs, it seems to me it is worth taking the risk of maybe others trying to do the same thing because the state is not going to lose control of the money at all. It will simply be held in escrow until the time when the brewery is either built or not built.

I am not sure what the motion is. Is there a motion pending?

The PRESIDENT: The Chair would reply in the affirmative. The Senator from Cumberland, Senator Merrill, has moved that this bill and all accompanying papers be indefinitely postponed.

Mr. WYMAN: Well, I would oppose that motion.

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

Mr. MERRILL: Mr. President, I am not very satisfied with the job I did explaining my feelings to the Senate, and as I sat and listened to the Chairman of the Committee, the good Senator from Washington, I think maybe I can sum up my feelings about this in one sentence.

We presently provide for brewers that locate in Maine a special and very favorable tax levy on the product that they sell. That is when they come here. And that is quite an inducement, I think, to know that they will be able to have this favorable tax situation when they come here. But what this brewer is asking us to do is to give him this special favorable treatment five years in advance, and I don't think that is justifiable.

The PRESIDENT: The Chief recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: Not to belabor this, but this is true, that the brewers in Maine will have a favorable position under the pre-

sent law. But as the present law is, we haven't had any breweries built and they haven't taken advantage of this. So I think this is just one more encouragement which will hopefully bring the 5 million dollar brewery with accompanying jobs to Maine, and I can't see that the state is going wrong because apparently the law, as it is now, is not bringing breweries to Maine.

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

Mr. BERRY: Mr. President and Members of the Senate: I am probably the least knowledgeable member of the Senate on the subject of beer but I do read into Legislative Document 463 some problems.

All any wholesale licensee needs to do to keep money from the general fund is to notify the state that they intend within five years to build a brewery. Now, if everybody who sold beer in the State of Maine wrote such a letter, it seems to me the State of Maine general fund would be prevented from using all the present revenue that we get from the sale of beer. And there is no penalty, so a beer manufacturer would have nothing to lose by taking advantage of L. D. 463, and the state conceivably could lose every cent of revenue that it now gets from L. D. 463.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, as I understand it, the way the bill is written the state will not lose the revenue; it will be held in escrow. They will lose the immediate use of it but they won't lose it permanently.

I would ask for a division.

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

Mr. BERRY: Mr. President, once again, I don't want to take any part here but I am just going by the bill. It says the state shall hold all excise taxes, and the next sentence says all funds held by the treasurer of the state in the said special account shall be transferred and credited to the general fund at the end of the five year period. Now, it looks to me like for five years the state is not going to have that money.

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

Mr. BERRY: Mr. President and Members of the Senate: In listening to my good friend from Cumberland, Senator Berry, there comes to my mind the fact that this appears to me as sort of a slush fund for the breweries, due to the fact that I see nothing in there where they are going to be credited for any interest rates for such time as that money is held in abeyance, and I would oppose it.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Merrill, that L. D. 463, "An Act to Provide Excise Tax Refund for Construction and Operation of Breweries within the State", together with all its accompanying papers, be indefinitely postponed. Will all those in favor of the indefinite postponement of this bill rise in their places until counted. Will those opposed please rise in their places until counted.

A division was had. 17 having voted in the affirmative, and 12 having voted in the negative, the motion prevailed.

Sent down for concurrence.

(See action later in today's session.)

Senate

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)

Which was Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Johnston.

Mr. JOHNSTON: Mr. President and Members of the Senate: There is a minor technical problem with this bill, L. D. 1023, and I would appreciate it if somebody would table it.

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

Thereupon, on motion by Mr. Cianchette of Somerset, tabled and Specially Assigned for April 15, 1975, pending Passage to be Engrossed.

Senate - As Amended

Bill, "An Act Relating to the State Soil and Water Conservation Commission." (S. P. 135) (L. D. 474)

Bill, "An Act to Change Limits under Small Claims Actions." (S. P. 207) (L. D. 697)

Which were Read a Second Time and Passed to be Engrossed, as Amended.

Sent down for concurrence.

Enactors

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

An Act Providing Funds for Treatment of Cystic Fibrosis. (S. P. 126) (L. D. 412)

(On motion by Mr. Huber of Cumberland, placed on the Special Appropriations Table.)

An Act to Require Public Hearings on the Appointments of Departmental Commissioners. (S. P. 429) (L. D. 1377)

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

(See action later in today's session.)

Emergency

An Act Relating to State Subsidy for Units with Federally Inspected Students. (H. P. 107) (L. D. 104)

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

Mr. KATZ: Mr. President, referring the Senate's attention to L. D. 104, it has to do with "federally inspected students", I would suggest that this might need an amendment, and might I ask that it be tabled until Tuesday.

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

Thereupon, on motion by Mr. Conley of Cumberland, tabled and Specially Assigned for April 16, 1975, pending Enactment.

Orders of the Day

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

House Reports — from the Committee on Human Resources — Bill, "An Act Establishing the Civil Rights of Hemophiliacs." (H. P. 161) (L. D. 202) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass in New Draft Under Same Title, (H. P. 840) (L. D. 986).

Tabled — April 10, 1975 by Senator Wyman of Washington.

Pending — Acceptance of Either Report. (In the House — Minority Report Accepted, and the Bill, in New Draft, Passed to be Engrossed as amended by House Amendment "A" (H-118).

On motion by Mr. Speers of Kennebec, tabled and Specially Assigned for April 17, 1975, pending Acceptance of Either Committee Report.

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

SENATE REPORT — from the Committee on Appropriations and Financial Affairs — Bill, "An Act to Allocate Money from the Federal Revenue Sharing Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1976 and June 30, 1977." Ought to Pass.

Tabled — April 10, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Report.

On motion by Mr. Speers of Kennebec, retabled and Specially Assigned for April 16, 1975, pending Acceptance of the Committee Report.

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

Bill, An Act Creating Uniform Standards for Disqualification of Applicants with Prior Criminal Convictions for a License or Permit to Practice a Trade or Occupation Regulated by the State. (H. P. 330) (L. D. 402)

Tabled — April 10, 1975 by Senator Pray of Penobscot.

Pending — Enactment.

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

Mr. CLIFFORD: Mr. President, I would like to make an inquiry as to whether or not L. D. 402 has a committee amendment attached to it?

The PRESIDENT: The Chair would reply in the affirmative, it has a House Amendment, under Filing H-110.

Mr. CLIFFORD: Mr. President, there is no Committee Amendment?

The PRESIDENT: It is a Committee Amendment.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Thereupon, on motion by Mr. Pray of Penobscot, retabled and Tomorrow Assigned, pending Enactment.

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

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

Tabled — April 10, 1975 by Senator Danton of York.

Pending — Passage to be Engrossed.

(In the Senate — Committee Amendment "A" (S-40), Adopted.)

In the House — Indefinitely Postponed, in non-concurrence.)

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

Mr. CARBONNEAU: Mr. President, I move that the Senate recede from its action whereby it adopted Committee Amendment "A", for the purposes of offering Senate Amendment "A" to Committee Amendment "A".

The PRESIDENT: The Senator from Androscoggin, Senator Carbonneau, moves that the Senate recede from its action

whereby it adopted Committee Amendment "A".

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, would the Secretary read Committee Amendment "A" and the filing number?

The PRESIDENT: The Secretary will read Committee Amendment "A".

Committee Amendment "A", Filing No. S-40, was Read.

The PRESIDENT: Is it now the pleasure of the Senate to recede from its former action whereby Committee Amendment "A" was adopted?

The motion prevailed.

Mr. Carbonneau of Androscoggin then presented Senate Amendment "A" to Committee Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-56, to Committee Amendment "A" was Read.

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

Mr. CARBONNEAU: Mr. President and Members of the Senate: You will notice that this Senate Amendment "A" is like another Senate Amendment that I presented last week, but there is a difference, and that is the effective date of this amendment, which would be 1 January 1976.

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

Mr. MERRILL: Mr. President, a parliamentary inquiry: Does it require suspension of the rules to consider this amendment which has already been defeated by the Senate?

The PRESIDENT: The Chair would reply in the negative, since this amendment, through its change of date, is not the same amendment that was offered previously. The rules do not have to be suspended.

Mr. MERRILL: Mr. President, to continue with my parliamentary inquiry, isn't the effect of this amendment essentially the same as the amendment that has been defeated by the Senate, and that changing the date does not in effect change the action of the Senate? Aren't we in fact by considering this amendment considering what we considered previously?

The PRESIDENT: The Chair would reply in the negative. This amendment does differ substantially from the previous one, therefore, the rules do not have to be suspended.

The Chair recognizes the Senator from Androscoggin, Senator Carbonneau.

Mr. CARBONNEAU: Mr. President and Members of the Senate: The main reason I presented this amendment in the first place is that I would like to refer you to statistics that were given to us last week by the Senator from York, Senator Hichens. I refer to page 2 of this document that we have here. And of course, we are talking about the drinking age and particularly drunken driving or accidents that have to do with drinking on the part of 15, 16, 17, 18, 19, and 20 to 24-year old people.

Now under the 15-year olds we have a 483% increase to '74 from '73, and it goes down the line to the 18-year olds, where they had a 28% increase. Now, I would like to call your attention to the fact that the 19-year olds had a 4.2% increase in accidents related to alcohol, and that the 20 to 24-year olds had a 7.4% increase. This leads me to believe that the 19-year olds are either good drivers or good drinkers, one or the other, because they do a pretty good job of handling themselves without

having accidents. Therefore, rather than go to 20, I would like to see a compromise of 19, and that is the reason I presented the amendment.

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

Mr. HICHENS: Mr. President and Members of the Senate: I rise in opposition to this amendment to raise the age to 19. This does not take care of the problem. As stated previously, there are approximately 4,000 19-year olds in our public school system. Thus, we are not taking it out of the schools.

True, the 19-year olds are a minority in our high schools, as was told to us yesterday, but allowing anyone in our high schools to be able to purchase liquor allows a foot in the door to all high school activities. Like the proverbial salesman, a foot in the door usually opens it wide. We must raise the age to 20 to correct the problem of liquor in the schools.

You have on your desks this morning a reprint of an article taken from last night's Evening Express explaining that problems in the Windham Junior High School. The principal says that the trouble is because the age was lowered to 18 from 20 two years ago. You can go on in that reprint and see what the principal does say about it.

Not one person at the hearing, at which 600 people were present, suggested raising the age to 19. Not one person who has contacted me personally or by letter has suggested 19; rather, most have suggested 21, and the students present yesterday weren't interested in raising the age to 19. Therefore, I oppose adoption of the amendment and ask for a division.

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

Mr. CARBONNEAU: Mr. President and Members of the Senate: As long as Mr. Hichens has brought up the testimony given at the hearing, I think I would like to say my piece on this.

First of all, the people that were there were parents, very much concerned parents, that had children of their own who were 14, 15, 16, 17 and 18 years old. They were concerned about the 18-year olds buying booze and beer while having with them their friends who were 14, 15, 16 and 17, and encouraging them to drink.

Now, with reference to the 19, 19-year olds now in the high school, according to the good Senator from York, Senator Hichens, on papers that he circulated here in the Senate last week, he would lead you to believe that 20% of the high school students are 19 years old. Not that I disbelieved him, but I checked with my own high school in Lewiston, where there are 1,674 students. Out of that 1,674 students, there are 24 of them that are 19 years old, and all the rest of them are 18 or under. So, to my way of figuring, this is 1.5% maybe in our system in Lewiston who are different than the others.

The parents were concerned about the 18-year olds buying beer and booze. Now, if we take the 18-year olds out of this law, then we have it at 19, and most 19-year old kids are either in college or they are working. And I think that from the statistics that we were given, they do pretty good in handling both the car and the booze.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President and Members of the Senate: I must apologize to the Senate today for my stand that I took yesterday when I told you that I would sup-

port an amendment to bring it down to 19 years old. Subsequently, I have received more information, and particularly a telephone call from Dr. Blackstone in Presque Isle last night which shook me right down to the inner core. He recited with quivering voice to me case after case of teenagers that he was involved with, of teenagers away down to 14 and 15 years old, that have become addicts to alcohol and drugs, including some from my own town, which is 60 miles away.

He also brought my attention to the U.S. News Report of April 7 and statistics that really opened my eyes. I never realized that the situation was that serious. I will quote you just a short paragraph from the U.S. News Report.

"Teenage drinking is rapidly replacing concern over use of narcotics. New studies indicate half the high school pupils drink at least once a month. Six of ten youngsters admit to having been intoxicated, and 5% of high school students are believed to get drunk once a week. Even some fifth graders are found to have trouble with alcohol."

This morning I picked up the Church World, the latest edition, and here is a little paragraph. "Suicide and the Teenager. Suicide continues to be the third most common death of teenagers after accidents and homicides. Not only is the adolescent in this category but statistics include up to 24-year olds. The suicide rate for the whole population has been rising in recent years, but the rate for men aged 15 and 24 is rising faster than all age rates. Experts estimate that suicide is under-reported by as much as 33%."

Ladies and gentlemen, I think we have a problem that we cannot overlook anymore. I am not saying that by raising the drinking age back to 20 will cure all problems. It has been brought out here in these chambers that education and society itself could help the situation very much, but I still come back to the thought that I gave you yesterday. Out of all the adult rights that we have given the teenagers, this is the most explosive one. A step to 20 years old is a step forward.

I also mentioned to you yesterday that I would support any legislation introduced to bring back adult rights to 20 years old. In my time we used to say that if we can bring our children to the age of 21 without getting into trouble, then after that they are on their own. By decreeing that now they are adults at 18 years old, this has filtered down to that age. Many parents today have that same attitude, but they end up at 18 years old; if we can bring them to 18 years old without any trouble, then they are on their own. I think we have enough evidence to show that in that age group they are not mature enough to accept those responsibilities.

As I mentioned yesterday, it is tantamount to giving someone a stick of dynamite and, without giving him any safeguards, saying you go ahead and light it and see what happens. Sooner or later it will explode in their face. Parents are losing control of their teenagers at the age of 18 because they feel that they no longer need the guidance of parents. They feel that they don't need any more discipline of home. But they are wrong. These are the trying years in our lives. We have all been through 18 years old and we know what it is. It is a time to experiment, it is a time that you are daring, it is a time that you are trying things, trying new ideas, and you are trying this new alcohol. At that time they don't even know what reaction

alcohol will have in their system. We don't even know as adults.

After listening to the comments of this good doctor and his pleading with me with tears in his eyes to for God's sake bring it back to 20, that is what I will support today.

Further, this morning I put in a call to Father John Audibert, who is in charge of the Christian Life Center in Presque Isle, and has charge of all the youth in the high schools, regardless of religion, told me the very same thing. "With the experience that I have had, let's bring it back to 20. Let's try it again. Let's hope that society will accept its role in this, that this permissive society that we have today will have a turnabout-face and will try to support the good parents that are trying to give guidance and discipline to their teenagers at a time in their life when they need it the most."

So, as a result of that, I will vote against the motion of my good friend, Senator Carbonneau, to amend it down to 19, and will stick as long as I can to the 20-year olds. Thank you.

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

Mr. DANTON: Mr. President and Members of the Senate: I think we aren't really discussing the issue here today. I think the issue is should they be allowed to drink at 18, or accept the amendment to 19, or go up to 20.

The whole problem here is simply this, and I am quite sure this is why Senator Hichens introduced this bill, that the drinking at the age of 18-years old was creating a problem in our high schools and in the lower grades. That is what the issue here is today.

Now, how can we take care of this problem? I know Senator Hichens says that there are 4000 students in our high schools 19-years old or even older. First, I would like to say I don't think that is a true figure. I haven't found the percentages to run that way in my Senate District. Let's take care of the problem. If they are drinking in high school, then let's move it up one year. Let's go to 19-years old. I am quite sure that come another session of the legislature and that problem exists we can come here and put it up to 20 or 21, and I don't know but maybe it might be a good idea to put it up to 25. But let's just take and see if we can solve the problem and do what this bill really and truly is trying to do. What it is trying to do is get the drinking out of the high school. Let's not take and punish the majority for the acts of the minority in some of our high schools. I think the 19-year old amendment will take care of the situation. If it doesn't, I am sure most of you will be reelected come the 108th, you can put it up to 20 or 25 or even 65. Please support the amendment to bring it up to 19-years old.

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

Mr. PRAY: Mr. President and Members of the Senate: I rise to agree with the good Senator from York, Senator Hichens, and perhaps this will be the only time on this L. D. that I will do such. Personally, I would just like to state my own belief on this. I realize that we do have a drinking problem. But what I see is a fragmentation of adulthood, and that is really what bothers me. I was moved very much by Senator Cyr's speech and I do understand we do have a problem. The statement that Senator Hichens made, that this does not take care of the problem, is what I agree

with. I also believe that raising the age to 19 or to 20 does not take care of the problem.

This legislative body cannot enforce the policies and regulations that our schools have. They have the regulations and it is up to the schools to enforce them. This legislation does not take care of that. I believe that even if we do go to 19 or to 20 the problems in our schools will still exist. Thus, I am opposed to the amendment.

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

Mr. HICHENS: Mr. President and Members of the Senate: In answer to the statements made by the good Senator from Androscoggin, Senator Carbonneau, in my recollection, most of those speaking at the hearing were school officials, law officials and students. There were very few parents that had anything to say at that hearing.

Furthermore, the 4000 19-year old figure which I have given you is not mine; it is the figure given me by Deputy Commissioner Gordon of the Department of Education, which I have no reason to doubt.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President and Members of the Senate: In this debate we have heard time and time again, "Do not punish the teenagers, the 18 or the 19, by denying them and going back to 20." I have also heard that from some of the teenagers that have been lobbying us, "Do not punish us." I can assure you that there is not one legislator in this chamber that has that in mind, to punish the teenagers. We have a problem and we are concerned. We are not trying to punish. We are concerned, and if we do want to put liquor off-limits for 18 and 19 year olds, it is because we care.

Another argument came to us yesterday from one of the young lobbyists who came to Senator McNally and I here and said, "Well, look at what you are doing. If you are going to raise that to 20, look at all the revenue that the State of Maine would be losing." And Senator McNally very properly said, "Young man, that is the weakest argument that you can have." And it is true. Because there is not one of us here that would want to exchange the revenues that you would get from liquor by selling to 18 and 19 year-olds, knowing that you may have one of them become addicted to alcohol and become an alcoholic. It is worth that much to us, all of the revenues, so don't use that as an argument.

I have agonized over this bill just as much as I did last year in the Special Session over the ERA, and particularly during the night after listening to the pleading of a doctor that has seen what can happen by this. And I say it isn't these young people that are failing; it is society that has failed them. So let's try to put some kind of guidance in their lives.

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

Mr. CARBONNEAU: Mr. President and Members of the Senate: I believe the problem is not the 18, 19 or 20 year olds. I think we are getting away from that. Actually the problem is with the youngest ones, the ones that have access to the booze from the 18 and 19-year olds, so to speak — of course, more with the 18. I think the biggest problem is that our laws are not being enforced properly. We heard testimony from young adults that came to see and talk to us who said that at 16 or 17 they can walk into some stores and buy all the beer they want. The law is not being enforced.

Another thing I would like to bring to the

attention of the Senate is that I think we should educate the parents to keep a little more of an eye on their kids. They are not doing that. I think they are depending on us to make the law so stringent that we would be doing their job for them.

Now, the good Senator from Aroostook just mentioned a little while ago that society has failed them. Well, if society has failed them, why punish them. Why not punish society? And that is what we are doing, we are punishing them because society has not done its job. Our police have not done their job properly.

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

Mr. DANTON: Mr. President, I would request a division.

The PRESIDENT: A division has been requested. Would all those Senators in favor of adopting Senate Amendment "A" please rise in their places until counted. Will all those opposed to the adoption of Senate Amendment "A" please rise in their places until counted.

A division was had. 9 having voted in the affirmative, and 21 having voted in the negative, the motion did not prevail.

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

Mr. HICHENS: Mr. President, I now move that L.D. 4 be passed to be engrossed.

The PRESIDENT: The Chair would advise the Senator from York, Senator Hichens, that the Senate has receded from its action whereby it adopted Committee Amendment "A".

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, it was my understanding that there was to be another amendment offered with respect to a referendum. Might I inquire through the Chair whether that amendment is about to be offered?

The PRESIDENT: The Senator from Kennebec, Senator Katz, now poses a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Androscoggin, Senator Carbonneau.

Mr. Carbonneau then moved that the Bill be tabled and Tomorrow Assigned, pending Adoption of Committee Amendment "A".

On motion by Mr. Pray of Penobscot, a division was had. One having voted in the affirmative, and 30 having voted in the negative, the motion did not prevail.

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

Mr. SPEERS: Mr. President, a point of order: Is it correct that the pending question at the present time is the adoption of Committee Amendment "A"?

The PRESIDENT: The Chair would advise the Senator from Kennebec, Senator Speers, in the affirmative. The pending question before the Senate is the adoption of Committee Amendment "A".

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. Pray of Penobscot then moved that the Bill and all accompanying papers be Indefinitely Postponed, and subsequently Mr. Conley of Cumberland requested a Roll Call.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire or more than one-fifth of those Senators present and voting. Will all those Senators in favor of ordering 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 Penobscot, Senator Pray, that the Senate indefinitely postpone Legislative Document 4 and all of its accompanying papers. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Berry, R.; Clifford, Curtis, Danton, Graham, Huber, Marcotte, Merrill, Pray, Reeves, Trozky.

NAYS: Senators Carboneau, Cianchette, Collins, Conley, Corson, Cummings, Cyr, Graffam, Greeley, Hichens, Jackson, Johnston, Katz, McNally, O'Leary, Roberts, Speers, Thomas, Wyman.

ABSENT: Senator Gahagan.

A roll call was had. 12 Senators having voted in the affirmative, and 19 Senators having voted in the negative, with one Senator being absent, the motion did not prevail.

Thereupon, on motion by Mr. Katz of Kennebec, Committee Amendment "A" was Adopted.

Mr. Hichens of York then presented Senate Amendment "C" and moved its Adoption.

Senate Amendment "C", Filing No. S-50, was Read.

Mr. Danton of York then moved that Senate Amendment "C" be Indefinitely Postponed, and subsequently Mr. Katz of Kennebec requested a Roll Call.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: It seems to me the issue here is really not a referendum, but whether the Senate is going to vote on this issue as one of the many issues which it was elected to decide. It seems to me that voting for Senate Amendment "C" is passing the buck and abrogating our responsibility. I think we ought to vote on L.D. 4 for 20 years old or against it. It seems to me we shouldn't pass the buck on this one and we should bite the bullet. Thank you, Mr. President.

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

Mr. CURTIS: Mr. President, I would like to pose a question to anybody who might care to answer as to what the cost to such a referendum would be?

The PRESIDENT: The Senator from Penobscot, Senator Curtis, has posed a question through the Chair to any Senator who may care to answer.

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

Mr. SPEERS: Mr. President, I would like to pose a further question through the Chair to the good Senator from Penobscot, the Chairman of the Committee on State Government, as to whether he means this referendum alone or with all of the others that we are going to be passing out to the people this next election?

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, to be sure in my own mind, I would like to ask what the date of the referendum would be from perhaps the sponsor of the amendment,

and that would determine whether or not this item would be included on the ballot with other items or would be a special election and the only one on the ballot.

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

Mr. HICHENS: Mr. President, according to the amendment, it would be next November. If the good Senator from Penobscot remembers, I asked him last week if there would be a special election next November on referendum articles, and he said yes. So I presented this amendment to have it included along with the other referendum questions.

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

Mr. CURTIS: Mr. President, I would like to get that record straight. I said yes, there probably would be such an election in November, but it depended upon the further action of the legislature; namely, on proposed bond issues and on constitutional amendments. The one constitutional amendment that has been sent out by this legislature so far is on single member districts, and it does not have November of 1975 as a date on it for holding the election.

It is my understanding from previous information from the Secretary of State's Office, and I am not sure whether that information holds true for a referendum or not, but on a constitutional amendment it costs something in the vicinity of \$25,000 or more to put a constitutional item out to the people as one item, and every additional item on the ballot seems to cost \$10,000. But I thought perhaps the sponsor or anybody who had worked on this amendment might be able to provide the specifics as to the cost.

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

Mr. KATZ: Mr. President and Members of the Senate: I would presume that this item will go on the Appropriations Table, because of the nature of the cost involved, and will not be acted upon until the end of this session, at which time we will have a clear idea as to whether or not we will have any further referenda on the ballot. If not so, I think it would be a very simple matter in the saving of tax dollars to change the date so that we have it at the same time we have others. I do not feel that the cost is an issue by any yard stick here today.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I agree with the good Senator from Kennebec, Senator Katz, I don't think cost is the issue. The issue is whether we are going to do our job and vote on this issue. We know the issue, it has been debated, and I think very forcefully from both sides.

The difference between a constitutional question or a bond issue is that the Maine Constitution requires that these issues go to the people. This does not so require. And I think the intent of electing a legislator is to elect representatives who are going to represent the people and vote on the issues as they see fit. It seems to me that the really important issue here this morning is whether we are going to do our job and vote or whether we are going to abrogate our responsibility and send it to the people. Thank you.

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

Mr. KATZ: Mr. President, I must protest. There comes a time in a session when

there are emotional issues where reference to the people is completely appropriate. I do not need any lectures as to my responsibilities here in the Maine Senate. I have heard this from so many sides that I feel this is a unique question, and my constituents have expressed themselves very vigorously on both sides of this. I feel that perhaps the proper answer is, and has been right along, with the expression of the opinion of all Maine people on it.

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

Mr. CONLEY: Mr. President and Members of the Senate: I concur very much the words of the good Senator from Kennebec, Senator Katz. I think it is clearly obvious to everyone in this Chamber that the votes are here to pass this bill. It is a question of what might happen or what might not happen down in the other body. I think this is a very emotional issue involving the entire legislative body, and I think that putting the amendment on is a sensible thing to allow the people to decide for themselves. I hope that the Senate would adopt the amendment.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, I move the previous question.

The PRESIDENT: The Senator from Washington, Senator Wyman, has moved the question. The pending motion before the Senate is the motion of the Senator from York, Senator Danton, that Senate Amendment "C" be indefinitely postponed. A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of more than one-fifth of those Senators present and voting. Will all those in favor of a roll call please stand 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 by the Senator from York, Senator Danton, that Senate Amendment "C" be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry E.; Berry R.; Clifford, Curtis, Cyr, Danton, Graham, Huber, Johnston, Marcotte, Merrill, Pray, Reeves, Speers, Thomas, Trozky.

NAYS: Senators Carboneau, Cianchette, Collins, Conley, Corson, Cummings, Graffam, Greeley, Hichens, Jackson, Katz, McNally, O'Leary, Roberts, Wyman, Sewall.

ABSENT: Senator Gahagan.

A roll call was had. 16 Senators having voted in the affirmative, and 16 Senators having voted in the negative, with one Senator being absent, the motion did not prevail.

Mr. Katz of Kennebec then moved that the Bill be tabled and Tomorrow Assigned, pending Adoption of Senate Amendment "C".

On motion by Mr. Speers of Kennebec, a division was had. Four having voted in the affirmative, and 27 having voted in the negative, the motion did not prevail.

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

Mr. SPEERS: Mr. President, on the motion for the adoption of Senate Amendment "C", I ask for a roll call.

The PRESIDENT: The Chair recognizes

the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President, a parliamentary inquiry: Isn't this the amendment that we just voted on in the roll call?

The PRESIDENT: The Chair would reply that the Senate voted on the indefinite postponement, which failed. The pending motion is now on the adoption of Senate Amendment "C".

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President and Members of the Senate: I rise to support adoption of Senate Amendment "C", the reason being that we have all here, those who have debated, I think to a man, have agreed that there is a problem. By defeating this bill, L. D. 4, in this Senate, I claim that we are not attempting to do anything about the problem. I believe that we are in pretty general agreement that the problem is one that could be helped by education. I feel there is no question but what there will be a large educational process going on here between now and the referendum question, if we allow that to happen. I feel it would be healthy, I feel it would be good, and I think we will be doing our duty as Senators to put this question out before the people, and I strongly urge your support for Senate Amendment "C".

The PRESIDENT: A roll call has been requested. 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 question before the Senate is the motion by the Senator from York, Senator Hichens, that the Senate adopt Senate Amendment "C". A "Yes" vote will be in favor of adopting Senate Amendment "C"; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Carbonneau, Cianchette, Collins, Conley, Corson, Cummings, Graffam, Greeley, Hichens, Jackson, Katz, McNally, O'Leary, Roberts and Wyman.

NAYS: Senators Berry, E.; Berry, R.; Clifford, Curtis, Cyr, Danton, Graham, Huber, Johnston, Marcotte, Merrill, Pray, Reeves, Speers, Thomas and Trotzky.

ABSENT: Senator Gagahan.

A roll call was had. 15 Senators having voted in the affirmative, and 16 Senators having voted in the negative, with one Senator being absent, the motion did not prevail.

Mr. Hichens of York then moved that the Bill be Passed to be Engrossed, and subsequently, Mr. Berry of Androscoggin requested a roll call.

The PRESIDENT: 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 those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and stand 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 York, Senator Hichens, that L. D. 4 be passed to be engrossed. A "Yes" vote will be in favor of passage to be engrossed; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Carbonneau, Collins, Conley, Cummings, Cyr, Graffam, Greeley, Hichens, Jackson, Johnston, Katz, McNally, O'Leary, Roberts, Speers, Thomas and Wyman.

NAYS: Senators Berry, E.; Berry,

R.; Cianchette, Clifford, Corson, Curtis, Danton, Graham, Huber, Marcotte, Merrill, Pray, Reeves and Trotzky.

ABSENT: Senator Gagahan.

A roll call was had. 17 Senators having voted in the affirmative, and 14 Senators having voted in the negative, with one Senator being absent, the Bill was Passed to be Engrossed in non-concurrence.

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

Mr. CONLEY: Mr. President, having voted on the prevailing side, I now move that the Senate reconsider its action whereby this bill was passed to be engrossed, and I honestly hope the Senate would vote against it.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate reconsider its action whereby this bill was passed to be engrossed. Will all those in favor of reconsideration please say "Yes"; those opposed, "No".

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

Sent down for concurrence.

Reconsidered Matter

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

Mr. MERRILL: Mr. President, with reference to L.D. 463, Bill, "An Act to Provide Excise Tax Refund for Construction and Operation of Breweries within the State", having voted on the prevailing side, I would ask to reconsider and hope the Senate would defeat my motion.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Johnston.

Mr. JOHNSTON: Mr. President, can I table this bill pending reconsideration?

The PRESIDENT: The Chair would advise the Senator he is debating a tabling motion.

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. Cianchette of Somerset then moved that the Bill be tabled and Tomorrow Assigned, pending the motion by Mr. Merrill of Cumberland to Reconsider.

On motion by Mr. Merrill of Cumberland, a division was had. 17 having voted in the affirmative, and 11 having voted in the negative, the motion prevailed.

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

HOUSE REPORTS — from the Committee on Judiciary — Bill, "An Act Relating to Hearing for Provisional Motor Vehicle Licensee on Suspension." (H. P. 333) (L. D. 405) Majority Report — Ought to Pass; Minority Report — Ought Not to Pass.

Tabled — April 10, 1975 by Senator Berry of Androscoggin.

Pending — Motion of Senator Collins of Knox to Indefinitely Postpone Bill and Accompanying Papers.

(In the House — Passed to be Engrossed as amended by House Amendment "B" (H-107).)

(In the Senate — Motion to Accept Minority Report lost.)

On motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending the motion by Mr. Collins of Knox to Indefinitely Postpone the Bill and Accompanying Papers.

Reconsidered Matter

On motion by Mr. Speers of Kennebec,

the Senate voted to reconsider its prior action whereby Bill, "An Act to Require Public Hearings on the Appointment of Departmental Commissioners" (S. P. 429) (L. D. 1377), was Passed to be Enacted.

Thereupon, on further motion by the same Senator, tabled pending Enactment.

Reconsidered Matter

On motion by Mr. Carbonneau of Androscoggin, the Senate voted to reconsider its prior action whereby Bill, "An Act to Establish Statutory Provisions for a Retail Seafood Dealer's License" (H. P. 1340) (L. D. 1621), was referred to the Committee on Marine Resources and Ordered Printed.

The same Senator then moved that the Bill be referred to the Committee on Business Legislation in non-concurrence and Ordered Printed.

Thereupon on motion by Mr. Thomas of Kennebec, tabled and Tomorrow Assigned, pending the motion by Mr. Carbonneau of Androscoggin that the Bill be referred to the Committee on Business Legislation.

Reconsidered Matter

On motion by Mr. Carbonneau of Androscoggin, the Senate voted to reconsider its prior action whereby Bill, "An Act to Establish Statutory Provisions for a Wholesale Seafood Dealer's and Processor's License" (H. P. 1341) (L. D. 1622) was referred to the Committee on Marine Resources.

The same Senator then moved that the Bill be referred to the Committee on Business Legislation in non-concurrence and Ordered Printed.

Thereupon, on motion by Mr. Thomas of Kennebec, tabled and Tomorrow Assigned, pending the motion by Mr. Carbonneau of Androscoggin that the Bill be referred to the Committee on Business Legislation.

Out of order and under suspension of the rules, the Senate voted to take up the following.

Papers from the House

Enactors

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

Emergency

An Act Appropriating Additional Funds to the Department of Health and Welfare for Medical Care Payments and General Assistance Payments for the Fiscal Year Ending June 30. (S. P. 488) (L. D. 1673)

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

Mr. HUBER: Mr. President and Members of the Senate: Because this bill has come upon us quite quickly, I would just very briefly like to explain it. This provides the roughly 2.9 million dollars required by the Department of Health and Welfare to fund general assistance payments and also 1.5 million dollars of medical care payments. These are the needs for the remainder of this fiscal year. Due to the great skill and talent of your Appropriations Committee, March revenues were considerably in excess of estimates, which allows funding of these needs. The Governor has recommended that these demands be funded in this way, and the Appropriations Committee has complied with this decision in L. D. 1673.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President and Members of the Senate: I would like to inquire from

the good Senator if in the general assistance payments to the communities it is based on .0006 of the state tax valuation, or is it on .003?

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

Mr. HUBER: Mr. President, I believe this is based on the current formula.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President and Members of the Senate: If it is based on the current formula, which I understand hasn't been changed, it means that for general assistance before your community is entitled to the 90-10 formula the local communities will have to double their share of it. So think very carefully before you accept this, unless the other formula has been worked into this.

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

Mr. BERRY: Mr. President and Members of the Senate: May I inquire through the Chair to the Chairman of the Appropriations Committee or any Senator is it not a fact that this bill would provide the funds which would reimburse communities within the State of Maine now for the funds the State of Maine has neglected to send out to the communities since September? The last checks, I understand, went out in November and they were for the month of September. Municipalities have received no funds since that time. It is my understanding that based on the .0006 this would be under the old formula and would have no bearing on the next fiscal year.

The PRESIDENT: The Senator from Androscoggin, Senator Berry, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President and Members of the Senate: I believe the Senator from Androscoggin, Senator Berry, is correct. This provides the needs as estimated by the towns.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, this being an emergency measure and having received the affirmative votes of 28 members of the Senate was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

House Paper

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

Comes from the House, Passed to be Engrossed without reference to Committee.

Under suspension of the rules, the Bill was given its First and Second Readings and Passed to be Engrossed in concurrence.

(Off Record Remarks)

On motion by Mrs. Cummings of Penobscot,

Adjourned until April 14, 1975, at 10 o'clock in the morning.