

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

**January 5, 1977 to May 25, 1977**

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AUGUSTA, MAINE

## HOUSE

Tuesday, March 15, 1977

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

Prayer by the Reverend Stuart Price, Minot Corner Methodist Church of Minot.

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

The journal of the previous session was read and approved.

## (Off Record Remarks)

## Papers from the Senate

The following Communication:

The Senate of Maine  
Augusta

March 10, 1977

Honorable Edwin H. Pert  
Clerk of the House  
108th Legislature  
Augusta, Maine 04333  
Dear Mr. Pert:

The Senate voted today to Adhere to its action whereby it Indefinitely Postponed Bill, "An Act Relating to the Telephone Company Directory" (H. P. 103) (L. D. 127).

Respectfully,

Signed:

MAY M. ROSS  
Secretary of the Senate

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

Bill "An Act Relating to the Licensure of Plumbers" (S. P. 256) (L. D. 813)

Came from the Senate referred to the Committee on Business Legislation and ordered printed.

In the House, referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Promote a Mandatory Hunters' Safety Course" (S. P. 266) (L. D. 824)

Came from the Senate referred to the Committee on Fisheries and Wildlife and ordered printed.

In the House, referred to the Committee on Fisheries and Wildlife in concurrence.

Bill "An Act to Clarify Sex Discrimination in the Maine Human Rights Act" (S. P. 260) (L. D. 821)

Came from the Senate referred to the Committee on Human Resources and ordered printed.

In the House, referred to the Committee on Human Resources in concurrence.

## Later Today Assigned

Bill "An Act to Insure Psychiatric Review of Voluntary and Involuntary Hospitalization of the Mentally Ill" (S. P. 272) (L. D. 830)

Came from the Senate referred to the Committee on Judiciary.

On motion of Mr. Tierney of Lisbon Falls, tabled pending reference in concurrence and later today assigned.

Bill "An Act Relating to Privileged Communications for Clergymen" (S. P. 259) (L. D. 782)

Bill "An Act to Limit Attorney's Fees under the Maine Tort Claims Act" (S. P. 268) (L. D. 826)

Came from the Senate referred to the Committee on Judiciary and ordered printed.

In the House, referred to the Committee on Judiciary in concurrence.

Bill "An Act Relating to Disqualification from Unemployment Compensation Benefits" (S. P. 270) (L. D. 828)

Bill "An Act Relating to Service Fees of Authorized Bargaining Agents" (S. P. 273) (L. D. 831)

Bill "An Act Concerning Minimum Wage Law" (S. P. 250) (L. D. 777)

Came from the Senate referred to the Committee on Labor and ordered printed.

In the House, referred to the Committee on Labor in concurrence.

Bill "An Act to Clarify the Law as to Fraud by a Guest or Customer in a Hotel, Inn, Boarding House or Eating House" (S. P. 255) (L. D. 780)

Came from the Senate referred to the Committee on Legal Affairs and ordered printed.

In the House, referred to the Committee on Legal Affairs in concurrence.

Bill "An Act Establishing an Experimental Blackfly Control Program" (S. P. 264) (L. D. 823)

Came from the Senate referred to the Committee on Natural Resources and ordered printed.

In the House, referred to the Committee on Natural Resources in concurrence.

Bill "An Act to Clarify the Regulation of Public Utilities Owning Interests in Electric Generating Plants and Related Facilities" (S. P. 242) (L. D. 776)

Came from the Senate referred to the Committee on Public Utilities and ordered printed.

In the House, referred to the Committee on Public Utilities in concurrence.

Bill "An Act to Require Certain Criminal Justice Agencies to make Permanent Records of all Apprehensions and Arrests" (S. P. 258) (L. D. 781)

RESOLUTION, Proposing an Amendment to the Constitution to Limit Tax Increases to a One-Year Period and to Require Further Legislation and Economic Impact Analysis for the Further Continuation of any Tax Increase (S. P. 254) (L. D. 779)

Bill "An Act to Improve the Management of the Department of Conservation" (S. P. 232) (L. D. 775)

RESOLVE, Authorizing Health Insurance Coverage for Fifteen Retired State Troopers (Emergency) (S. P. 262) (L. D. 822)

Bill "An Act to Provide for a Council of Economic Advisors" (S. P. 257) (L. D. 814)

RESOLUTION, Proposing an Amendment to the Constitution to Combine the Guarantee Limits for the Insurance of Enterprises within the State (S. P. 252) (L. D. 778)

Came from the Senate referred to the Committee on State Government and ordered printed.

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

Bill "An Act Appropriating Funds for the Expansion of the Portland International Jetport" (S. P. 267) (L. D. 825)

Bill "An Act to Permit the Commissioner of Transportation to Designate Certain Highways for the use of Twin-Trailer Trucks" (S. P. 269) (L. D. 827)

Bill "An Act Concerning the Calculation of State Aid to Municipalities for the Care of Highways and Bridges" (S. P. 271) (L. D. 829)

Came from the Senate referred to the Committee on Transportation and ordered printed.

In the House, referred to the Committee on Transportation in concurrence.

Reports of Committees  
Ought to Pass in New Draft

Committee on Appropriations and Financial Affairs on Bill "An Act to Allocate Money from Title II of the Public Works Employment Act of 1976 for the Expenditure of State Government

for the Fiscal Year Ending June 30, 1977" (Emergency) (S. P. 49) (L. D. 95) reporting "Ought to Pass" in New Draft under New Title on Bill "An Act to Allocate Money from Title II of the Public Works Employment Act of 1976 for the Expenditures of State Government for the Fiscal Year Ending June 30, 1977 and for the Fiscal Year Ending June 30, 1978" (Emergency) (S. P. 275) (L. D. 757)

Came from the Senate with the Report read and accepted and under suspension of the rules the New Draft read twice and passed to be engrossed.

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

## Non-Concurrent Matter

Bill "An Act to Provide Funds to the Department of Inland Fisheries and Wildlife" (H. P. 129) (L. D. 163) on which the Majority "Ought Not to Pass" Report of the Committee on Performance Audit was read and accepted in the House on March 9, 1977.

Came from the Senate with the Bill and accompanying papers recommitted to the Committee on Performance Audit in non-concurrence.

In the House:

Mrs. Berube of Lewiston moved that the House adhere.

Whereupon, Mr. Dow of West Gardiner moved that the House recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I would ask that you vote no to recede and concur so that we can have a chance to accept the adhere motion.

This bill, as you know, is a divided report, is a 10 to 2 "ought not to pass" report from our committee. We accepted that report last week. It was explained thoroughly, I think. Very briefly, it would allow the Inland Fisheries and Wildlife Department to dip into the General Fund. As you all know, they operate with a substantial cash reserve, and I therefore feel that we should move to adhere to our position.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Reluctantly, in opposing the gentle lady from Lewiston, I would hope that you would recede and concur with the Senate.

I think this is a problem that is going to become more serious as time goes on. We have got to make some decisions as to how we are going to handle the funding of the Fish and Game Department, and one of the problems is what this bill tries to address itself to, and that is the fact of reimbursing for some of the expenses that they incur through having to do work that normally is under the General Fund.

I would hope that this bill could be sent back to Performance Audit for review. I believe that basically that is the fundamental responsibility of this committee, to look into problems of this type. I think a review of it in the committee would be in order.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: As you know, last year I was House Chairman of this committee. In an investigation where the funds were going to, we had a figure, and that was only a part of the year, of \$76,000 of dedicated revenue that had been spent for other purposes. At that time, we couldn't introduce a bill to get reimbursement from the General Fund to the Department of Inland Fish and Game, and for those of you who don't know, the Department of Fish and Game is maintained by the license fees of all the people who do the sporting acts around the state. It

is the most conservative action we have had in the state in years.

I am thoroughly in favor of sending it back to the Performance Audit Committee.

The SPEAKER: The pending question is on the motion of the gentleman from West Gardiner, Mr. Dow, that the House recede and concur with the Senate. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Norris of Brewer requested a roll call vote.

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

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

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I don't want to be known as one of the liberals of this House, because that wouldn't be a fact, but I do feel as though the time has come when we are going to have to assist this department in some way. Only last week, or two weeks ago, we passed a bill letting our residents have a few days' open season before the nonresidents come in. I don't care what statistics show, I know in my own mind that will mean a lot of nonresident licenses won't be sold, so we have robbed the department in that area. I think we can't go on robbing this department without finding some means of supporting them, because in my area they perform a lot of service in non-related fish and game matters, dragging the rivers for people drowned or hunting for people who were lost while hunting, visiting Mt. Katahdin, and this type of thing, boys who have gotten lost and so forth, and I think the time has come that we do have to face up to the problem of doing something for the department.

The sportsmen are not all wealthy people. A lot of them are people who work in minor industry, and they like to hunt too, and we are getting hunting license fees where some of the poorer people that I represent can't afford a license, even as it is today, and to make the hunting and fishing license, I am sure of that, would be forcing a lot of poor people out of a hunting or fishing license, I am sure of that. Bear in mind that sometimes this House thinks of sportsmen as being wealthy people, and that is not so, there are a few, but the majority of the people who hunt and fish are poor people, even poorer than we are. They can't afford to have their licenses any higher, especially where this department performs these services that are not related to what the fishing license is supposed to pay for.

I do hope that you will vote with Mr. Dow, please.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I served on the Performance Audit Committee last year, and we listened to the very arguments the gentleman from Enfield, Mr. Dudley has brought forth to you, but one of the things that has not been made clear to you is the amount of money that the Fish and Game Department is carrying in surplus. Maybe somebody here can bring you up to date; I am not familiar with the current figure, but somebody may be able to bring you up to date on exactly what the surplus is they are carrying. The reason they gave us in committee last year for carrying such a large surplus was in case of a tremendous fire like we had in Bar Harbor back in the '40's, and I would

assume that if we had that type of a fire, the legislature might very well be called into session as an emergency type nature, and we could certainly fund them if in fact they have that many problems.

I do wish somebody would give me some idea of what they have in surplus.

The SPEAKER: The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: The cash surplus always hovers around \$800,000.

Reference has been made to the nonresident deer licenses, for instance, going down: As of June 30, the last fiscal year, the end of the fiscal year, they had collected in revenue \$97,807 more than the previous year, from \$1,545,000 up to \$1,643,000. The resident combination licenses this past year went up by \$144,300 from the previous year. Their revenues are indeed going up.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: Our budget document showed that for the end of fiscal 1976, they had a \$2 million balance, and for the end of this year, they estimate to have \$1,712,000 in lapse balance.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: We talked about this bill some time ago. This bill is a department head bill. You know, the departments in this state are the bunch of biggest cry babies you ever saw. They always want more money, not particularly in this one department, but every department head we have. They think that the State of Maine could not be run if you cut a couple pennies off their budget.

We know as well as not that the Fisheries and Wildlife Department of this state is a very important function of the State of Maine because we have many people who are interested in the fisheries and the wildlife and the wilderness and things like that, and I think that is fine, I support those people. I am not a fisherman myself and I am not a hunter, but I certainly respect their viewpoints to have the best in this field. However, they use the situation that they need more wardens because someone gets lost once in a while in the wilderness of Maine, and it is true, they probably do get lost. I am sure that the Guy Gannett newspapers of Portland, they do not print a whole lot of lies, they don't print the truth at times, but they don't print a lot of lies, and I am sure that people do get lost, but I think they are using one or two instances where a person is lost to fund more money into the Fisheries and Wildlife Department.

They have their own fund, and I don't believe that the members of this House should take into consideration that the animals of the woods need more protection than the people on the streets of our cities. We need more state police, too, and I feel that the people are far more important than the animals are. Consequently, we should not let the General Fund be tapped by this department. If we do, we are going to have other departments that are going to be saying, well, you let them have it, why can't we have it?

I know we have a very fine Fisheries and Wildlife Committee. In fact, I would like to be on that committee myself some day, but, nevertheless, these people are all hunting enthusiastically, and they work hard for the laws of the State of Maine in that department, but when they come in here and ask that we set aside more money for that department, I think that the members of this House are far more intelligent than to accept their recommendation. Therefore, Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed, if that is the procedure to follow. I came in late and — I will withdraw that, Mr. Speaker.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think one of the problems with this bill and with the funding of the Fish and Game Department is the difference in type of budget operation they are faced with. There are only two major departments in the state that operate out of dedicated revenue. They don't have the ability to borrow money, they don't have the ability to tap in or expect revenue situations to change.

The Fish and Game Department has been faced with a tremendous increase in costs that are going to be incurred in the next year as the result of the Hay Study, because quite a few of the positions in that department have been increased.

I really don't see any harm in sending this back for a second review within the Performance Audit Committee, even though I recognize that the House Chairman of that committee is opposed to that. I think it is something that badly needs to be pointed out, looked into, just how we are going to fund that department in the future, and I think this is basically what this study does.

I was on the committee that studied this last year; we spent quite a few days with the Fish and Game Department, and every bit of the information they gave us indicated that there were some potential problems developing in that department. They are operating at the present time entirely out of the fees that they get from fishing and hunting licenses and money they receive from fines. I think that many people in the state believe that at the present time the license fees have reached the point almost of diminishing returns. A review of how they are going to handle it or the passage of this bill so there can be some General Fund money put in there is really in order.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: There is just one more thing. I can't add much to what has already been said, but in L. D. 163, I believe it said "up to 10 percent." If I am wrong, someone can correct me, but I don't believe this says they are going to get 10 percent every time; this is up to 10 percent, from what I understand of it. Maybe some years it will be 3 percent, 5 percent, or whatever it might be, but it doesn't necessarily mean 10 percent of their budget. So I think we are wrong in going on this presumption of 10 percent, because it really isn't that at all.

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

Mr. CARROLL: Mr. Speaker and Members of the House: Ten years ago, in 1965, I appeared before a public hearing and I recommended that we take a good, hard look at this department with the purpose in mind of taking some of that dedicated revenue for a medical school for the State of Maine. I still stand on my statement that this department is overfunded, that they are making money and that their funds, a portion of it, should be diverted for a medical school for the State of Maine. We should start looking to the future and we should be more concerned about our health needs and the care of the citizens of the State of Maine and not worry so much about whether Taj Mahal is going to have a new rug, or Taj Mahal has so many more cars, they have for every three men working in that department a supervisor — every three men are being supervised. Nowhere in the State of Maine do I know of a private business run where you have one man watching two. We have here a department that is the Taj Mahal of Augusta, and I assure you that if you were to tap their funds and put some of this money into a medical school for the State of Maine, you will be the saint of the future.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: My good friend from Westbrook, Mr. Laffin, made a comment that we should not divert funds from the General Fund for occasional rescue operations on the part of the warden service of the State of Maine. The City of Old Town is host to one of the aircraft for the Department of Inland Fisheries and Wildlife, the Warden Service, one of three; one is in Eagle Lake, one is in Old Town and another one is in Greenville, and I can assure you, from my personal knowledge of the pilot who operates that plane and his operations, and also the one in Eagle Lake and Greenville, that it is not an occasional thing, especially during hunting season where they have sometimes two or three people a day who are lost and when they are lost, it seems like always a person waits until late in the afternoon before they call for help and then oftentimes they have occasion to call in one of the warden pilots and a number of wardens on the ground, and if it was your father, mother, brother or sister or whatever, you would probably want all the effort you could get from the warden service and that is what they give. It is a very expensive proposition.

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: As I said last week, the intent of this bill, in my mind, has merit. But if I understood Mr. Birt correctly last week, he said that there is a statute on the books that provides for the reimbursement to the Fish and Game Department for search and rescue-type operations, and all that is ever done is fund that to the tune of some \$10,000, which is not sufficient. I would suggest that we should look at that sometime later in this session and properly fund that statute rather than dip into the General Fund with this bill.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I only want to mention a couple of things. I hope that the sportsmen across the State of Maine take note of this vote this morning; because we are in disagreement with the other body, there is some question. The Performance Audit Committee, in the last session, voted to present legislation after the study that was made along these lines and then leave it to the Appropriations Committee. This is merely an attempt to get this back to committee and do some more work on it and then let them come out with it. The debate that I have heard is that there is no funding on this bill, or no fiscal amount, it could be very easy for those members of the committee that were voting against the bill for that purpose, all they had to do was put it on — it certainly does not take a great amount of mathematical ability to add that on the bill, and if you send the bill back, that is all that is being asked this morning, that can be done.

The other thing that I would mention this morning is that if this House refuses to send that back, I hope this department, which is funded entirely by the licensees, I hope this department takes this as a mandate by this House that they will do no more work for the DEP or LURC because they are not being paid for it, so I hope that they will take that as a mandate from the legislature that they are not to do that unless they are paid in advance, because apparently they can't be paid after the fact either through the department or the legislature. I would hope that those two things would be taken into consideration and I thank you.

The SPEAKER: The pending question before the House is the motion to recede and concur.

Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Bagley, Berry, Birt, Blodgett, Boudreau, P.; Brown, K. L.; Bunker, Burns, Bustin, Byers, Carter, D.; Churchill, Conners, Devoe, Dexter, Dow, Drinkwater, Dudley, Fenlason, Flanagan, Garsoe, Gill, Gillis, Gould, Gray, Hall, Higgins, Hunter, Hutchings, Immonen, Jackson, Jacques, Kelleher, Lewis, Lougee, Lunt, MacEachern, Mackel, Marshall, Masterman, Maxwell, McBreaarty, McKean, McPherson, Mills, Norris, Palmer, Pearson, Perkins, Peterson, Rollins, Spencer, Stubbs, Tarbell, Tarr, Teague.

NAY — Ault, Austin, Bachrach, Beaulieu, Bennett, Benoit, Berube, Biron, Boudreau, A.; Brenerman, Brown, K. C.; Carey, Carrier, Carroll, Carter, F.; Chonko, Clark, Cote, Cox, Cunningham, Curran, Diamond, Durgin, Dutremble, Elias, Fowlie, Gauthier, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Henderson, Hickey, Hobbins, Howe, Huber, Hughes, Jalbert, Jensen, Joyce, Kane, Kany, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Lizotte, Locke, Lynch, Martin, A.; Masterton, McHenry, McMahon, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Peakes, Peltier, Post, Prescott, Quinn, Raymond, Rideout, Shute, Silsby, Smith, Stover, Strout, Talbot, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Twitchell, Tyndale, Valentine, Whittemore, Wilfong, Wood, Wyman.

ABSENT — Connolly, Davies, Littlefield, Mahany, Sprowl.

Yes, 57; No, 87; Absent, 5; Vacant, 1.

The SPEAKER: Fifty seven having voted in the affirmative and eighty seven in the negative, with five being absent, the motion did not prevail.

Thereupon, the House voted to adhere.

On motion of Mr. Tierney of Lisbon Falls, Recessed until the sound of the gong.

#### After Recess 11:00 a.m.

The House was called to order by the Speaker.

The SPEAKER: Would the Sergeant-at-Arms please escort the gentleman from Stonington, Mr. Greenlaw, to the rostrum for the purpose of acting as Speaker pro tem.

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

#### Non-Concurrent Matter

Bill "An Act Relating to the Regulation of the Blueberry Industry" (H. P. 598) (L. D. 739) which was referred to the Committee on State Government in the House on March 8, 1977.

Came from the Senate referred to the Committee on Taxation in non-concurrence.

In the House:

Mr. Curran of South Portland moved that the House adhere.

The SPEAKER pro tem: The Chair recognizes the gentleman from Franklin, Mr. Conners.

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: I move that we recede and concur. This is my bill, so I would like to see it go to Taxation, and there are taxes involved within the bill.

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

Mr. CAREY: Mr. Speaker and Members of the House: As Chairman of the Taxation Committee, I could understand that something may very well be in fact due to the Taxation Com-

mittee, so I attempted to read the bill after having it put on the table for one day, and the first line said that the tax on fruit would in fact be raised from a mill and a quarter per pound to two mills per pound. And in the other four pages of the bill, it tells us what they are going to do to the blueberry council and the commissions and what have you, so the tax, I think, is only incidental, so the bill might very well find itself in front of the Taxation Committee, the committee that's chaired by the gentleman from Milbridge, who would stand substantially to have something to say about this bill. I know that the gentleman can find his way to the State Government room and he can make an appearance before the State Government Committee.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Franklin, Mr. Conners, that the House recede and concur. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

38 having voted in the affirmative and 59 having voted in the negative, the motion did not prevail.

Thereupon, the House voted to adhere.

#### Non-Concurrent Matter

Bill "An Act Increasing the Mileage Allowance for State Employees on State Business" (Emergency) (H. P. 606) (L. D. 743) which was referred to the Committee on Appropriations and Financial Affairs in the House on March 8, 1977.

Came from the Senate referred to the Committee on State Government in non-concurrence.

In the House: On motion of Ms. Goodwin of Bath, the House voted to insist.

#### Messages and Documents

The following Communication: (S. P. 274)

STATE OF MAINE

Administrative Office of the Courts  
P. O. Box 738 — 31 Court Street  
Auburn, Maine

March 9, 1977

Chief Justice Armand A. Dufresne Jr.

Governor James B. Longley

Members of the 108th Legislature

Pursuant to 4 M.R.S.A. 17, Sec. 10, transmitted herewith is the first annual report of the Administrative Office of the Courts. By prior agreement with the Chief Justice, this report covers the period from August, 1975 through December, 1976.

On behalf of the staff of the Administrative Office of the Courts, I wish to express our deep appreciation to the Chief Justice, the Associate Justices of the Supreme Judicial Court and the Regional Presiding Justices of the Superior Court for their unflinching cooperation and support during these sixteen months. Without their continual assistance, the major accomplishments described herein would never have been possible.

Signed:

ELIZABETH D. BELSHAW

State Court Administrator

Came from the Senate read and with accompanying papers ordered placed on file.

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

The following Communication:

STATE OF MAINE

Supreme Judicial Court

Auburn, Maine

March 10, 1977

Honorable John L. Martin

Speaker of the House

House of Representatives

State House

Augusta, Maine 04333

Dear Speaker Martin:

I have the honor to transmit herewith answers of the Justices of the Supreme Judicial Court given pursuant to your request for an advisory opinion of the Justices dated March 2, 1977.

Yours ever truly,

Signed:

ARMAND A. DUFRESNE JR.

The Communication was read and with accompanying papers ordered placed on file.

Opinion of the Justices of the Supreme Judicial Court Given Under the Provisions of Section 3 of Article VI of the Constitution Questions Propounded by the House in an Order Dated March 2, 1977

Answered March 10, 1977

Answers of the Justices

To the Honorable House of Representatives of the State of Maine:

In compliance with the provisions of Section 3 of Article VI of the Constitution of Maine, we, the undersigned Justices of the Supreme Judicial Court, have the honor to submit our answers to the questions propounded on March 2, 1977.

A preliminary statement will clarify the pattern of our approach to the questions.

We are constitutionally authorized to give an advisory question only as to matters concerning which there is a "solemn occasion." *Opinion of the Justices, Me., 355 A.2d 341, 388 (1976)*. There is no such solemn occasion where our advice would relate to matters merely "tentative, hypothetical and abstract." *Opinion of the Justices, Me., 330 A.2d 912, 915 (1975)*.

As will be seen from our subsequent discussion, we answer Question No. 3 in the affirmative and Question No. 1 in the negative. Since these answers establish that the law precludes further consideration of the matters purported to be raised by the challenges to the absentee ballot envelopes and applications here involved, the issues raised in Questions No. 2 and No. 5 thereby become "tentative, hypothetical and abstract." To answer them would call upon us to interpret existing statutes in circumstances in which such interpretation is not required by the facts placed before us by the House of Representatives. This we cannot do. See: *Opinion of the Justices, Me., 339 A.2d 483, 488 (1975)*. We must therefore respectfully decline to answer Questions No. 2 and No. 5.

We first consider Question No. 3, since the background of its resolution will assist in our answer to Question No. 1.

QUESTION No. 3: Must challenges to absentee ballots, based on irregularities in execution of absentee ballot envelopes, be made in accordance with the provisions of Title 21, section 1257, prior to deposit of the absentee ballots in the ballot box?

ANSWER: We answer in the affirmative.

The Commission on Governmental Ethics and Election Procedures concluded that, under 21 M.R.S.A. §§ 1257 and 863, challenges concerning absentee ballots must be made before the ballots are cast. In its opinion, set forth as Appendix A to the questions propounded, the Commission reasoned that its reading of §§ 1257 and 863 best effectuated the goals of promoting the count of votes properly cast by qualified voters and preventing abuse of the electoral process.

The Commission correctly interpreted ss 1257 and 863.

Section 1257 provides:

"An absentee ballot may be challenged the same as a regular ballot as provided in section 863."

Section 863 permits any voter of the municipality to challenge the right of another to vote and sets forth the requisite procedure. The challenging party must make known his challenge to the warden. Thereupon, the elec-

tion clerk writes "Challenged" beside the voter's name on the voting list. More important, the warden must take a blank ballot, mark it "Challenged", and write thereon the name of the challenger, the name of the voter challenged, and the reason for challenge. Thus, before the challenged voter casts his ballot it has been identified to be his. Should the challenge prove justified, the invalid ballot can be rejected because identified.

The absentee voter, by definition, cannot be challenged in this precise manner. He does not appear and ask for a ballot, so that the ballot can be marked before he votes if challenged. Instead, he "appears" at the time of counting, when the warden or clerk turns to the envelopes containing the absentee ballots. 21 M.R.S.A. §§ 1259, 1259-A. Because each return envelope, and each application where one is required, must contain the voter's name, 21 M.R.S.A. § 1253, his identity is apparent. If challenged at that point, the election officials can proceed to mark the ballot as provided in § 863. Once, however, the official has opened all approved envelopes and inserted the absentee ballots into the ballot box, the connection between the voter and his ballot is gone.

We therefore conclude that the right to challenge is lost once the envelopes and applications are separated from the ballots. Any challenge after this time must, as is generally true in the case of a regular voter, be limited to facial defects in the ballots, or irregularities common to whole classes of identifiable ballots. See, e.g., *Opinion of the Justices, 124 Me. 453, 474, 475, 126 A. 354 (1924)*.

We believe this interpretation of § 863 is in accord with other relevant statutory provisions.

We do not read the word "may" in § 1257 as a legislative indication that other, later methods of challenge exist. Instead, we interpret "may" in § 1257, and in § 863 itself, as authorizing a right of challenge. *Boynnton v. Adams, Me., 331 A.2d 370, 372, 373 (1975)*; *Dumont v. Speers, Me., 245, A.2d 151, 153, 154 (1968)*.

We also note that the procedure for challenge at a municipal caucus parallels that here for what we perceive to be similar reasons. 21 M.R.S.A. § 364. Under § 364 challenge at a municipal caucus must precede the voice or written vote contemplated by 21 M.R.S.A. § 363. When it occurs, the challenged voter must swear that certain information is true upon pain of prosecution if his statements prove false. While these provisions do not necessarily achieve continuing identification of the challenged vote as do the provisions of § 863 — since there is no requirement that a written ballot be marked — they do illustrate a parallel legislative concern that challenge occur at a meaningful point in the process. Presumably, the unqualified voter will decline to vote when confronted with the requisite oath.

The key, then, as reflected in the statutory scheme and supported by common sense, is that challenges are waived where failure adequately to preserve them precludes the fashioning of an appropriate remedy. When a challenged ballot is identified pursuant to § 863, the remedy is precisely tailored to the wrong. Should the challenge prove justified, the unqualified voter's ballot will not be counted. When, however, a challenger has waited until the challenged ballot can no longer be distinguished from the others, he seeks disenfranchisement of many for the error of one. Thus, as in the case of parties seeking appellate correction of alleged trial error, the challenger must mount his challenge at a time when it can be dealt with fairly to all. See: *Miller v. Hutchinson, 150 Me. 279, 110 A.2d 577 (1954)*. See also: *Opinion of the Justices, 152 Me. 219, 226, 130 A.2d 526 (1956)*.

Cases in other jurisdictions which have addressed the issue in comparable contexts agree with this view. See: *Bell v. Gannaway, —*

*Minn. —, 227 N. W. 2d 797 (1975)*; *Application of O'Shaughnessy, 15 A.D. 2d 183, 223 N.Y.S.2d 408 (1961)*; *Folse v. LaFourche Democratic Committee, La. App., 160 So.2d. 363, 364, 365 (1964)*; *State ex rel. Nichols v. Schmutey, Mo. App., 418 S.W.2d 385, 386 (1967)*.

QUESTION No. 1: Do the provisions of Title 21, section 1577, prevent inspection of absentee ballot applications and absentee ballot envelopes, prior to the separation of the ballots from the envelopes and the placement of absentee ballots in the ballot box, for the purpose of challenging specific absentee ballots, based on irregularities in execution of the application or envelopes?

ANSWER: We answer in the negative.

The discussion in our answer to Question No. 3 has clarified that limiting the right to challenge absentee ballots to the period prior to deposit in the ballot box means the challenger will want to inspect the envelopes and applications at that time. Were we to read 21 M.R.S.A. ss 1577 as preventing such inspection, we should question seriously our above conclusions as to the limited time for challenge. We find, however, that § 1577 contemplates inspection of the envelopes and application forms before separation and deposit in the ballot box of the relevant ballots.

Section 1577 provides:

"All lists, books, documents and records required to be prepared by or filed with a public official are public records.

"1. Exceptions. Ballots, absentee ballot application and absentee ballot envelopes are not public records and may be inspected only in accordance with this Title." (emphasis supplied) Since absentee ballot applications and envelopes are excepted from election documents classified as "public records", they are therefore not "open to public inspection during usual business hours" under 21 M.R.S.A. § 1-29. Section 1577, however, does intimate that election documents not defined as "public records" are subject to some right of inspection "in accordance with this Title." 21 M.R.S.A. § 1577-1

This reference in § 1577-1 leads us to the provisions of § 924 (counting procedure in general) and § 1259 (counting procedure concerning absentee ballots in particular).

Section 924 directs election officials to count the ballots as soon as the polls are closed. For present purposes the key provision of that statute is subsection 1:

"The ballots must be counted publicly so that those present may observe the proceedings." The stated purpose of subsection 1 is clear: — the counting must be done in such a way as to facilitate public observation. We infer from this stated purpose the ultimate but unarticulated goal: — the public observation must be such as to ensure to those present that the ballots are being counted correctly. Necessarily, then, a person present during the counting process may inspect the ballots and the checklist at that time for this limited purpose.

Absentee ballots are to be counted "the same as regular ballots." 21 M.R.S.A. § 1259-6. Thus, the condition of public observation imposed in general by § 924-1 applies with equal force to absentee ballots.

Here in question, however, is the right to inspect not the absentee ballots but the absentee ballot applications and envelopes. Further, the time for inspection here at issue occurs before the ballots are counted pursuant to § 924 as incorporated by reference into § 1259-6. The ultimate inquiry, then, is whether public observation is contemplated when the absentee ballot applications and envelopes are inspected by election officials prior to their separation from the ballots. We conclude that it is.

First, the procedures to be followed by the warden specified in § 1259-1, § 1259-2, and §

1259-3 themselves contain some indication of the open nature of the process. The warden is to review all pertinent documents and reject ballots where appropriate. Once he determines which ballots may be counted,

"[h]e shall then announce the name of each absentee voter. . . and remove each ballot from its envelope. . . After having an election clerk. . . mark the letters 'AV' beside the name of each absentee voter on the incoming voting list, he shall deposit the ballot in the ballot box." (emphasis supplied)

The direction that the warden "announce" each name is most significant since implicit in the requirement of an announcement is the thought that someone be present for whose benefit the announcement is made.

We conclude that the warden's announcement is for the benefit of those present to observe the counting process under § 924-1. The warden's public identification of each absentee voter at this time — while the ballot still remains in the relevant envelope — enables a person present and wishing to challenge the absentee voter as ineligible to do so before the ballot is inserted in the ballot box and its connection to a particular voter lost. 3

Second, we look upon § 924-1 itself, read in conjunction with § 1259, as directing public inspection of the entire counting process, including the steps taken in regard to absentee ballots before their separation from the ballot applications and envelopes. Under § 924-1, the right of observation attaches vis-a-vis counting in general. Section 1259 also speaks of the "counting procedure." That section, however, views "counting procedure" as encompassing more than the ultimate tabulation of votes ballot by ballot. It refers to the "following counting procedure" (emphasis supplied), and what follows includes all the steps concerning absentee ballots preliminary to their insertion in the ballot box for actual tabulation.

Third, our reading of "count" in §§ 924 and 1259 to comprehend all post-election steps preliminary to and including actual tabulation accords with the practical realities of those procedures as reflected elsewhere in §§ 924 and 1259.

Under § 924, the election officials are to count the ballots "as soon as the polls are closed." Section 1259, in turn, provides that the warden commence his review of absentee ballot applications and envelopes "[a]s soon as the polls are closed, and the regular ballots removed from the ballot box." Thus, the process in question is a continuous one. The warden reviews the absentee ballot forms, rejecting where necessary, while other officials tabulate the regular ballots. Eventually the warden announces each absentee voter and deposits absentee ballots in the box for removal and tabulation once all have been processed. We find no indication that public observation applies only to part of this ongoing process. Indeed, it is difficult to perceive how such limitations would be accomplished.

QUESTION No. 4: If the answer to question 3 is in the negative, please answer the following question: Can a candidate first raise an objection to absentee ballots, based on alleged irregularities in execution of absentee ballot applications or absentee ballot envelopes, at the time of a recount?

ANSWER: Since we have answered Question No. 3 in the affirmative, Question No. 4 by its terms requires no answer.

Dated at Portland, Maine, this tenth day of March, 1977.

1 A challenge to the eligibility of an absentee voter may be based on grounds other than those pertinent to all voters. In addition to questions of residence, registration, and the like, a challenger may raise, in special regard to the absentee voter, whether his reason for voting

absentee meets statutory requirements, and whether he has complied with material criteria concerning the ballot envelope and, where necessary, the application form.

2 A candidate may, of course, inspect the ballots and checklist at a later time in connection with a contemplated recount. 21 M.R.S.A. § 1151.

3 The provision is obviously intended to serve the same function in the case of absentee voters as 21 M.R.S.A. § 861-1 does regarding regular voters. Section 861-1 reads:

"A voter who wishes to vote must state his name, and street address in the municipality which has voting districts, to an incoming election clerk who shall announce the name in a loud, clear voice." (emphasis supplied)

Signed:

ARMAND A. DUFRESNE JR  
CHARLES A. POMEROY  
SIDNEY W. WERNICK  
JAMES P. ARCHIBALD  
THOMAS E. DELAHANTY  
EDWARD S. GODFREY

Thereupon, the Opinion was referred to the Special Committee on Elections.

### Petitions, Bills and Resolves

#### Requiring Reference

The following Bills, Resolve and Resolutions were received and referred to the following Committees:

#### Business Legislation

Bill "An Act Concerning the Organization of the Maine Real Estate Commission" (H. P. 801) (Presented by Mr. Quinn of Gorham)

Bill "An Act to Provide for the Licensing of Electronic Technicians" (H. P. 802) (Presented by Mrs. Chonko of Topsham)

Bill "An Act to Establish the Certification of Marriage and Family Counselors" (H. P. 803) (Presented by Mr. Biron of Lewiston)

Bill "An Act Concerning the Pricing of Retail Grocery Items" (H. P. 805) (Presented by Mr. Wood of Sanford) (Cosponsors: Mr. Brenerman of Portland, Mr. Carey of Waterville)

Bill "An Act Concerning the Maine Property Insurance Cancellation Control Act" (H. P. 806) (Presented by Mrs. Boudreau of Portland)

Bill "An Act to Amend the Insurance Laws Regarding Licensing Procedures for Agents of Fraternal Benefit Societies" (H. P. 807) (Presented by Mr. Peakes of Dexter)

Bill "An Act to Restrict Oil Firms to One Phase of the Oil Industry" (H. P. 808) (Presented by Mr. Kerry of Old Orchard Beach) (Cosponsors: Mr. Davies of Orono, Mr. Connolly of Portland, Mr. Kelleher of Bangor) (Later Reconsidered)

(Ordered Printed)

Sent up for concurrence.

#### Education

Bill "An Act to Clarify Transportation Reimbursement to Local School Systems" (Emergency) (H. P. 809) (Presented by Mrs. Mitchell of Vassalboro)

Bill "An Act Concerning the Hiring of Bus Drivers by School Administrative Districts" (H. P. 810) (Presented by Mr. Sprowl of Hope) (Cosponsor: Mr. Henderson of Bangor)

Bill "An Act Concerning the Effect of Specially Authorized Appropriations upon the Calculation of State Aid to Public Schools" (Emergency) (H. P. 811) (Presented by Mr. Gould of Old Town) (Cosponsor: Mr. Greenlaw of Stonington)

Bill "An Act to Clarify the Organization of Cultural Boards and Commissions within the Department of Educational and Cultural Services" (H. P. 804) (Presented by Mr. Tyndale of Kennebunkport) (Cosponsor: Mr. Cote of Lewiston)

Bill "An Act to Regulate Use of Physical Force by Persons with Special Responsibilities against Persons under their Care or Super-

vision" (H. P. 812) (Presented by Mr. Bagley of Winthrop)

Bill "An Act Relating to Teacher Standards and Certification" (H. P. 813) (Presented by Mr. Bagley of Winthrop)

(Ordered Printed)

Sent up for concurrence.

On motion of Mr. Palmer of Nobleboro, the House reconsidered its action whereby Bill "An Act to Restrict Oil Firms to One Phase of the Oil Industry," House Paper 808, was referred to the Committee on Business Legislation.

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

### Election Laws

Bill "An Act Concerning the Size of Squares on Election Ballots" (H. P. 814) (Presented by Mr. Carter of Winslow)

Bill "An Act Pertaining to Corrected Tabulation of Ballots in a Disputed Election" (H. P. 815) (Presented by Mr. Cunningham of New Gloucester)

Bill "An Act Concerning Expenses of the Commission on Governmental Ethics and Election Practices" (Emergency) (H. P. 816) (Presented by Mr. Birt of East Millinocket)

(Ordered Printed)

Sent up for concurrence.

### Fisheries and Wildlife

Bill "An Act to Prohibit Hunting and Fishing on Property Belonging to the Unity Utilities District" (H. P. 817) (Presented by Mr. Tozier of Unity)

(Ordered Printed)

Sent up for concurrence.

### Health and Institutional Services

Bill "An Act Concerning Transfer of Assets for the Purpose of Qualifying for Medical Assistance" (H. P. 850) (Presented by Mrs. Trafton of Auburn)

Bill "An Act to Provide for no Smoking Areas in All State Offices" (H. P. 818) (Presented by Mr. Quinn of Gorham)

(Ordered Printed)

Sent up for concurrence.

### Judiciary

Bill "An Act Concerning Sentencing for a Person Committing a Criminal Homicide in the 2nd Degree" (H. P. 819) (Presented by Mr. Joyce of Portland)

Bill "An Act to Revise the Law Pertaining to Guardian Release of a Ward's Interest in Real Estate" (H. P. 820) (Presented by Mr. Tarbell of Bangor)

Bill "An Act to Modify the Grounds for Divorce and the Proceedings to Obtain a Divorce" (H. P. 821) (Presented by Mr. Tarbell of Bangor)

Bill "An Act to Deny Release Pending Trial to Certain Alleged Repeat Offenders" (H. P. 822) (Presented by Mr. Connors of Franklin)

(Ordered Printed)

Sent up for concurrence.

### Labor

Bill "An Act to Strengthen the States Unemployment Compensation Trust Fund" (H. P. 823) (Presented by Mr. MacEachern of Lincoln)

Bill "An Act to Require the Consideration of Holiday Pay in Computing Partial Unemployment Compensation Benefits" (H. P. 824) (Presented by Mr. MacEachern of Lincoln)

Bill "An Act to Define Certain Industries as Seasonal Under the Provisions of the Employment Security Law" (H. P. 825) (Presented by Mr. MacEachern of Lincoln)

(Ordered Printed)

Sent up for concurrence.

**Legal Affairs**

Bill "An Act to Establish Maine Writers Week" (H. P. 826) (Presented by Mr. Wood of Sanford) (Cosponsor: Mrs. Locke of Sebec)  
RESOLVE, Increasing to \$25,000 the Amount for which Romeo and Genevieve St. Amand or their Legal Representatives may bring a Civil Action against the State of Maine (H. P. 827) (Presented by Mr. Carey of Waterville)  
(Ordered Printed)  
Sent up for concurrence.

**Liquor Control**

Bill "An Act to Establish a 12 Percent Discount for State Agency Stores" (H. P. 828) (Presented by Mr. Maxwell of Jay)  
(Ordered Printed)  
Sent up for concurrence.

**Local and County Government**

Bill "An Act to Provide that Hancock County Commissioners Shall be Elected by Districts" (H. P. 829) (Presented by Mr. Churchill of Orland)

Bill "An Act to Increase the Salary of the Sheriff of Cumberland County to \$15,000 per Year" (H. P. 830) (Presented by Mr. Joyce of Portland)  
(Ordered Printed)  
Sent up for concurrence.

**Marine Resources**

Bill "An Act Concerning the Advertising of Proposed Marine Resources Regulations" (H. P. 831) (Presented by Mr. Higgins of Scarborough)  
(Ordered Printed)  
Sent up for concurrence.

**Natural Resources**

Bill "An Act Requiring Permanent Markers Prior to the Sale or Conveyance of Land in an Approved Subdivision" (H. P. 832) (Presented by Mr. Higgins of Scarborough)

Bill "An Act Concerning Standards Used by the Maine Land Use Regulation Commission to Establish District Boundaries" (H. P. 833) (Presented by Mr. Blodgett of Waldoboro)  
(Ordered Printed)  
Sent up for concurrence.

**Public Utilities**

Bill "An Act to Increase the Membership of the Gardiner Water District to Six" (Emergency) (H. P. 834) (Presented by Mr. Kilcoyne of Gardiner) (Cosponsor: Mr. Dow of West Gardiner)

Bill "An Act Authorizing Control Over the Electrical Rates Charged Maine Consumers by Out-of-State Electrical Utilities" (H. P. 835) (Presented by Mr. Valentine of York)

Bill "An Act Concerning the Operating Expenses of Public Utilities" (H. P. 836) (Presented by Mrs. Kany of Waterville) (Cosponsor: Mr. Kelleher of Bangor)

Bill "An Act to Increase and Clarify Borrowing Capacity of the Topsham Sewer District" (Emergency) (H. P. 837) (Presented by Mrs. Chonko of Topsham)  
(Ordered Printed)  
Sent up for concurrence.

**State Government**

RESOLUTION, Proposing an Amendment to the Constitution Allowing Certain Crimes to be Prosecuted by Information (H. P. 838) (Presented by Mr. Joyce of Portland)

RESOLUTION, Proposing an Amendment to the Constitution to Provide that the Membership of the House of Representatives shall be Three Times that of the Senate and that each Senate District shall be Composed of Three Contiguous House Districts (H. P. 839) (Presented by Mrs. Masterton of Cape Elizabeth) (Cosponsor: Mrs. Najarian of Portland)

(Ordered Printed)  
Sent up for concurrence.

**Taxation**

Bill "An Act Exempting from the Sales Tax Sales to Nonprofit Corporations Providing Home Health Services" (H. P. 840) (Presented by Mrs. Chonko of Topsham) (Cosponsor: Mrs. Nelson of Portland)  
(Ordered Printed)  
Sent up for concurrence.

**Tabled and Assigned**

Bill "An Act Exempting Solar and Wind Energy Equipment from Sales Tax" (H. P. 841) (Presented by Mrs. Huber of Falmouth) (Cosponsors: Mrs. Nelson of Portland, Mr. Maxwell of Jay, Mr. Green of Auburn)  
Committee on Taxation was suggested.  
(On motion of Mrs. Huber of Falmouth, tabled pending reference and tomorrow assigned.)

**Taxation cont'd.**

Bill "An Act to Provide Equal Tax Treatment of Nonprofit Hospital or Medical Service Organizations" (H. P. 842) (Presented by Mr. Carey of Waterville)

Bill "An Act to Repeal the Uniform Property Tax" (Emergency) (H. P. 843) (Presented by Mrs. Post of Owls Head)

Bill "An Act Relating to Taxable Personal Property" (H. P. 851) (Presented by Mrs. Prescott of Hampden)  
(Ordered Printed)  
Sent up for concurrence.

**Transportation**

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" (Emergency) (H. P. 844) (Presented by Mrs. Beaulieu of Portland)

Bill "An Act to Prohibit the Use of Headphones While Operating a Motor Vehicle" (H. P. 845) (Presented by Mrs. Beaulieu of Portland)

Bill "An Act Amending the Law Relating to Load Binding" (H. P. 846) (Presented by Mr. Gould of Old Town)

Bill "An Act to Provide for Local Registration of all Motor Vehicles" (H. P. 847) (Presented by Mr. Wilfong of Stow) (Cosponsors: Mr. Devoe of Orono, Mr. Elias of Madison, Mr. Wyman of Pittsfield)

Bill "An Act to Permit Municipalities to Renew Motor Truck Registrations" (H. P. 848) (Presented by Mr. MacEachern of Lincoln) (Cosponsors: Mr. Wilfong of Stow, Mr. Connors of Franklin, Mr. Fowlie of Rockland)  
(Ordered Printed)  
Sent up for concurrence.

**Veterans and Retirement**

Bill "An Act to Grant Retirement Benefits to All Members of the Maine State Retirement System who have Acquired 25 Years of Creditable Service and Attained Age 55" (H. P. 849) (Presented by Mr. Birt of East Millinocket) (Cosponsor: Mr. Elias of Madison)  
(Ordered Printed)  
Sent up for concurrence.

**Orders**

Mr. Blodgett of Waldoboro presented the following Joint Order and moved its passage: (H. P. 796)

WHEREAS, the Maine Land Use Regulation Commission adopted Land Use Standards and Districts on January 12, 1977; and

WHEREAS, the Maine Land Use Regulation Commission is required to adopt permanent districts no more than 48 months after the adoption of interim districts; and

WHEREAS, Title 12, section 685-A, subsection 7, provides that the permanent land use standards adopted by the Maine Land Use Regulation Commission shall be submitted to the Legislature for approval or modification at the next regular or special session of the Legislature after their adoption; and

WHEREAS, if the Legislature fails to act, the standards shall remain in full force effect; and WHEREAS, to provide for prompt legislative review of these land use standards and districts, it is necessary that a Joint Standing Committee of the 108th Legislature be assigned the task of this review; now, therefore, be it

ORDERED, that the Joint Standing Committee on Natural Resources of the 108th Legislature shall review the land use standards and districts adopted by the Maine Land Use Regulation Commission on January 12, 1977; and be it further

ORDERED, the Senate concurring, that the Joint Standing Committee on Natural Resources complete its study and report its findings and recommendations including complete and final drafts of any recommended legislation to the Legislature, not later than July 1, 1977; and be it further

ORDERED, Upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to the Maine Land Use Regulation Commission as notice of this directive.

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

An Expression of Legislative Sentiment (H. P. 797) recognizing that: Rose Marie Sampson of Auburn at age 13, placed 37th out of 108 contestants in the Junior Division of the National Baton Twirlers Association (Presented by Mr. Green of Auburn)

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

An Expression of Legislative Sentiment (H. P. 798) recognizing that: Adeline Wheeler of Auburn, who at age 75, is a successful and hardworking decorator and world traveler, serves as a model and inspiration to all Maine working people (Presented by Mr. Green of Auburn)

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

An Expression of Legislative Sentiment (H. P. 799) recognizing that: The Medomak Valley High School Boys' Basketball Team has won the State Class B Championship for the Academic Year 1977 (Presented by Mr. Blodgett of Waldoboro) (Cosponsor: Mrs. Post of Owls Head)

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

Mrs. Prescott of Hampden was granted unanimous consent to address the House:

Mrs. PRESCOTT: Mr. Speaker and Members of the House: I would like to extend my compliments to the Medomak Valley State B Champs, and also I would like to say that the Hampden Bronco's will be back next year, so watch out.

On motion of Mr. Nadeau of Sanford, it was ORDERED, that Lloyd Littlefield of Hermon be excused March 15th, 16 and 17th for health reasons.

On motion of Mr. Nadeau of Sanford, it was ORDERED, that Richard Davies of Orono be excused March 15th, 16th and 17th for health reasons.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, is the House in possession of L. D. 163?



The SPEAKER pro tem: The Chair would answer in the affirmative. The House is in possession of Bill "An Act to Provide Funds to the Department of Inland Fisheries and Wildlife," House Paper 129, L. D. 163.

Mrs. BERUBE: Mr. Speaker, I would now move we reconsider our action of earlier in the day whereby the House voted to adhere, and I hope you all vote against me.

The SPEAKER pro tem: The gentlewoman from Lewiston, Mrs. Berube, moves the House reconsider its action whereby it voted to adhere on L. D. 163. The Chair will order a vote. All those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

31 having voted in the affirmative and 70 having voted in the negative, the motion did not prevail.

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

Mr. BAGLEY: Mr. Speaker, I move we reconsider our action whereby Bill "An Act to Regulate Use of Physical Force by Persons with Special Responsibilities against Persons under their Care or Supervision," House Paper 812, was referred to the Committee on Education.

On motion of Mr. Tierney of Lisbon Falls, tabled pending the motion of Mr. Bagley of Winthrop to reconsider and tomorrow assigned.

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

Mr. Lynch from the Committee on Education on Bill "An Act Repealing the Requirement for Uniform School Administrative Unit Budget Years" (H. P. 451) (L. D. 556) reporting "Ought Not to Pass"

Was placed in the Legislative Files without further action pursuant to Joint Rule 20, and sent up for concurrence.

#### Leave to Withdraw

Mr. Carey from the Committee on Taxation on Bill "An Act Imposing an Excise Tax on Watercraft, Motors and Trailers in Lieu of the Personal Property Tax" (H. P. 135) (L. D. 168) reporting "Leave to Withdraw"

Mr. Joyce from the Committee on Legal Affairs on Bill "An Act to Insure the Confidentiality of Criminal and Professional Licensing Investigations" (H. P. 283) (L. D. 366) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

#### Ought to Pass in New Draft New Draft Printed

Mr. Green from the Committee on Natural Resources on Bill "An Act Concerning Chemical Control of Vertebrate Animals" (H. P. 288) (L. D. 373) reporting "Ought to Pass" in New Draft (H. P. 800) (L. D. 812)

Report was read and assigned for second reading tomorrow.

#### Consent Calendar First Day

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

(H. P. 379) (L. D. 468) Bill "An Act Pertaining to Hospital Liens" — Committee on Legal Affairs reporting "Ought to Pass"

(H. P. 298) (L. D. 354) Bill "An Act Concerning the Administration of the Office of the Chief Medical Examiner" — Committee on Health and Institutional Services reporting "Ought to Pass"

(H. P. 322) (L. D. 413) Bill "An Act to Expand Protective Services to Mentally Retarded In-

dividuals" — Committee on Health and Institutional Services reporting "Ought to Pass"

(H. P. 334) (L. D. 425) Bill "An Act Appropriating Funds for the Purchase of Copies of 'Archaeological Excavations at Pemaquid, Maine, 1965-1974' by Helen Camp" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-62)

(H. P. 236) (L. D. 299) Bill "An Act to Improve the Viability and Efficiency of Local Conservation Commissions" — Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-63)

No objection being noted, the above items were ordered to appear on the Consent Calendar of March 16, under listing of the Second Day.

#### Recommitted to Committee on Education

(S. P. 140) (L. D. 381) Bill "An Act to Revise the Maine Regional Library System Law" — Committee on Education reporting "Ought to Pass."

On the request of Mr. Lynch of Livermore Falls, was removed from the Consent Calendar.

On motion of the same gentleman, the Bill was recommitted to the Committee on Education, ordered printed and sent up for concurrence.

(H. P. 286) (L. D. 368) Bill "An Act Appropriating Funds for the Purchase of Sets of 'The History of Old Broadway' by Jasper J. Stahl" — Committee on Local and County Government reporting "Ought to Pass"

No objection being noted, the above item was ordered to appear on the Consent Calendar of March 16, under listing of the Second Day.

#### Consent Calendar Second Day

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

(S. P. 138) (L. D. 379) Bill "An Act Relating to Incorporation of the Officers and Members of the Grand Royal Arch Chapter of Maine"

(H. P. 439) (L. D. 546) Bill "An Act to Amend the Charter of the Freeport Sewer District" (Emergency)

(H. P. 367) (L. D. 458) Bill "An Act to Appropriate Funds for Repair, Operation and Maintenance of Androscoggin Lake Dam"

(H. P. 130) (L. D. 164) Bill "An Act Authorizing the Public Utilities Commission to Issue Temporary Contract Carrier Permits" (C. "A" H-60)

(H. P. 133) (L. D. 167) Bill "An Act Authorizing the Public Utilities Commission to Use a Modified Procedure in Considering Certain Contract Carrier Permits" (C. "A" H-61)

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

#### Passed to Be Engrossed

Bill "An Act Clarifying the One-year Period Between Public Utilities Rate Cases" (H. P. 131) (L. D. 165)

Bill "An Act Granting Implied Power to the Public Utilities Commission" (H. P. 295) (L. D. 352)

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

#### Passed to Be Enacted Emergency Measure

An Act to Clarify the Right of Trust Com-

panies to Invest Funds Held as Trustee Under Certain Retirement Plans (H. P. 71) (L. D. 99) (C. "A" H-38)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

At this point, Speaker Martin returned to the rostrum.

SPEAKER MARTIN: The Chair would take the opportunity to thank the gentleman from Stonington, Mr. Greenlaw, for acting as Speaker pro tem.

Whereupon, Mr. Greenlaw returned to his seat on the floor of the House and Speaker Martin resumed the Chair.

#### Enactor Tabled

An Act Relating to the Distribution of Statutes and Session Laws (S. P. 210) (L. D. 620) (S. "A" S-23)

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

(On motion of Ms. Goodwin of Bath, was placed on the Special Appropriation Table.)

#### Passed to Be Enacted

An Act to Require Voters to State their Name and Address when Voting (H. P. 32) (L. D. 49) (C. "A" H-46)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

#### Enactor Tabled and Assigned

An Act to Annex the Town of Otisfield to Oxford County (H. P. 127) (L. D. 160) (H. "A" H-49)

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

The SPEAKER: The Chair recognizes the gentlewoman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker and Members of the House: Just a couple of words of explanation. I am still trying to get Otisfield into Oxford County. We have gone over the amendment which I didn't oppose and which was put on this bill, but now there seems to be some thoughts with the Attorney General's Office that a court case would surely be forthcoming. So I would ask that this be tabled for two legislative days.

Whereupon, on motion of Mr. Greenlaw of Stonington, tabled pending passage to be enacted and specially assigned for Thursday, March 17.

An Act to Modify the Immunity Granted by Statute to a Person who Testifies before the Public Utilities Commission on Matters which May Tend to Incriminate that Person (H. P. 227) (L. D. 291)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Raising the Age of Persons who may Purchase Alcoholic Beverages or Sell as Licensees (S. P. 199) (L. D. 577) (S. "A" S-25)

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

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: There have been many, many words said on this bill, but I thought I should rise this morning and express a

few thoughts that I have in regard to this bill.

Number one, this is a moral issue, and morals cannot effectively be legislated. Society dictates the morals and legislation in opposition to that edict only makes lawbreakers of those who are only following the dictates of their peers.

The voters of this state enacted by a 20 percent mandate that the 18-year-olds should have the right to vote. The 18 and 19-year-old group has been given full adult rights, and now we are being told they are less responsible than the other adults concerning alcohol.

This is an emotional issue and emotions should not be the prime concern in passing legislation. It makes very poor legislation.

If a 10-year-old, a 15-year-old or a 50-year-old wants a drink in this state or in any other state, if he has got the money in his pocket, he is going to buy it. The passage of this bill today is going to have many repercussions throughout the state.

I wish to ask for a roll call, Mr. Speaker.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I have thought about this legislation, I have thought about it as a legislator and as a mother, as a parent, and this is very important to me. As a result, I don't think that enactment of this bill, bringing up the drinking age to 20, would alleviate the problems that indeed do exist.

I have spoken to students and faculty of five high schools. The problem seems to exist in those schools which have the open campus, so-called, type of education where students can readily leave the premises and come back with purchases they have made.

I don't think that the 18-year-old problem is acute for on-premise drinking, perhaps one of the reasons being that many of them cannot afford the prices that are charged. I happen to think that if the take-out age were raised to 20, some of the problem would be alleviated, so I would ask that we vote against enactment at this time.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to briefly echo the remarks of the gentleman from Lewiston. It seems to me that the problem that everybody in the legislature wants to address is the problem of 18-year-olds taking alcohol out of the stores and furnishing it to 14-year-olds and 15-year-olds and kids at the high school and junior high school level.

I, too, feel that the split drinking age approach would be the best solution to this problem, and I wish the original split bill that was introduced had been an 18 and 20 bill, because I think we could have met everyone's concerns and not created a whole host of new problems at the college level where I think we are really taking a step towards prohibition for a whole class of citizens. I think our experience in the original prohibition will recur and we will live to regret the day that we prevent anybody below the age of 20 from being able to drink legally on premises as well as taking it out. So I would urge you to vote no on this legislation, and it will be possible to consider at a later date the split drinking age proposal.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I guess I also want to voice my opinion against this particular bill. I haven't, as of yet, said anything concerning this bill on the floor; I have been relatively quiet. I have, though, given it quite a bit of thought. I have talked it over with my four girls, I have talked it over with my wife, I have really done some soul-searching insofar as this bill is concerned, and I have come to the conclusion that

we are using the 18-year-olds as a scapegoat, because they are not the problem, we are the problem.

I don't know what this body is going to do in another couple of years when it comes back and they find out the problem is still there, maybe worse, I don't know whether we are going to raise it another couple years, I don't know whether we are going to try to satisfy ourselves by doing that or not.

I have talked with some people directly in the field of alcoholism in the Portland area who also state the same position, that raising the drinking age isn't going to help, and I think as long as you sit here in this House, there are going to be some bills and resolves that you are going to vote on that are going to be very, very tight and very, very ticklish, and you are going to find the seat you are sitting in is going to be very, very uncomfortable because you have to make a choice between a yes or a no. But I think the easiest thing you can do today is vote to raise the age and walk away from the whole problem. That is the easiest thing you can do.

We haven't addressed the problem of why young kids drink, what the problems are and what we can do about it. The only thing we can do, the only thing we are going to try to do is to raise the age a couple of years and forget the whole thing, push it underneath the rug. I think that is the wrong way to go about it, I don't think that is being responsible, and I don't think that is the way to go.

I really didn't want to express myself today because of a lot of things, different things. I don't think what I say is going to make too much difference to those who have their minds made up — but think about that. Think about what you are going to do in another couple of years. This is not a new problem, it is an old problem. I have talked with kids who have been out of school 15 or 20 years who sold alcoholic beverages while they were in school 15 or 20 years ago. It is not a new problem, it is not a problem that has just come about because the age has been lowered to 18. The drinking problem has been with us for a long time.

I won't take up too much more of your time, except that as an adult, and I don't drink at all, but I attend conferences and programs and seminars all over the eastern coast, and there isn't one, not one, that I have attended where alcohol isn't present in one form or another. When I go to the bar and ask for a coke or ginger ale, there is wonderment, you know, what do you want with it — I don't want anything, I just want a coke. Well, you have got to have something with it — no, I don't. It is so engrained in our society, I think we as adults are the drunkenest, drinkingest society in the history of the world, and here we are going to try to use 18-year-olds as scapegoats. It can't be done, it won't be done.

So, I would also hope that you would vote against this bill here.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I hope that today we pass this bill. The biggest reason right now is that everyone has had their chance to talk on the bill. I agree wholeheartedly with Representative Talbot. We are a bunch of drunks in this state, and I agree with him one hundred percent, but that is not the issue. The issue is the 20-year-old voting, and that is the issue, nothing else. What you do as parents is your own business, but what the state legislature does is the concern of the young people of this state, and we should have the foresight to protect their rights and not let the young people get their hands on booze, even if it saves just a few of them.

I think this is a compromise bill, I think this bill has good merit, and I am not saying that it

is the answer, I don't think anyone is saying that it is the answer, but at least it is a start.

The second reason that I would like to see this bill pass is because I have a 21-year-old drinking bill down to the Legislative Research Office that I would like to go down and tell them to tear up, because I don't want to have to go through the process of presenting that bill, but I will present that bill if I have to. If this house will not accept 20, then you have another long session on your hands, because I am having that bill held and I would just like to go down and destroy that bill, and you can help me.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: We have now reached the moment of decision. You heard in the very beginning, none of the sponsors of the various bills would state that this is the final solution to the drinking problem. But we have heard the message from the people of Maine, and it has been very loud and clear. When we leave here today, we should proudly return to our people, we should not have to hang our heads in shame and tell our people that we failed them.

What could we give for an answer if we didn't pass this bill today? Do you think the good people out there will stand up and admire you if for an answer you remarked, well, we passed a law permitting you to shoot suckers with bow and arrows? No, let's make our stand on this a good one. I urge you to support this bill today.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: Not that there is any merit in this fact, but like Representative Talbot, I have not spoken on this issue either, although it is probably no surprise to anybody watching roll calls that I have come down on the side of 18-year-old drinking age on every occasion, and I suppose I feel that I should at least put a couple of comments on the record as to why I have been doing that.

I think this bill flies in the face of common sense. I think this bill purports to solve the problem which it cannot solve. We look at the studies in other states and we see that there is absolutely no relationship between the legal drinking age and the problem of drinking in the high schools. This bill will create more problems than it will solve.

I think we have to also look at another factor as we vote on this measure this morning, and that is how each of us might feel having been granted all of the adult rights that we were granted in the last session of the legislature and to see this one being taken away. Being given the right to be married at 18 without parental consent; being given the right to vote on who would be the President of this Nation and who will be in this legislature and who will be Governor and having the right to pay taxes and now having this particular right taken away for a reason that is not really related to the legal drinking age, if we look at the research. We cannot force responsibility on people of any age if they are not willing to take it.

I hope that we will not support this measure at final enactment.

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

Mr. LAPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: Unlike some of the others, I have spoken many times on this bill and I am concerned. As a school committee member, I know we have a problem in our schools and I am concerned about that. But again, as I stated before, we give our young ones a lethal weapon such as a car at 15; now, what do you think is going to happen when we have a bill, a drinking bill at 20 years old, which probably 50 to 60 percent of our population is close to one of the borders that have an 18-year-

old drinking bill and an 18- or 19-year-old who does not have a car has a friend that is 15 or 16 that has a car — now, what do you think will happen Friday and Saturday nights? The 18 and 19-year-olds will pick up their friends 15 and 16 and 17 and say, John, let's take a ride to New Hampshire; let's go to Canada; let's go to Massachusetts. It is not very far today, 60 or 70 miles, to travel on a weekend, and they will go and here you will have 15, 16 and 17-year-olds bringing 18 and 19-year-old friends 50, 60 or 70 miles on the weekend to pick up a little drink; drink while they are there and then come back on the road under the influence of liquor.

Now, what do you think will happen to innocent people then on the road? You are concerned about people on the road — take this into consideration — a mother and a father and three children on the road with 15, 16, 17, 18 and 19-year-olds coming back from the other borders driving under the influence of alcohol. What are you going to tell the people then, when these families are in the morgue? I think that we are looking at it the wrong way. You are going to kill innocent people.

Maybe your constituents think they have a problem at this time, but what will you tell them when they are on the road and they are killed because of the 20-year-old bill?

I think the split bill, 18 and 20, would at least keep their 18 and 19-year-olds close to home. The speed of driving, if they do drive under the influence, will be less. They will not rush to come 60 or 70 miles to get back home, hoping they don't get caught and maybe killing some innocent people on the way. Give this some serious thought.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Ladies and Gentlemen of the House: As many of you know, I vigorously opposed any raise in the drinking bill when this issue was raised for floor debate two weeks ago. As people like myself, who opposed raising the drinking age saw, it was a consensus among ourselves to do something to try to alleviate the problem of drinking in our schools.

As my grandfather once told me about politics, "Politics is the art of compromise," and that is the lesson I always tried to learn. Keeping that in mind, many of us who worked very diligently for two weeks trying to come up with what we thought was a reasonable compromise to accomplish the means of the end which people decided to accomplish.

We tried many bills; we tried a 19-year-old bill which was defeated finally by this body; we tried on 18-19 split; we tried a straight 19 bill but, again, the attitude of all or nothing prevailed.

It is an unfortunate situation that we have placed ourselves in today in that we have only two choices. We have one choice, which I hope this House will take, and that is an 18-20 split; 18 for consumption of liquor on premises and 20 off premises. Again, the art of compromise exists.

I, myself, and many others, have bit the bullet and maybe compromised in a way our ideals to try to go that little extra in order to help solve the problem we have in our school systems. Maybe that is the solution.

Hopefully, ladies and gentlemen of the House, we will vote against enactment of this arbitrary 20-year-old bill and maybe go with something which basically is a compromise proposal, which I hope will be introduced, and that is an 18-20 split.

I urge you all to vote against the 20-year-old bill.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and

Gentlemen of the House: I would like to respond to my good friend from Sabattus, Mr. LaPlante. I read over the weekend, and I think this is correct, that the State of New Hampshire is also considering a drinking limit bill. I think they probably feel just the same way that Mr. LaPlante feels about their young people coming across the border to Maine. Hopefully, the State of Maine can lead the way and pass this 20-year-old drinking bill and then, hopefully, New Hampshire will pass a similar one.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mrs. Benoit.

Mrs. BENOIT: Mr. Speaker, Ladies and Gentlemen of the House: Up until now, I had not spoken in regards to the legal drinking age either. However, this 18-20 amendment, which we could possibly still have before us, is precisely the age combination that I have favored for quite some time. I, too, received phone calls from my constituents, and most of them were in favor of the 20-year-old drinking age. However, when I asked them how they would feel about an 18-20 age split, most of them seemed to find this to be an acceptable alternative.

I believe our main objective in raising the drinking age is an attempt to keep alcoholic beverages out of the high schools and away from the younger children. This amendment would do exactly that and perhaps even better than the 19-year-old bill which we once accepted. On the other hand, this amendment would allow 18 and 19-year-olds to retain at least part of a privilege which they now have; namely, the right to drink on the premises. I view this amendment as a compromise not only for adults but also for youth. We must keep in mind that many 18 and 19-year-olds are either in college or working and some are even married and have families.

I urge you to vote against the enactment of the 20-year-old bill.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: Having been the sponsor of the original split bill, the 18-19 I, too, regret not having had it 18-20. I think the people who gathered around this bill and supported this bill did so because it dealt with the problem we have in the schools but at the same time recognized the rights and privileges of all adults. We tried not to single out any one group of adults and discriminate against those people, we tried to deal with the problem. Had it been 18-20, it might have received more favorable comment. However, we have gone the cycle and today we have an opportunity to reconsider again what has been done with the 20-year-old bill.

I urge you to defeat this measure and I also would move suspension of the rules, Mr. Speaker, for the purpose of reconsideration whereby we passed this bill to be engrossed.

The SPEAKER: The Chair would advise the gentleman that he has debated his motion. Therefore, he cannot make the motion to suspend the rules but other people can if they so desire.

The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I call upon your good conscience today, and your convictions, regardless of what they are, to vote those convictions. I do hope you will consider, especially those of you who do not happen to have teenagers who are involved in this, some of the problems some of us parents have faced in the past and probably will face in the future. I want to say to you that I favor the 20-year-old bill. It is a good bill and I think we should give it real good consideration.

I do not agree with those who say the art of politics is compromise. I don't think you should compromise on such important issues. I don't think there is anything in this session that will be more important than this issue presented to us. I think regardless of what the results are in a year or two years from now, we have no guarantee that this will take care of the problems, we have done the best for the youngsters of our state and for our own people and for the members of our own family.

I submit to you that we are not in an unfortunate situation today. We are in a great situation of doing something right for the people of this state and for their children, and that is by voting for the 20-year-old bill.

I address myself to the people in this House who are parents, and if you have not had any problems, and I hope you haven't, but think of those around you and those in your families.

I cannot understand people who stand up here and admit they feed booze to kids, which I compare to feeding them deadly food or medicine. However, I think you will use your best judgment for the young people. I think we are all here to help the young people, to alleviate some of the problems they face, some of the problems that they don't even understand, some of the problems they say their parents are the cause of. I resent some people here today saying we gave them all adult rights, but you did not give them all responsibilities. This is what I have said to you before. You have given them rights but you haven't given them all the responsibilities of facing those rights.

When the 18-year-old bill was passed, we were told that we would have problems with 18-year-olds and we do. We have a chance to correct this, or at least try to correct it, and I am sure if you do your best, whatever is decided today, it will be for the best interest of our youth.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, I would move suspension of the rules for the purpose of reconsideration.

The SPEAKER: The gentleman from Lewiston, Mrs. Berube, has moved that the rules be suspended for the purpose of reconsideration.

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

Mr. KELLEHER: Mr. Speaker, I object to suspension of the rules and would request a vote.

The SPEAKER: The pending question before the House is on suspension of the rules for the purpose of reconsideration. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. Whereupon, Mr. Hobbins of Saco requested a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. Those in favor of a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question before the House is the motion of the gentleman from Lewiston, Mrs. Berube, that the rules be suspended for the purpose of reconsideration. Those in favor will vote yes; those opposed will vote no. This requires a two-thirds vote of those present and voting.

#### ROLL CALL

YEA — Aloupis, Bachrach, Beaulieu, Bennett, Benoit, Berube, Biron, Boudreau, P.; Brennerman, Brown, K. L.; Burns, Bustin, Byers, Carroll, Carter, D.; Chonko, Cote, Curran, Diamond, Dow, Elias, Fowlie, Goodwin, H.; Goodwin, K.; Green, Hall,

Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hutchings, Jacques, Jalbert, Kany, LaPlante, LeBlanc, Locke, MacEachern, Mackel, Maxwell, McHenry, McKean, McMahon, Nadeau, Norris, Post, Quinn, Raymond, Rideout, Rollins, Spencer, Talbot, Tarbell, Traffon, Truman, Valentine, Wilfong, Wood:

NAY — Ault, Austin, Bagley, Berry, Birt, Blodgett, Boudreau, A.; Brown, K. C.; Bunker, Carrier, Carter, F.; Churchill, Clark, Conners, Cox, Cunningham, Devoe, Dexter, Drinkwater, Dudley, Durgin, Dutremble, Fenlason, Flanagan, Garsoe, Gauthier, Gill, Gillis, Gould, Gray, Greenlaw, Hunter, Immonen, Jackson, Jensen, Joyce, Kane, Kelleher, Kerry, Kilcoyne, Laffin, Lewis, Lizotte, Lougee, Lunt, Lynch, Marshall, Martin, A.; Masterman, Masterton, McBrearty, McPherson, Mills, Mitchell, Moody, Morton, Najarian, Nelson, M.; Nelson, N.; Palmer, Peakes, Pearson, Peltier, Perkins, Peterson, Prescott, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Twitchell, Tyndale, Whittemore, Wyman.

ABSENT — Carey, Connolly, Davies, Littlefield, Mahany.

Yes, 61; No, 83; Absent 5; Vacant, 1.

The SPEAKER: Sixty one having voted in the affirmative and eighty three in the negative, with five being absent, the motion does not prevail.

Mr. McMahon of Kennebunk requested a roll call vote on passage to be enacted.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I have spoken once previously on this bill and I will try to be brief this morning because I appreciate that most everyone's mind is made up on this matter.

I do feel, however, that we are talking about taking a right away from a segment of the voting public. This is a segment of the voting public; these people that you are going to take this right away from are voters. I hope they note this fact. I hope, as a segment of the population — I know several young adults who campaigned for me were good workers and had a lot of energy and certainly did a good job for me and helped me get reelected. I have contacted these people, I have contacted older people, I have contacted school people, I have contacted people of the cloth of many faiths, and some, indeed, are in favor of raising the drinking age. They all agree, however, that this is not the solution to the problem because we have tenure, those of us who are 50 or 60 or 40 or 30, because we have tenure we naturally pick on the newest people to have been given these rights, we feel if we zero in on them that it will help the problem.

I simply want to remind this House that you are talking about voting members of the public, just the same as any other citizen out there.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to take this opportunity to congratulate those who have been working for the 20-year-old bill: it looks like you have won the battle, but believe me, you have lost the war. Note what we are doing here, and if you look at the plus and there is a plus in this bill, it will take the alcohol that we are all concerned with, the large majority of it, out of the school systems, out of the high schools. I think there isn't a person in this House that doesn't want that to happen. So there is your plus, and that is your only plus.

Let's talk a little bit about the negatives. Let's talk about the college kids who in the future are going to get picked up, have a record because they are doing something that they had the right to do yesterday but can't do today. Let's talk a little about them.

Let's talk about an experience I had when I was in the military. I was in Fort Dix, New Jersey, and I had to go 80 miles to New York to get a drink. You could drink on the post but you couldn't drink in New Jersey at the time. We came back, three or four fellows, and we had an accident and one of them was killed in that accident. When you sit down now and you reflect on why that person was killed and you think about it, he died because there were two state legislators that could not make up their minds as to what the legal drinking age was, that is the reason. I think that is the problem that we are having right here.

To say that New Hampshire is going to act — believe me, they are not. They are going to keep it at 18 because they want the money from the kids from this state and they want our people going down there to drink their booze.

You can enact this bill if you want to, but I do not want it on my conscience, and I sincerely hope that you will vote against this 20-year-old bill.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: At my age, my political future is mostly behind me, but I assure you that if it wasn't and I was planning to represent Monmouth and Winthrop — I can't speak for any other place in the State of Maine — but if I was going to try to represent Monmouth and Winthrop again, I certainly would have to vote for the 20 age bill.

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

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: As Chairman of the Liquor Control Committee, I have listened to this thing now for two terms. It is the most ridiculous thing that has ever come before us. One of the leaders of the people who are trying to get the 20-year-age thing came before my committee last week and because of another bill that he didn't like, he made this statement, and this is a ridiculous thing to say — that the man who introduced this bill and thought it up had to have sawdust in his head instead of brains. Think about that for just a minute. I don't want to go home and have my people tell me that I have sawdust in my head. I want to go home and hold-my-head-up-high-and-say-that-I-voted-against-this-whole-thing.

I gave a young fellow a ride this morning. His car was stalled up above my house. I gave him a ride down to his work. I asked him what he thought about it and he said, I am 19, I am married, I have a child. He said, I can speak for dozens of others in my same situation. Certainly, to me, we don't want any such thing on our conscience, so I would move indefinite postponement of this bill and all its accompanying papers. I also request a roll call so that these people back home can see how their legislators voted.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to read a letter which came to a Senator in which my name was mentioned, so he came and presented the letter to me. "Dear Senator: We are writing concerning the bill presented to change the age from 18 to 20 years of age. We understand that our Representative, George Carroll, feels that it should be changed to 19. We feel that that is quite sufficient. Changing the drinking age to 20 would cause resentment among the young people and it would cause more law breaking than less." I repeat that — it would cause more law breaking than less. Think of it. "If the present laws were enforced, there would be no need for new bills of this kind." She mentions a friend of hers who is almost 19, she is married, she is due to have a baby in September and her husband

expects her to go out and buy the groceries during the week. Her husband expects her to buy beer, if he so desires, at the shopping center. What is she going to tell him when she comes home? Go out and buy your own beer, right?

Okay, now, let's come down to another thing — "there is another girl, Tammy, almost 19, she plans to be married in the near future. She and her boyfriend are members of the Lakefront Social Club. They attend a dance once a month. If this bill is passed, they would not be able to attend for one year. Is this really necessary? We are both registered voters. We feel taking a privilege away that we do not abuse is an insult, it is inconsistent and unfair. Why don't you change the whole legal age to 20? Because it is not realistic? Neither is changing the drinking age to 20 realistic. We are very serious about this and would appreciate your taking our views into consideration."

Two years ago, I stood before this House and I think I laid it on the line. I am going to try to lay it on the line again today. I have been through a very trying period in my life in the past two years and I think I have gotten a little closer to my sons and the young people of my state because of this trying period of my life, but I have always had a very, very great concern in my heart and very great anxieties because my country drafted the 18-year-old. I hear many people say, "So what? Going to war is not like drinking." Going to war is not like drinking, I agree with you a hundred percent, but if you people are fighting for the conscience of the young people so hard and you want to preserve them, where were you in World War II when they drafted 18-year-olds? Where were you when they drafted the 18-year-olds during the Korean War and where were you during the Vietnam War when they drafted the 18-year-olds? Good enough to die.

I have carried in a procession at a funeral a Korean War Veteran, a World War II veteran after I came back home, a Vietnam veteran, all 18 years old. Remember that, the age, old enough to die without ever having any of the rights that we have given them now. But where was this great conscience I hear crying out now? Where was this great conscience? Where are you?

You are going to take the beer out of the schools, are you? Let me tell you, I was a member of a committee and we held hearings and the beer doesn't come out of the beer stores, it comes out of the refrigerators. They are bringing it from home to the schools. Let's be realistic. Let's all face up to this.

I assured my voters I would vote to raise the age to 19 years old. I said I hoped that New Hampshire would raise their age to 19 years old. I was told by legislators in New Hampshire they were considering and would probably do so, go to 19 years old, but why do we have to go to 20? Why don't we try the 19-year-old approach? It is reasonable, it is rational. If this doesn't work, we can go to 20.

I live on the border of New Hampshire, I know what is going to happen, they are going over to New Hampshire, buy the beer, the State Police are going to sit on the Maine side of the line and they are going to pick them up. They are going down to court and it is going to be like a chow line in the Army lined up in front of the District Courthouse.

I don't think we have been realistic. I think we have been carried on a tide of emotion and I don't believe in emotional voting. I plead for realistic voting. I think if we raise it to 19 years, we will have told them that we face up to our problems, we are trying to solve the problems, but when we go to 20 years, I say this is an overreaction. So once again I would like to repeat to you, I am voting to raise the age from 18 to 19 because of the problem is the schools, I want to allow them to try to solve this problem.

I do not concur with the 20-year-old bill. I have my reservations that this is only going to compound the problems. I say once again to those who have spoken, who are sincere people, where was your conscience when they drafted the 18-year-old? Where was your conscience when they drafted the 18-year-old, was it asleep? Was it in the attic? Where was your conscience then?

If my country ever goes to war again, I hope your conscience will be on the line in the future as it was here today, that you will stand up and object to voting to drafting the 18-year-olds and sending them away to war because you have shown such great concern that you don't want them to have alcohol and we recognize that alcohol is a drug, it certainly is. We know we have a serious problem. We want to address this problem, we want to be realistic, but let your conscience always be awake, don't put it to bed when you go home tonight.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise for the first time on this issue and I did want to say something before the House goes on record. I feel this is establishing something to be called a second-class adulthood.

I am one of the few in this House who is a teacher of high school students. I have listened now to hours and hours of debate and I think I should stand and defend the vast majority of seniors and young adults in that 18 and 19-year-old age group before the vote is taken.

Never in my classroom have I used the technique of punishing the entire group because one or two have acted up. I think that is what we are doing today, and I guess we have the right to do it if we are so inclined. I know it is not going to be the solution.

I have spent two years in greater Portland operating a drug crisis center, and I think I have a pretty good handle on what the problems are, and like Mr. Carroll, during that period of time, I was a pall bearer, I delivered the Eulogy and I read the Epistles at five funerals of young people. Where was the State of Maine then? Where were all the concerned citizens?

In my ten years of teaching, and I think we have to differentiate here — I keep hearing in the schools, in the schools — in my ten years of teaching in classroom time, that is from eight in the morning until they go home in the afternoon, only once, only once, and that was in 1969, as a teacher did I ever have a problem with a student and beer. I have problems now with students being stoned. That is the problem if you want to look in the classroom today and make a comparison. They are not even sure what school they are in, some of them, but to take and convince yourselves that the laws you can't enforce now is all going to be made better by creating a new law, you are only fooling yourselves and you may be hurting those very individuals that you are trying to help.

I hope that if it goes to 20 that it does solve the problems. I really do. If we put it at 20 today, I want it to work, but I don't think that it is going to work. Who will the 109th blame? Who is going to be your scapegoat then?

Somebody this morning talked about the final solution. Somebody else talked about a final solution in the 1930's, and in essence, that was scapegoating. Is it the intent of this House that law be enforced equally throughout the state? I don't see my police department going down to SMVTI next fall where those 18 and 19-year-olds are going to college.

As a teacher of government, and like you, having gone through the 60's and early 70's, I would think by now that we would have learned something about the alienation and the rebellion that took place with our young people. I am concerned that that vast majority that

are responsible, that are obeying the law, that we are going to foster a new spirit of rebellion and alienation toward government, and as a government teacher, I don't know how I am going to be able to stand there and tell them to have faith in government, be involved and when you are 20, you can be a first-class citizen of the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond just briefly to some of the remarks made by previous speakers. The gentleman from Anson, Mr. Burns, said that morals could not be legislated. Well, of course, neither can equality or brotherly love, but we all seem to be in favor of and give our support to the civil rights laws.

The gentleman from Saco, Mr. Hobbins, felt that there had been no compromise. If you remember, we all started setting the age at 21; however, we are now down to 20. The other body amended the bill to allow 17-year-olds to handle it in stores with an 18-year-old present; previously, it required a 20-year-old to be present.

The argument has been made that 18-year-olds can sign contracts, get married, go to war, answer the criminal charges and of course this is true, but there is always a second party involved. We don't sign too many contracts with 18-year-olds. Eighteen-year-olds who go to war are not led by 18-year-old Generals, and when the 18-year-old gets in trouble, I don't think you will find him being defended in court by an 18-year-old. There is always a second party involved. When they go out to drink, they are on their own, and continuously we hear that their drinking is a right. Well, rights are granted under our Constitution, so drinking is a privilege and the legislature giveth and the legislature can taketh away.

I received, being a member of the Liquor Control Committee, a number of pieces of correspondence from teenagers themselves, who are sick and tired of alcohol disrupting their school social functions, so they, too, are for raising the age. In fact, there was an entire bus load that came to the hearing over to the Civic Center.

The reason why I feel that 20 years old will address the problem better than 19 years old is because based upon statistics given to us by the proponents of the various bills, anywhere from a low of 5 to a high of 16 percent of the student body is 19 before they graduate so, obviously, 19 will not take it out of the schools. So I would hope today that you will vote for final enactment of this bill.

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

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

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

#### ROLL CALL

YEA — Aloupis, Bachrach, Beaulieu, Bennett, Benoit, Berube, Biron, Boudreau, P.; Brenerman, Brown, K. L.; Burns, Bustin, Carter, D.; Chonko, Cote, Curran, Diamond, Goodwin, H.; Goodwin, K.; Green, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Jacques, Jalbert, Kany, LaPlante, LeBlanc, Maxwell, McHenry, Nadeau, Norris, Raymond, Rideout, Spencer, Talbot, Tarbell, Tozier, Truman, Valentine, Wilfong, Wood.

NAY — Ault, Austin, Bagley, Berry, Birt, Blodgett, Boudreau, A.; Brown, K. C.; Bunker, Byers, Carey, Carrier, Carroll, Carter, F.; Churchill, Clark, Conners, Cox, Cunningham, Devoe, Dexter, Dow, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Gillis, Gould, Gray, Greenlaw, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Jensen, Joyce, Kane, Kelleher, Kerry, Kilcoyne, Laffin, Lewis, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mackel, Marshall, Martin, A.; Masterman, Masterton, McBreairty, McKean, McMahan, McPherson, Mills, Mitchell, Moody, Morton, Najarian, Nelson, M.; Nelson, N.; Palmer, Peakes, Pearson, Peltier, Perkins, Peterson, Post, Prescott, Quinn, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Stroug, Stubbs, Tarr, Teague, Theriault, Tierney, Torrey, Trafton, Twitchell, Tyndale, Whittemore, Wyman.

ABSENT — Connolly, Davies, Gauthier, Littlefield, Mahany.

Yes, 45; No, 99; Absent, 5; Vacant, 1.

The SPEAKER: Forty five having voted in the affirmative and ninety nine in the negative, with five being absent, the motion does not prevail.

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

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

The SPEAKER: The pending question before the House is on passage to be enacted of An Act Raising the Age of Persons who may Purchase Alcoholic Beverages or Sell as Licensees (S. P. 199) (L. D. 577) (S. "A" S-25). Those in favor will vote yes; those opposed will vote no.

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

Mr. KELLEHER: Mr. Speaker, if Mr. Connolly of Portland were here, he would be voting no and I would be voting yes. I would like to pair with the gentleman.

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

Mr. HUGHES: Mr. Speaker, I would like to pair with the gentleman from Easton, Mr. Mahany. If he were here, he would be voting yes; I would be voting no.

#### ROLL CALL

YEA — Ault, Austin, Bagley, Beaulieu, Bennett, Berry, Birt, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Bunker, Byers, Carey, Carrier, Carroll, Carter, F.; Churchill, Clark, Conners, Cox, Cunningham, Devoe, Dexter, Dow, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fenlason, Flanagan, Garsoe, Gill, Gillis, Gould, Gray, Greenlaw, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Jensen, Joyce, Kane, Kerry, Kilcoyne, Laffin, Lewis, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mackel, Marshall, Martin, A.; Masterman, Masterton, McBreairty, McMahan, McPherson, Mills, Mitchell, Moody, Morton, Najarian, Nelson, M.; Nelson, N.; Palmer, Peakes, Pearson, Peltier, Perkins, Peterson, Post, Prescott, Quinn, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Tarr, Teague, Theriault, Tierney, Torrey, Trafton, Twitchell, Tyndale, Whittemore, Wyman.

NAY Aloupis, Bachrach, Benoit, Berube, Biron, Boudreau, P.; Brown, K. L.; Burns, Bustin, Carter, D.; Chonko, Cote, Curran, Diamond, Fowlie, Goodwin, H.; Goodwin, K.; Green, Hall, Henderson, Hickey, Hobbins, Howe, Jacques, Jalbert, Kany, LaPlante, LeBlanc, Maxwell, McHenry, McKean, Nadeau, Norris, Raymond, Rideout, Spencer,

Talbot, Tarbell, Tozier, Truman, Valentine, Wilfong, Wood.

ABSENT — Davies, Gauthier, Littlefield.

PAIRED Connolly, Hughes, Kelleher, Mahany.

Yes, 99; No, 43; Absent, 3; Paired, 4; Vacant, 1.

The SPEAKER: Ninety nine having voted in the affirmative and forty three in the negative, with three being absent and four paired, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker, having voted on the prevailing side, I move reconsideration and hope you all vote against me.

The SPEAKER: The gentleman from Portland, Mrs. Najarian, moves that the House reconsider its action whereby this Bill was passed to be enacted. Those in favor will say yes; those opposed will say no.

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

#### Orders of the Day

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

Bill "An Act to Remove Service Facilities from Tax Exemption Granted to the Maine Turnpike Authority" (H. P. 42) (L. D. 59)

Tabled — March 9 1977 by Mrs. Post of Owl's Head.

Pending — Adoption of Committee Amendment "A" (H-57)

Thereupon, Committee Amendment "A" was adopted and the Bill assigned for second reading tomorrow.

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

Bill "An Act Relating to Abatements by Municipal Tax Assessors" (S. P. 36) (L. D. 44)

Tabled — March 9, 1977 by Mrs. Post of Owl's Head.

Pending — Adoption of Committee Amendment "A" (S-24)

Thereupon, Committee Amendment "A" was adopted in concurrence and the Bill assigned for second reading tomorrow.

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

An Act Relating to Licensing of Theaters and Motion Picture Houses (S. P. 152) (L. D. 269)

Tabled — March 9, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Enacted.

Mr. Curran of South Portland moved that the rules be suspended for the purpose of reconsideration.

Whereupon, Mr. Palmer of Nobleboro objected.

The SPEAKER: The pending question is on the motion of the gentleman from South Portland, Mr. Curran, that the rules be suspended for the purpose of reconsideration. The Chair will order a vote. All those in favor of the rules being suspended will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Tierney of Lisbon Falls requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from South Portland, Mr. Curran, that the rules be

suspended for the purpose of reconsideration. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEAS — Bachrach, Beaulieu, Bennett, Benoit, Berube, Biron, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Burns, Bustin, Carrier, Carroll, Chonko, Clark, Cox, Curran, Diamond, Dow, Drinkwater, Elias, Fowlie, Gauthier, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Jacques, Jalbert, Jensen, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Locke, Lynch, MacEachern, Mackel, Martin, A.; Masterton, Maxwell, McHenry, McMahon, Mills, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Peakes, Pearson, Post, Prescott, Quinn, Raymond, Rideout, Spencer, Talbot, Tarbell, Tarr, Theriault, Tierney, Tozier, Trafton, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAYS — Aloupis, Ault, Austin, Bagley, Birt, Boudreau, P.; Brown, K. L.; Bunker, Byers, Carey, Carter, D.; Carter, F.; Churchill, Conners, Cote, Cunningham, Devoe, Dexter, Dudley, Durgin, Dutremble, Fenlason, Flanagan, Garsoe, Gill, Gillis, Gould, Gray, Higgins, Huber, Hunter, Immonen, Jackson, Kane, Lewis, Lizotte, Lougee, Lunt, Marshall, Masterman, McBreairty, McPherson, Moody, Morton, Najarian, Palmer, Peltier, Perkins, Peterson, Rollins, Shute, Silsby, Sprowl, Stover, Strout, Stubbs, Teague, Torrey, Twitchell, Tyndale, Whittemore.

ABSENT — Berry, Connolly, Davies, Hutchings, Joyce, Kany, Littlefield, Mahany, McKean, Smith, Truman.

Yes, 78; No, 61; Absent, 11; Vacant, 1.

The SPEAKER: Seventy eight having voted in the affirmative and sixty one in the negative, with eleven being absent, and seventy eight being less than two-thirds, the rules are not suspended.

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

Mr. CURRAN: Mr. Speaker, I now move this Bill and all its accompanying papers be indefinitely postponed.

On motion of Mr. Tierney of Lisbon Falls, tabled pending the motion of Mr. Curran of South Portland to indefinitely postponed the Bill and all accompanying papers and tomorrow assigned.

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

Bill, "An Act Prohibiting the use of Tax Moneys to Reimburse Hospital Expenditures Incurred in Labor Organization, Negotiation or Disputes" (H. P. 761) (Committee on Labor suggested)

Tabled — March 10, 1977 by Mr. Palmer of Nobleboro.

Pending — Reference.

Thereupon, the Bill was referred to the Committee on Labor, ordered printed and sent up for concurrence.

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

Bill "An Act Increasing Per Diem paid to Members of the Maine Land Use Regulation Commission and Concerning Appointment of the Director of the Maine Land Use Regulation Commission" (H. P. 780) (Committee on State Government suggested)

Tabled — March 10, 1977 by Mr. Curran of South Portland.

Pending — Reference.

Thereupon, the Bill was referred to the Committee on State Government, ordered printed and sent up for concurrence.

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

An Act to Clarify the Role of the Department of Educational and Cultural Services Relating to Local School Systems (H. P. 99) (L. D. 123) (H. "A" H-35)

Tabled — March 10, 1977 by Mr. Laffin of Westbrook.

Pending — Passage to be Enacted.

On motion of Mr. Tierney of Lisbon Falls, retabled pending passage to be enacted and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Insure Psychiatric Review of Voluntary and Involuntary Hospitalization of the Mentally Ill" (S. P. 272) (L. D. 830) which was tabled earlier in the day and later today assigned pending reference in concurrence.

Thereupon the Bill was referred to the Committee on Judiciary in concurrence.

#### (Off Record Remarks)

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