

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

KJ PRINTING
AUGUSTA, MAINE

HOUSE

Monday, May 2, 1977

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

Prayer by the Reverend William Sparks, Presbyterian Minister, Topsham.

The members stood during the playing of the National Anthem by the Summer Memorial High School Band of East Sullivan.

The journal of the previous session was read and approved.

**Papers from the Senate
Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Provide for Local Hearings by the Public Employees Labor Relations Board" (S. P. 27) (L. D. 40) ask leave to report: that they are unable to agree.

(Signed)
Messrs COLLINS of Knox
McNALLY of Hancock
PRAY of Penobscot — of the Senate.

Messrs BUSTIN of Augusta
PELTIER of Houlton
ELIAS of Madison — of the House.

Came from the Senate with the Conference Committee report read and accepted.

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

The following Communication:
The Senate of Maine
Augusta

April 29, 1977

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

The Governor having returned:
Bill, "An Act to Remove Restrictions on the Salary of County Commissioners who hire Full-time County Administrators" (S. P. 154) (L. D. 394)

together with his objections to the same, the Senate proceeded to vote on the question, "Shall the Bill become a law notwithstanding the objections of the Governor?"

According to the provisions of the Constitution, a yea and nay vote was taken. Nine Senators having voted in the affirmative and twenty-three in the negative, the Bill accordingly failed to become law, and the veto was sustained.

Respectfully,
(Signed) MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:
The Senate of Maine
Augusta

April 29, 1977

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

The Senate today Adhered to its action whereby it accepted the Majority 'Ought Not to Pass' Report on Bill, "An Act Providing for the Observance of Memorial Day on May 30th" (H. P. 442) (L. D. 549).

Respectfully,
(Signed) MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:
The Senate of Maine
Augusta

April 28, 1977

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

The Senate today Adhered to Bill, "An Act to Provide that the Position on the Primary Election Ballot and on the General Election Ballot of the Names of Candidates for Major Offices shall be Determined by Lot" (H. P. 479) (L. D. 594).

Respectfully,
(Signed) MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

Bill "An Act Relating to the Salaries of Certain Officers in the Executive Department" (Emergency) (S. P. 476) (L. D. 1725)

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

In the House, on motion of Mr. Curran of South Portland, referred to the Committee on State Government in non-concurrence and sent up for concurrence.

Bill "An Act Amending the Nomination by Petition Election Process" (S. P. 475) (L. D. 1724)

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

In the House, referred to the Committee on Elections Laws in concurrence.

Bill "An Act to Provide for Payment of Cigarette Tax on a Cash Basis" (S. P. 477) (L. D. 1726)

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

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

**Reports of Committees
Ought to Pass in New Draft
Tabled and Assigned**

Committee on Judiciary on Bill "An Act Relating to Privileged Communications for Clergymen" (S. P. 259) (L. D. 782) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Resolve Certain Conflicts between the Statutes and the Maine Rules of Evidence" (Emergency) (S. P. 478) (L. D. 1719)

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 Report was read.
On motion of Mr. Tierney of Lisbon Falls, tabled pending acceptance of the Committee Report in concurrence and tomorrow assigned.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" on Bill "An Act to Open Floods Pond to Fishing" (S. P. 293) (L. D. 919)

Report was signed by the following members:

Messrs. PRAY of Penobscot
USHER of Cumberland
REDMOND of Somerset — of the Senate

Messrs. MILLS of Eastport
TOZIER of Unity
PEARSON of Old Town
McKEAN of Limestone
PETERSON of Caribou
ROLLINS of Dixfield

DOW of West Gardiner

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill. Report was signed by the following members:

Messrs. MacEACHERN of Lincoln
MASTERMAN of Milo
GILLIS of Calais

— of the House.

Came from the Senate with the Bill and accompanying papers indefinitely postponed.

In the House: Reports were read.
The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, I move that we accept the Minority "Ought Not to Pass" Report.

The SPEAKER: The gentleman from Milo, Mr. Masterman, moves that the Majority "Ought Not to Pass" Report be accepted.

The gentleman may proceed.
Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: The reason I make this point at this time is because this is the Bangor water supply and probably there should be some debate on this.

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

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: I hope we do not accept the "ought not to pass" Report on this bill.

At the present time, I believe that we can fish one quarter of a mile at the lower end of the lake, so I don't see any difference from fishing all of it. It is about a mile long, and I would think that we would be able to fish all of it as well as a quarter of a mile of it.

Back when this came into being for a supply for the City of Bangor, we founded the Hancock County Sportsmen's Association especially for this purpose, to try to keep this, because this is the only place in the eastern part of the state that has the golden trout. We did manage to be able to use and fish one quarter of a mile of it, and I see no reason why we can't fish the rest of it.

This does not, I understand, include ice fishing, so it will be just the open water fishing.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Representative Connors is correct up to a point, and I think the danger is the portion of open water fishing. This pond does supply the water for the citizens of Bangor, around 35,000 of them living there, and it also provides an opportunity for those who may want to join in the water supply system that comes from the lake to Bangor.

I hope you will support the motion of the gentleman from Milo, Mr. Masterman and accept the "ought not to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Peterson.

Mr. PETERSON: Mr. Speaker and Members of the House: I would like to give my reasons why I voted "ought to pass." First, the gentleman from DEP came over and said it was perfectly all right in their opinion to open it up. Further, there are no motors being used on the lake, and on that basis, it wasn't open completely, just one of the inlets, so I can see no reason why it shouldn't be opened.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Milo, Mr. Masterman, that the Minority "Ought Not to Pass" Report be accepted. Those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.
77 having voted in the affirmative and 30 having voted in the negative, the motion did prevail.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought to Pass" on Bill "An Act to Provide Reimbursement for Snow Removal on Accepted Ways" (S. P. 170) (L. D. 487)

Report was signed by the following members:

Messrs. GREELEY of Waldo
McNALLY of Hancock

— of the Senate.

Messrs. CARROLL of Limerick
BROWN of Mexico
McKEAN of Limestone
ELIAS of Madison
HUTCHINGS of Lincolnville
STROUT of Corinth
LITTLEFIELD of Hermon
JACQUES of Lewiston
LUNT of Presque Isle

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill. Report was signed by the following members:

Mr. MINKOWSKY of Androscoggin

— of the Senate.

Mr. JENSEN of Portland

— of the House.

Came from the Senate with the Majority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-100)

In the House: Reports were read.

On motion of Mr. Carroll of Limerick, the Majority "Ought to Pass" Report was accepted in concurrence and the Bill read once.

Senate Amendment "A" (S-100) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

Non-Concurrent Matter

Bill "An Act to Prohibit the Use of Headphones While Operating a Motor Vehicle" (H. P. 845) (L. D. 1036) on which the Minority "Ought to Pass" Report of the Committee on Transportation was read and accepted and the Bill passed to be engrossed as amended by House Amendment "A" (H-213) in the House on April 28, 1977.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Transportation read and accepted in non-concurrence.

In the House: On motion of Mr. Strout of Corinth, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Concerning the Collection and Use of Social Security Numbers by Educational Institutions Receiving State Funds" (H. P. 1068) (L. D. 1291) on which the Minority "Ought to Pass" Report of the Committee on Legal Affairs was read and accepted and the Bill passed to be engrossed in the House on April 28, 1977.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Legal Affairs read and accepted in non-concurrence.

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

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act Concerning Prosecution of Fish and Wildlife Law Violators Who are 16 Years of Age or Older" (H. P. 193) (L. D. 255) on which Bill and accompanying papers were recommitted to the Committee on Fisheries and Wildlife in the House on April 27, 1977.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-205) in non-concurrence.

In the House: On motion of Mr. Tierney of Lisbon Falls, tabled pending further consideration and tomorrow assigned.

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act to Abolish the Mental Health and Mental Retardation Improvement Fund" (H. P. 1470) (L. D. 1727) which was referred to the Committee on Health and Institutional Services in the House on April 27, 1977.

Came from the Senate referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

In the House:

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: The Chairman of the Health and Institutional Services Committee has said he has no problem with this bill if it goes to Appropriations; therefore, I move that we recede and concur.

Thereupon, on motion of Mr. Tierney of Lisbon Falls, tabled pending the motion of Mrs. Najarian of Portland that the House recede and concur and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act to Permit Vehicular Traffic to Turn Right at a Red Light" (H. P. 43) (L. D. 60) on which the House insisted on its former action whereby the Bill was Passed to be Engrossed as amended by Committee Amendment "A" (H-152) as amended by House Amendment "B" (H-167) thereto on April 22, 1977 and asked for a Committee of Conference.

Came from the Senate, with that Body having Adhered to its former action whereby the Bill was Passed to be Engrossed as amended by Committee Amendment "A" (H-152) in non-concurrence.

In the House: On motion of Mr. Strout of Corinth, the House voted to recede and concur.

**Non-Concurrent Matter
Later Today Assigned**

Bill "An Act Changing the Name of Webster Water District to Sabattus Water District and Providing Compensation for the Trustees" (H. P. 883) (L. D. 1054) In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-169) in concurrence on April 25, 1977.

Recalled from Engrossing Department pursuant to Joint Order S. P. 474

Came from the Senator, passed to be Engrossed as amended by Committee Amendment "A" (H-169) as amended by Senate Amendment "A" (S-99) thereto in non-concurrence.

In the House: On motion of Mr. LaPlante of Sabattus, tabled pending further consideration and later today assigned.

**Petitions, Bills and Resolves
Requiring Reference
Taxation**

Bill "An Act to Amend the Maine Income Tax Law" (H. P. 1511) (Presented by Mr. Twitchell of Norway)

(Ordered Printed)

Sent up for concurrence.

Veterans and Retirement

Bill "An Act to Amend Certain Provisions of the Maine State Retirement System" (H. P. 1515) (Presented by Mr. Birt of East Millinocket)

(Ordered Printed)

Sent up for concurrence.

Orders

An expression of Legislative Sentiment (H. P. 1510) recognizing that: Mrs. HOPE A. ESPLING of Caribou has served with great dedication as organist in the Gustaf Adolph Lutheran Church for the past 50 years.

Presented by Mr. Peterson of Caribou. (Cosponsor: Mr. McBreairey of Perham)

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

An expression of Legislative Sentiment (H. P. 1512) recognizing that: Lynn M. Sawlivich of Sidney, who is the state president of the Junior Classical League and who holds the highest rank in his class at Messalonskee High School, is the winner of a \$1,000 National Merit Scholarship.

Presented by Mrs. Mitchell of Vassalboro. (Cosponsor: Senator Pierce of Kennebec)

The Order was read.

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: Since I put this order in, I have learned something new about Lynn which I would like to share with you. He is one of two students in the State of Maine to receive the Presidential Scholar Award. It is the only national award for outstanding intellectual excellence, scholarship and leadership for graduating high school seniors, and for the rest of the state, you might be interested in knowing that the other winner is from central Maine also. We are proud of Lynn who is a Page today.

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

An expression of Legislative Sentiment (H. P. 1513) recognizing that: Sarah Ring Pritham of Greenville, the still active and much loved widow of Dr. Fred J. Pritham who became widely known as the subject of the book "The Big-Little World of Doc Pritham," will celebrate her 94th birthday on May 2, 1977.

Presented by Mr. Masterman of Milo.

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

On Motion of Mr. Nadeau of Sanford, it was ORDERED, that Stephanie Locke of Sebec be excused May 2nd, 3rd, 4th, and 5th for the duration of illness in the family.

AND BE IT FURTHER ORDERED, that Emile Jacques of Lewiston be excused May 2nd, 3rd, 4th, 5th, and 6th for personal reasons.

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

Mr. Spencer from the Committee on Judiciary on Bill "An Act to Authorize a District Attorney and Assistant District Attorneys for Washington County" (H. P. 458) (L. D. 563) reporting "Ought Not to Pass"

Mr. Whittemore from the Committee on Business Legislation on Bill "An Act Relating to Examinations for Registration of Public Accountants" (H. P. 608) (L. D. 745) reporting "Ought Not to Pass"

Mrs. Boudreau from the Committee on Business Legislation on Bill "An Act to Require all Commercial Banks in the State to be Members of the Federal Reserve System" (H. P. 859) (L. D. 1048) reporting "Ought Not to Pass"

Mr. Sprowl from the Committee on Business Legislation on Bill "An Act Concerning the Organization of the Maine Real Estate Commission" (H. P. 801) (L. D. 980) reporting "Ought Not to Pass"

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

Leave to Withdraw

Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act Relating to the Licensing of Air Ambulances" (H. P. 941) (L. D. 1137) reporting "Leave to Withdraw"

Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act to Amend the Ambulance Services Act" (H. P. 172) (L. D. 210) reporting "Leave to Withdraw"

Mr. Plourde from the Committee on Education on Bill "An Act Relating to Teacher Standards and Certification" (H. P. 813) (L. D. 1020) reporting "Leave to Withdraw"

Mr. Littlefield from the Committee on Transportation on Bill "An Act Relating to Nonresident Truck Registration" (H. P. 248) (L. D. 320) reporting "Leave to Withdraw"

Mr. Spencer from the Committee on Judiciary on Bill "An Act Providing for Guardianship for Incapacitated Adults" (H. P. 940) (L. D. 1155) reporting "Leave to Withdraw"

Ms. Clark from the Committee on Business Legislation on Bill "An Act to Amend the Accountancy Statutes" (H. P. 1067) (L. D. 1290) reporting "Leave to Withdraw"

Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act Relating to Health Care Facilities" (H. P. 270) (L. D. 338) reporting "Leave to Withdraw"

Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act Concerning Substitution of Generic Drugs by Pharmacists" (H. P. 414) (L. D. 517) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act Relating to the Payment of Fees for Certification of Educational Personnel" (Emergency) (H. P. 110) (L. D. 141)

Report was signed by the following members:

Mr. USHER of Cumberland — of the Senate.

Messrs. WYMAN of Pittsfield
BAGLEY of Winthrop

Mrs. BEAULIEU of Portland

Messrs. FENLASON of Danforth
PLOURDE of Fort Kent
CONNOLLY of Portland

— of the House

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

Report was signed by the following members:

Messrs. KATZ of Kennebec
PIERCE of Kennebec — of the Senate.

Mr. BIRT of East Millinocket

Mrs. LEWIS of Auburn

Mrs. MITCHELL of Vassalboro

Mr. LYNCH of Livermore Falls — of the House.

Report were read.

On motion of Mr. Bagley of Winthrop, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-234) on Bill "An Act to Establish More Convenient Hours to Permit Easier Access to Small Claims Court" (H. P. 431) (L. D. 538)

Report was signed by the following members:

Mr. HUGHES of Auburn

Mrs. BYERS of Newcastle

Messrs. HENDERSON of Bangor

BENNETT of Caribou

HOBBINS of Saco

GAUTHIER of Sanford

SPENCER of Standish — of the House.

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

Report was signed by the following members:

Messrs. CURTIS of Penobscot

COLLINS of Knox

MANGAN of Androscoggin

— of the Senate.

Messrs. NORRIS of Brewer

DEVOE of Orono

TARBELL of Bangor — of the House.

Reports were Read.

On motion of Mr. Spencer of Standish, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-234) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Liquor Control reporting "Ought Not to Pass" on Bill "An Act to Exempt Store Owners from Criminal Liability where a Minor Purchases Alcoholic Beverages using a False Identification Card" (H. P. 1042) (L. D. 1283)

Report was signed by the following members:

Messrs. LOVELL of York

LEVINE of Kennebec

DANTON of York — of the Senate.

Messrs. JACQUES of Lewiston

RAYMOND of Lewiston

GRAY of Rockland

MARSHALL of Millinocket

IMMONEN of West Paris

NADEAU of Sanford — of the House.

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

Report was signed by the following members:

Messrs. LIZOTTE of Biddeford

MAXWELL of Jay

CONNERS of Franklin

TWITCHELL of Norway — of the House.

Reports were read.

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

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: You perhaps noticed that I signed the Minority "Ought to pass" Report. I think two wrongs don't make a right, but I will move that we accept the Majority "Ought not to pass" Report.

The SPEAKER: The gentleman from Jay, Mr. Maxwell, moves that the House accept the Majority "Ought not to pass" Report.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: The bill that we have before us today is a bill that concerns identification cards that young people, when they purchase alcoholic beverages, and many times are breaking the law and consequently, under our present system, the store owner is being held liable and he has to answer for their accountability.

Presently, there are no means by which a licensee can determine if this person is an adult or not or whether the identification card he has presented to him is a valid one. If they furnish liquor to that person and he is a minor, they can be held for criminal liability! Also, our store owners today have to pay big money for the privilege that the legislature grants them in selling alcoholic beverages. It is a burden or hardship upon them when young people will come in with false identification cards and the store owner has no way whatsoever of knowing whether that is a valid card.

There are a lot of tricks to the trade that young people use to purchase alcoholic beverages, and I might say, of course, that they all do not do it, naturally, but all it takes is one and a man can be put out of business, he can be severely hurt, because many of the small variety stores, which we call the mama and

papa stores, are the type of store that survives on selling beer.

The purpose of our law is to see that adults and only adults do receive the beer. However, the young people quite often switch cards, they borrow their brother's card, they might borrow their friend's card in school, so, consequently, it has been a problem for the store owners of this state to determine who truthfully owns that card. And under our present law, the store owner is liable. The states says, we don't care, you sold it, and if you don't know that this is not his card, that is too bad; consequently, they are being punished.

You know, it is a funny thing. We make them pay big money for the privilege of selling alcoholic beverages and then we make laws to try to take it away from them, and that certainly is not the intent of this legislature. We feel that the stores that do deliberately break this law, naturally they should be dealt with, but they are not all bad as the situation pertains to this particular bill. In many cases, they try to do right, they try to sell to just adults, and I can assure you that store owners do not — and I am talking about the vast majority of store owners — they do not want trouble with teenagers buying booze. This is a headache for them, it is something that they do not like to do. The community does not look well upon this, the churches do not look well upon this and the respectable people of the community don't, so the store owners do not want, in many, many cases, to have trouble with teenagers buying beer because they don't have to, they make plenty of money selling it to the adults.

I would consider this morning, if we would do something for the small store owner who is a tax collector for us, he doesn't have a choice of whether to collect a sales tax or not, he doesn't have a choice whether to collect a tax that is imposed upon beer, he is our captive tax collector and he has no choice, whereas the young teenagers who violate this law, they could care less about his license, they could care less about whether he pays his taxes, they could care less about whether he collects the taxes or whatever the case may be, but we as adults should take into consideration that we do not want young people purchasing alcoholic beverages under the legal age limit.

Therefore, Mr. Speaker, ladies and gentlemen of the House, I would ask for the yeas and nays and I would ask you here today to consider if you could the small store owners that are trying to make a living and trying to be decent about the law and uphold the law, and I ask you to vote against the motion of the gentleman from Jay, Mr. Maxwell.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I can somewhat sympathize with the problem of the gentleman from Westbrook, Mr. Laffin, and why he presented this bill. But the way the bill is written, the adult identification card, which is described in the bill, wouldn't mean anything. You could use a library card. If that said you were 20 years of age, the store owner would have a defense in selling you beer. I see that this could pose a lot of problems, and since Mr. Laffin stated that the store owners are making enough money selling to people who are legally of age, the adults, if you don't know, you aren't sure, then don't sell the beer. It is as simple as that.

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

Mr. TRUMAN: Mr. Speaker and Ladies and Gentlemen of the House: I first rise to support this piece of legislation. I have had some experience in the retail business, in the grocery store business, and I would like to take exception to what my good friend and colleague Mr. Nadeau had to say about this bill.

Granted, if we sell during the nine months out of the year, say from September to June, if he has this question in mind, we can ask people for their state liquor I.D. cards; but what happens during the summer months when we get a great influx of people from various other states, especially from Canada? A lot of these Canadians come in and produce cards with no pictures on them, and they don't have any state L.D.'s to show, so what do we do in that case?

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

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

The SPEAKER: The Chair recognizes the gentleman from New Gloucester, Mr. Cunningham.

Mr. CUNNINGHAM: Mr. Speaker, I would ask a question. Would I be in conflict of interest as an owner of a grocery store?

The SPEAKER: The Chair would answer that pursuant to the laws under which we operate; the conflict section specifically says that if you are part of a greater class, then you are not in conflict. Therefore, the Chair would rule that if you are a storeowner, under this law you are not in conflict.

The SPEAKER: The pending question is on the motion of the gentleman from Jay, Mr. Maxwell, that the Majority "Ought Not to Pass" Report be accepted. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Austin, Bagley, Benoit, Birt, Brown, K. L.; Brown, K. C.; Connolly, Cox, Cunningham, Dexter, Dudley, Durgin, Garsoe, Gray, Greenlaw, Hall, Henderson, Huber, Hunter, Hutchings, Immonen, Jacques, Kane, Lynch, Mackel, Mahany, Marshall, Masterman, Maxwell, Nadeau, Pearson, Peltier, Prescott, Raymond, Rollins, Shute, Smith, Stover, Stubbs, Talbot, Tarr, Teague, Theriault, Wood, Wyman.

NAYS — Aloupis, Ault, Bachrach, Beaulieu, Bennett, Berube, Biron, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Bunker, Burns, Bustin, Byers, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Conners, Cote, Curran, Diamond, Dow, Drinkwater, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Gauthier, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Green, Hickey, Higgins, Howe, Hughes, Jackson, Jalbert, Jensen, Joyce, Kany, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Lizotte, Lougee, Lunt, MacEachern, Masterton, McBreairty, McHenry, McKean, McMahon, McPherson, Mitchell, Morton, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Perkins, Peterson, Plourde, Quinn, Rideout, Spencer, Sprowl, Tierney, Torrey, Tozier, Trafton, Truman, Twitchell, Tyndale, Valentine, Whittemore.

ABSENT — Berry, Davies, Devoe, Goodwin, H.; Hobbins, Kelleher, Kerry, Littlefield, Locke, Martin, A.; Mills, Moody, Peakes, Post, Silsby, Strout, Tarbell, Wilfong.

Yes, 45; No, 87; Absent, 18.

The SPEAKER: Forty-five having voted in the affirmative and eighty-seven in the negative, with eighteen being absent, the motion does not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

Divided Report Tabled and Assigned

Majority Report of the Committee on Education reporting "Ought to Pass" on Bill "An Act

to Amend the State Tuition Equalization Fund" (H. P. 258) (L. D. 327)

Report was signed by the following members:

Mr. KATZ of Kennebec
USHER of Cumberland
PIERCE of Kennebec — of the Senate.
Mr. BAGLEY of Winthrop
Mrs. BEAULIEU of Portland
Mr. LYNCH of Livermore Falls
Mrs. LEWIS of Auburn
Mr. FENLASON of Danforth
BIRT of East Millinocket
PLOURDE of Fort Kent — of the House.

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

Report was signed by the following members:

Mr. WYMAN of Pittsfield
CONNOLLY of Portland
Mrs. MITCHELL of Vassalboro — of the House.

Reports were read.

Mr. Lynch of Livermore Falls moved that the Majority "Ought to Pass" Report be accepted.

On motion of Mrs. Mitchell of Vassalboro, tabled pending the motion of Mr. Lynch of Livermore Falls to accept the Majority Report and tomorrow assigned.

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" on Bill "An Act to Revise the Measure of Damages Under the Unfair Trade Practices Act" (H. P. 277) (L. D. 341)

Report was signed by the following members:

Mr. PIERCE of Kennebec
Mr. FARLEY of York — of the Senate.
Mr. PEAKES of Dexter
WHITTEMORE of Skowhegan
Mrs. BOUDREAU of Portland
Ms. CLARK of Freeport
Mr. HOWE of South Portland — of the House.

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

Report was signed by the following members:

Mr. CHAPMAN of Sagadahoc — of the Senate.
Miss ALOUPIS of Bangor
Mr. KILCOYNE of Gardiner
SPROWL of Hope
JACKSON of Yarmouth
RIDEOUT of Mapleton — of the House.

Reports were read.

On motion of Ms. Clark of Freeport, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Provide a Civil Penalty for the Willful Violation of the Unfair Trade Practices Act" (H. P. 275) (L. D. 364)

Report was signed by the following members:

Messrs. PIERCE of Kennebec
CHAPMAN of Sagadahoc
FARLEY of York — of the Senate.
Mr. PEAKES of Dexter
Miss ALOUPIS of Bangor
Mr. KILCOYNE of Gardiner
Mrs. BOUDREAU of Portland
Ms. CLARK of Freeport
Messrs. SPROWL of Hope
RIDEOUT of Mapleton

JACKSON of Yarmouth
HOWE of South Portland

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

Report was signed by the following member:
Mr. WHITTEMORE of Skowhegan — of the House.

Reports were read.

On motion of Ms. Clark of Freeport, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

Divided Report Tabled and Assigned

Majority Report of the Committee on Election Laws reporting "Ought Not to Pass" on Bill "An Act Changing the Date of Primary Election to the First Wednesday after Labor Day" (H. P. 4) (L. D. 7)

Report was signed by the following members:

Messrs. TROTZKY of Penobscot
KATZ of Kennebec
DANTON of York — of the Senate.

Messrs. BIRT of East Millinocket
BUSTIN of Augusta
Mrs. DURGIN of Kittery
Messrs. BOUDREAU of Waterville
RAYMOND of Lewiston
TALBOT of Portland — of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Change the Date of the Primary Election to the First Thursday after Labor Day" (H. P. 1511) (L. D. 1732)

Report was signed by the following members:

Messrs. McMAHON of Kennebunk
TRUMAN of Biddeford
Mrs. MITCHELL of Vassalboro
BOUDREAU of Portland — of the House.

Reports were read:

(On motion of Mrs. Boudreau of Portland, tabled pending acceptance of either Report and tomorrow assigned.)

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-245) on Bill "An Act Concerning Bear Hunting with Dogs" (H. P. 34) (L. D. 51)

Report was signed by the following members:

Messrs. USHER of Cumberland
PRAY of Penobscot — of the Senate.
Messrs. MILLS of Eastport
MOEACHERN of Lincoln
TOZIER of Unity
PEARSON of Old Town
MCKEAN of Limestone
DOW of West Gardiner
ROLLINS of Dixfield — of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-246) on same Bill.

Report was signed by the following members:

REDMOND of Somerset — of the Senate.
Messrs. GILLIS of Calais
PETERSON of Caribou
MASTERMAN of Milo — of the House.

Reports were read.

On motion of Mr. Dow of West Gardiner, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-245) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-244) on Bill "An Act Concerning Hunting and Fishing License Fees for Foreign Exchange Students" (H. P. 627) (L. D. 768)

Report was signed by the following members:

Messrs. PRAY of Penobscot
USHER of Cumberland
REDMOND of Somerset
— of the Senate.

Messrs. McKEAN of Limestone
PEARSON of Old Town
MacEACHERN of Lincoln
DOW of West Gardiner
ROLLINS of Dixfield
PETERSON of Caribou
GILLIS of Calais
MASTERMAN of Milo
MILLS of Eastport

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill. Report was signed by the following members:

Mr. TOZIER of Unity
— of the House.

Reports were read.

On motion of Mr. Dow of West Gardiner, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-244) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-243) on Bill "An Act to Clarify the Powers of the Department of Inland Fisheries and Wildlife" (H. P. 354) (L. D. 447)

Report was signed by the following members:

Mr. REDMOND of Somerset
— of the Senate.

Messrs. PETERSON of Caribou
MASTERMAN of Milo
GILLIS of Calais
DOW of W. Gardiner
MacEACHERN of Lincoln
McKEAN of Limestone

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill. Report was signed by the following members:

Messrs. PRAY of Penobscot
USHER of Cumberland
— of the Senate.

Messrs. TOZIER of Unity
ROLLINS of Dixfield
PEARSON of Old Town
MILLS of Eastport
— of the House.

Reports were read.

Mr. Dow of West Gardiner moved that the Majority "Ought to Pass" Report be accepted.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: If you want to give one man all the power that a man can ask for in a bureaucracy, this is the bill right here to do it with. Once you give this commissioner the authority to make all rules and regulations, and we practically have already, this will eliminate any local control whatsoever. You are not going to have any public hearings in your localities if you have a lake you want to close or a brook you want to close or anything else. This will give one man the authority to rule your entire Fisheries and Wildlife Commission. If you think some of the laws are bad right now, you wait until this passes. I just hope that you don't support the

"ought to pass" report.

The SPEAKER: The Chair recognizes the gentleman from West Gardiner, Mr. Dow.

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: This bill does not affect the public hearings. They will still be going on just exactly the same as they always have been.

The wording in this bill is exactly the same as the wording in the snowmobile laws. Can you imagine what it would be if each town in the state passed their own laws pertaining to snowmobiles? It would be exactly the same thing if each town was allowed to pass their own hunting and fishing laws. That is why I signed the majority "ought to pass" and I recommend passage.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: If you will turn to 447, you will see right here that it eliminates any home rule power whatsoever unless expressly prohibited. There also is another opinion from the Attorney General which I don't have at the present. This bill should never pass and I hope someone else will speak to that effect.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: You will notice that I signed the "ought not to pass" report. I believe the same as Representative Churchill does, that this is granting too much power.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from West Gardiner, Mr. Dow, that the Majority "Ought to Pass" Report be accepted. Those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. Whereupon, Mr. Greenlaw of Stonington 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 Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question, if I could, to the chairman of the Fisheries and Wildlife Committee and that is specifically what the reason for introducing this bill was. Was it a request of the department to clarify the powers? Perhaps that gentleman could speak to the impact the amendment has on the bill.

The SPEAKER: The gentleman from Stonington, Mr. Greenlaw, has posed a question through the Chair to the chairman of the Fisheries and Wildlife Committee.

The Chair recognizes the gentleman from West Gardiner, Mr. Dow.

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: To answer the question, yes, it was in response to the department because of the fact that they have had problems in some areas with some towns voting some ordinances in that make it difficult for them to enforce laws where one town would be different than the other. We clarified it a little in the amendment when we said the commissioner shall have general supervision of the administration in enforcement of the Inland Fish and Wildlife Laws, and as far as I am concerned, it is a very needed bill for the resources of the State, and I will read a statement to that effect from Sportsman Alliance of Maine. "If the municipalities were allowed to make their own regulations concerning fishing and wildlife, the net results would be very harmful to the resource.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: When I signed this bill out, I had changed my mind from the original bill. This 447 gave me a lot of problems. I was very concerned with it. In the wording, as it came out first, was giving the department exclusive rights for jurisdiction of all matters, and I would not stand still for this. I went to several lawyers, finally the Attorney General's Office, and he agreed with me that this was not the right phraseology, it was giving too much power. We deleted the word 'exclusive.' What we are trying to do is not to have interference from any subdivisions.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I have a problem with this bill. Consequently, I signed the report in the manner in which I did, because if you had a situation like, for example, I understand Mr. Greenlaw from Stonington might have an island off the coast and you wanted to pass a local ordinance regulating the hunting or fishing on that, you would not be able to do that. You would have to come begging to the Department of Fisheries and Wildlife in order to get some kind of a variance. In all of the towns of the state, if you had certain unique situations that you and the town, the town council or selectmen felt were unique to your town, this would preclude you taking action and would have to be done by the Department of Fisheries and Wildlife. While I believe that essentially the Department of Fisheries and Wildlife should have the jurisdiction over fish and wildlife throughout the state, I think there are certain areas in the state where you may have unique problems that might not be appreciated by the department here in Augusta and might be at the local level. Consequently, I don't think this is a good bill.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from West Gardiner, Mr. Dow, that the Majority "Ought to Pass" Report be accepted. Those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Burns, Bustin, Byers, Connolly, Cox, Dow, Gillis, Hickey, Jalbert, Kilcoyne, Lewis, MacEachern, Mackel, Masterman, Maxwell, McBreairty, McKean, McPherson, Najarian, Peterson, Theriault, Whittemore.

NAYS — Aloupis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Bunker, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Connors, Cote, Cunningham, Curran, Davies, Dexter, Diamond, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gauthier, Gill, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Higgins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jacques, Jensen, Joyce, Kane, Kany, Kelleher, Laffin, LaPlante, LeBlanc, Lizotte, Lougee, Lunt, Lynch, Mahany, Marshall, Masterton, McHenry, McMahon, Mills, Mitchell, Moody, Morton, Nadeau, Nelson, M.; Nelson, N.; Palmer, Pearson, Peltier, Perkins, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Rollins, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Talbot, Tarr, Teague, Tierney, Tozier, Trafton, Truman, Twitchell, Tyndale, Valentine, Wilfong, Wood, Wyman.

ABSENT — Berry, Devoe, Hobbins, Jackson, Kerry, Littlefield, Locke, Martin, A.; Norris, Peakes, Tarbell, Torrey.

Yes, 22; No, 116; Absent, 12.

The SPEAKER: Twenty-two having voted in the affirmative and one hundred sixteen in the

negative, with twelve being absent, the motion does not prevail.

Thereupon, the Minority "Ought Not to Pass" Report was accepted and sent up for concurrence.

Consent Calendar First Day

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

(H. P. 52) (L. D. 73) Bill "An Act Pertaining to Birth Records" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "B" (H-219)

(H. P. 428) (L. D. 536) Bill "An Act Relating to Meals Provided for Employees of the Department of Mental Health and Corrections" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-231)

(H. P. 1078) (L. D. 1302) Bill "An Act to Limit the Duration of Sentence of County Jails" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-232)

(H. P. 572) (L. D. 696) Bill "An Act Concerning Damages in Wrongful Death Actions" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-233)

(H. P. 735) (L. D. 834) Bill "An Act Relating to Motor Vehicle Registrations of Handicapped Persons" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-235)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 3, under listing of the Second Day.

(H. P. 790) (L. D. 1014) Bill "An Act Authorizing the Commissioner of Public Safety to Appoint and Commission Railroad Policemen and Providing Regulations Pertaining Thereto" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-236)

On the objection of Mr. Jensen of Portland, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-236) was read by the Clerk.

Mr. Jensen of Portland offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-251) was read by the Clerk and adopted. Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the Bill assigned for second reading tomorrow.

(H. P. 369) (L. D. 460) Bill "An Act Relating to the Payment of Registration Fees for Motor Trucks and Truck Tractors" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-237)

On the objection of Mr. Higgins of Scarborough, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-237) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 601) (L. D. 726) Bill "An Act to Require Red Reflectors on Certain Long Logs Hauled at Night" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-240)

(H. P. 494) (L. D. 613) Bill "An Act Repealing the Bay Point Village Corporation" (Emergency) — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-239)

(H. P. 967) (L. D. 1164) Bill "An Act to Change the License Status of Maine Resident Military Optometrists" — Committee on Business Legislation reporting "Ought to Pass"

(H. P. 609) (L. D. 746) Bill "An Act Concerning Fees of Board of Examiners of Psychologists" — Committee on Business Legislation reporting "Ought to Pass"

(H. P. 378) (L. D. 467) Bill "An Act Pertaining to Employment Security Tax Liens" — Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-247)

(H. P. 906) (L. D. 1105) Bill "An Act Relating to Meeting to Reconsider Vote of a Prior Education District Meeting" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-248)

(H. P. 462) (L. D. 567) Bill "An Act to Permit the Use of Salmon Eggs for Fishing Bait" — Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-241)

(H. P. 694) (L. D. 876) Bill "An Act to Authorize the Issuance of Free Fishing Permits to Patients in Regular Nursing Homes" — Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-242)

(H. P. 528) (L. D. 645) Bill "An Act to Grant Variances to Single Family Home Owners under the Water Pollution Abatement Program" — Committee on Natural Resources reporting "Ought to Pass"

(H. P. 699) (L. D. 882) Bill "An Act to Create A Division of Public Health Nursing within the Bureau of Health, Department of Human Services" — Committee on Health and Institutional Services reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 3, 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:

(H. P. 1121) (L. D. 1339) Bill "An Act to Repeal Certain Laws Relating to Public Safety" (C. "A" H-218)

(H. P. 958) (L. D. 1150) Bill "An Act Concerning Ski Life Services"

(H. P. 1143) (L. D. 1367) Bill "An Act to Authorize the District Court to Order Psychiatric Evaluation in Criminal Cases"

(H. P. 1082) (L. D. 1306) Bill "An Act to Authorize Sentencing Courts to Specify Places of Confinement of Persons Convicted of Crimes and to Remove Age Restrictions on Sentencing to the Maine Correctional Center"

(H. P. 1080) (L. D. 1304) Bill "An Act Authorizing Intermittent Service of Sentences of Confinement"

(S. P. 380) (L. D. 1256) Bill "An Act Establishing the Offense of Illegal Transportation of Alcoholic Beverages Onto or Off of the Premises of a Licensee Licensed for On premise Consumption"

(S. P. 174) (L. D. 491) Resolve, Directing the Commissioner of Transportation and the Secretary of State to Evaluate and Determine the Feasibility of Transferring the Functions of the Motor Vehicle Division to the Department of Transportation

(H. P. 667) (L. D. 808) Bill "An Act to Provide an Increase in Retiree and Survivor Benefits" (Emergency) (C. "A" H-220)

(H. P. 62) (L. D. 83) Bill "An Act to Permit the Inhabitants of Cranberry Isles to Withdraw from the Maine State Retirement System" (C. "A" H-222)

No objections being noted at the end of the Second Legislative Day, the Senate Papers were passed to be engrossed in concurrence, and the

House Papers were passed to be engrossed and sent up for concurrence.

Passed to Be Engrossed

RESOLVE, to Apportion Multimember Districts of the House of Representatives into Single Member Districts (H. P. 1486) (L. D. 1723)

Was reported by the Committee on Bills in the Second Reading and read the second time.

Mr. Biron of Lewiston offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-249) was read by the Clerk.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I have several concerns about this L.D. and I would like to point them out to you at this time.

My first concern is that the report of the committee was late in coming to us here in this House. For what reason, I don't know. They have had that report ready for many weeks, to my knowledge. The second problem I have with the L.D., it was very, very difficult for myself or anyone else who was interested in this L.D. to get the L.D. number. The third problem I have with the legislation, when I went to Legislative Research after finding out when the L.D. was to be presented before us, I was unable to get Legislative Research to prepare an amendment for me. They said there were too many problems in preparing amendments to this bill. Fortunately, I was able to go to my good leadership in the Democratic party and through some of his assistance, the amendment was able to be prepared.

The next problem that I have is that last Friday when I rose an objection to this bill, the Speaker of this body suggested that an objection was not debatable. In looking at parliamentary rules, I don't see where objections are not debatable.

The SPEAKER: The gentleman from Lewiston, Mr. Biron, may proceed on the issue.

Mr. BIRON: Mr. Speaker, this is the issue.

The SPEAKER: The gentleman will proceed on the adoption of his amendment.

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: As you can see, I am upset, to put it mildly, at the procedures that have taken place in the passage of this bill.

My amendment, and let me explain my amendment to you and where it comes from. The city clerk in the City of Lewiston, when asked to prepare new legislative districts for the city, took the time at the taxpayers' expense, the taxpayers' expense of the City of Lewiston, to prepare ward lines and House district lines. That proposal was never presented to the committee that made the determination where the district lines would be. I questioned the city clerk as to why. He suggested that it was made available to the committee, yet, for some reason, they did not look at it. And if anyone wants to question me on that, I would be happy to answer any questions that you might have.

The reason for my amendment is to provide the voters of the City of Lewiston an opportunity to vote in their wards for House districts in the same wards as they vote for their members or aldermen in their community. I am using ward lines, not sewer lines, and I think that you, the members of this House, owe the city of Lewiston, the Representatives of Lewiston, the second largest community in this state, we were not even represented on this committee, which upsets me again. We look at the members of the committee, Mr. Carey from Waterville, Mr. Kelleher from Bangor, Mrs. Boudreau from Portland, where is Lewiston's representation? There was none. Again, I don't know if the train is going by, but I am not getting on it and I hope you won't either.

I know the amendment is hard to understand, but let me say to you that it is not Larry Biron's

amendment, it is the City of Lewiston's amendment, and I hope you take that into consideration.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of the amendment.

The SPEAKER: The gentleman from Waterville, Mr. Carey, moves the indefinite postponement of House Amendment "B".

The gentleman may proceed.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: Obviously, it is a complex issue. The gentleman from Lewiston has had to have prepared two particular amendments. This commission was set up very early in the year, has worked diligently. It is one of the few times when a commission of this sort, made up of extremely partisan people, would come out with a unanimous report. The concerns that the gentleman has shown for the City of Lewiston are the very same concerns that we took into account. I can understand that the clerk in the City of Lewiston might very well be upset, but I think if you were to check with everyone on boards of registration and in clerk's offices through the eleven communities that we had to deal with, you would find that they, too, are upset. For us to take into consideration one particular clerk's objections while disregarding other clerk's objections certainly would not have been as fair as it might have been.

The gentleman says that this legislature owes the City of Lewiston this particular amendment. This particular legislature owes the City of Lewiston no more than it owes the other communities within the state; therefore, I would hope that the commission's view, which was unanimous, would be sustained and that this motion would be overturned.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: The reason that you have two amendments before you, and if you read those amendments, they are exactly alike. However, when the amendments were prepared, one of them did not have a statement of fact. The statement of fact is just a couple of lines, and I have to have another one prepared because some people in this body came to me and said there is a possibility that some one will object to your amendment because of the fact that it has no statement of fact. That is the reason for the two amendments; they are exactly alike.

Again, ladies and gentlemen, I urge you not to vote to indefinitely postpone this bill. It is in the best interest of the City of Lewiston. It is not a partisan division, and I think the commission, in looking at all the communities in the state, and I think appointing a commission of Democrats and Republicans was a very serious problem, I think it is very hard to find people who aren't Democrats or Republicans; yet, maybe we should have looked at an independent group of people who would have set up — I had some chuckles in looking at the different possibilities for communities throughout the state. The Republicans wanted one thing, the Democrats wanted another, and what was this for, it was in the best interest of the party and not in the best interest of the people. I think this amendment is in the best interest of the people. I think it is time that we as legislators enact legislation which is in the best interest of the people, not in the best interest of the party.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I had the privilege to serve on this commission with five other members of this body, and I might remind the good gentleman from Lewiston, Mr. Biron, that

in fact that is what the commission did. We did take the best interest of the people as a whole.

I might remind the gentleman that when the chairman of that commission was selected, I objected to him, and I found out and he proved me out to be wrong, that he was an excellent chairman who dealt extremely fairly with both political parties, all the members of the commission, and particular the best interest of the people of this state.

Mr. Biron's objections in dealing with ward lines, I can appreciate, because we spent many agonizing hours, both political parties, trying to work out reasonable districts, which I think we did.

I think this House has an opportunity this morning, the first time in the history of this state in dealing with reapportionment, that we in fact can adopt a commission plan that came out unanimous and I hope will not go to the courts. I hope the people of this body are able to deal with its own functions.

I can appreciate his frustrations because I have had mine dealing with my own city as well as others; however, we came with a uniform plan that I think is reasonable. Political considerations, as Mr. Biron indicated, aren't as blatant or as bad as he may try to indicate.

It was not an easy proposal. There are other members who have served long in this body, that have served on other reapportionment committees, and I am sure they can appreciate the difficulties that we had as members of the commission.

I would urge that you support the good gentleman's motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, I would pose a question through the Chair to anyone on the commission. I have heard numerous references to this unanimous report from the apportionment commission, but I would ask either Representative Kelleher or Representative Carey, who are members, I guess they asked to be members of this commission, if it is not true that their original votes on the individual cities were not all unanimous?

The SPEAKER: The gentleman from Waterville, Mrs. Kany, has posed a question through the Chair to anyone who may care to answer.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: What the gentleman is saying it exactly right. We did in fact vote on the individual communities and then vote on the entire 11 communities as a whole, and I would point out that the vote on the City of Lewiston was 15 to nothing in favor of the commission's plan.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: The problem that I have with the legislation is that the proposal you have before you this morning never got before the commission. That is the problem. The commission never considered it, so how can they say they were unanimous after looking at all the plans?

The city clerk in the City of Lewiston took the taxpayers' money and time and prepared a proposal which never got to the commission. He was under the understanding that it did, I was under the understanding that it did, and when the commission came out with its report, I was under the understanding that they had looked at it — they never had, and that is the problem. If they would have looked at it and still came out with the report they have now, I would say okay, that is the unanimous decision, but they never had.

You are telling me the City of Lewiston was represented? It wasn't, not in body nor in spirit.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: One of the reasons that the City of Lewiston may not have been represented is because the City of Lewiston did not take part in what in fact was the procedure. We had advertised and we had sent notices, our clerk sent notices to all the municipalities saying that by the Constitution we had to hold public hearings on the commission's bills. We held a public hearing on the commission's bill for the Lewiston area, as we did on other bills. As a matter of fact, to try to help the municipalities out, we held the Lewiston hearings here in Augusta and we went down to Portland to have the hearing on those communities which were south of the Lewiston-Augusta area. In fact, no one that I can recall showed up from Lewiston to speak in opposition to the commission's bill. They had as much right as anyone else did, and it was either because of lack of interest or whatever they might have had for a reason, but they never showed up for the commission's public hearing.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Ms. Bachrach.

Ms. BACHRACH: Mr. Speaker, Men and Women of the House: I certainly sympathize with Mr. Biron's concerns about Lewiston, because the same thing happened in the Town of Brunswick; namely, that it was impossible to consider ward or council lines in the apportionment and I feel it was a real disservice to the taxpayers to break up not only the town but all of the lines which were already established for voting purposes.

My second objection to the situation is that the map which eventually was produced for Brunswick was not created, nobody had drawn it yet at the time of the public hearing. I never saw that map until it was drawn up here and there was no opportunity for public hearing on that map.

Mr. Biron of Lewiston was granted permission to speak a third time.

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Carey is quite correct in saying that Lewiston's views were not shown at the public hearing. I think the time has come for me to explain why. The City of Lewiston, through one of its representatives, asked that representative to bring the plan before the commission. The representative did not bring the plan. Is that the fault of the City of Lewiston? This representative was coming to Augusta, he was to bring the plan to you, and why should the City of Lewiston spend additional dollars to send additional representatives here to Augusta? Because the plan was not presented is not the fault of the City of Lewiston. The City of Lewiston did not say that we do not want to take part in this. We worked prior to the commission, and after finding out that the commission did not look at this plan, and Mr. Carey will have to agree with me, I went to him and I said, is there anything I can do about it? He said, "no, the only thing you can do is put an amendment on the floor of the House, which I will object to, and I presume you have all been piped in."

Now, ladies and gentlemen, a commission is just that, a commission. None of them were given halos and they're only giving a report here this morning. If we accept that report, it is hurting my community, it is not in the best interest of my community; the amendment before you is. That is all I ask.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: In answer to a couple of questions raised by Mr. Biron, I might first inform this House that the Reapportionment Committee sent a letter to each one of the clerks of the towns involved. We also advertised

in the daily papers on the public hearings. Representative Cote presented me with two plans for the City of Lewiston that I presented to the commission.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I was a member of the Reapportionment Commission. To answer a couple of the comments that have been made, we had a time problem on this commission from its very inception. There has been no intentional delay in putting this report before you. We started off at the outset with nothing, literally. Both sides, sometimes separately and sometimes jointly, assembled maps and assembled a working staff, toward the end, especially, had frequent meetings several times a week. It was not an easy undertaking. For me, representing a single-member district, I can simply say it was a fascinating experience but it certainly was not an easy one.

We had certain constraints within which we had to operate. One of the major ones was that we had to draw districts within the existing multi-member districts that were equal in population, were compact and were contiguous. We addressed the issue of observing ward lines, etc., when we attempt to do this. It was just not possible to come out with a product that met all of these desirable results. Therefore, we went with the ones that were mandated, and that was the compact, contiguous and equal population.

A couple of other points that were already made, just to underscore them from the Republican point of view, since I served as a Republican member of the commission — public hearings were held, one in Augusta and one in Portland. Although they may not have been as complete as those who were there would have liked, they were as complete as we could make them considering the time frame that we had to operate in and the place we were and the whole procedure.

Also, the report is a unanimous one on its final vote. That says a great deal for the willingness of the 14 partisan members who were involved in this commission to accept what I think represents the best possible package. Finally, and realistically, I would caution you, please don't accept any amendments to this package, because everyone can probably think of, from their point of view, a better way to do it, but you will likely destroy the package in the process.

Mr. Biron of Lewiston was granted permission to speak a fourth time.

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: In response to the comments made by the good gentleman from Bangor, Mr. Kelleher, in saying that Mr. Cote had presented a couple of plans to this gentleman in reference to Lewiston's apportionment, let me say that in speaking to the chairman of that commission and showing him the plan that the city clerk of Lewiston had worked out, he was not knowledgeable of it and had never seen it. When the commission said it had looked at all the plans and made the best consideration, I wonder where the consideration comes in when they say they looked at all the plans when the city clerk's plan was not presented. Asking Mr. Carey himself if he had seen this, he said, "I've never seen it." Now, you are trying to tell me that we were represented. We were not. That is the problem that I have. Ladies and gentlemen, when the vote is taken, I ask for the yeas and nays.

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 expres-

sed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that House Amendment "B" be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Austin, Bagley, Beaulieu, Bennett, Benoit, Birt, Boudreau, A.; Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Byers, Carey, Carrier, Carroll, Carter, F.; Chonko, Churchill, Clark, Conners, Cote, Cox, Cunningham, Curran, Dow, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gauthier, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Hickey, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Jalbert, Jensen, Joyce, Kane, Kelleher, Kilcoyne, Laffin, LeBlanc, Lizotte, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Masterton, McBrearty, McHenry, McKean, McMahon, McPherson, Mills, Mitchell, Moody, Morton, Nadeau, Nelson, N.; Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Prescott, Quinn, Rideout, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Valentine, Whittemore, Wood, Wyman.

NAY — Bachrach, Berube, Biron, Blodgett, Brennerman, Carter, D.; Connolly, Davies, Dexter, Diamond, Henderson, Howe, Hughes, Kany, LaPlante, Lewis, Masterman, Najarian, Nelson, M.; Post, Raymond, Rollins, Spencer, Trafton, Wilfong.

ABSENT — Berry, Devoe, Hobbins, Jacques, Kerry, Littlefield, Locke, Martin, A.; Maxwell, Peakes, Tarbell.

Yes, 114; No, 25; Absent, 11.

The SPEAKER: One hundred fourteen having voted in the affirmative and twenty-five in the negative, with eleven being absent, the motion does prevail.

Is there objection to the rules being suspended for the purpose of sending this bill forthwith?

The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: I have an amendment prepared which is on your desks. I will not be able to offer that amendment today because we have a meeting called of all elected officials in Waterville for this evening and under the principle under which I always try to operate in this House, I don't feel I can go ahead and offer it at this time. I would just hope that I would be extended the courtesy tomorrow of being able to offer this amendment as the courtesy was extended on Friday to suspend the rules and give that resolve its first reading without being sent to a committee.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: The gentledady from Waterville has mentioned that there is a meeting this evening that is planned with all the elected officials. In fact, that meeting with all the elected officials was held last Tuesday evening when the gentledady appeared before the city council members, who are all Democrats of the city of Waterville, so she has had her meeting with the elected officials of the city of Waterville. The meeting that is planned this evening is with the Democratic City Committee. That meeting this evening is planned so that the gentledady from Waterville, Mrs. Kany, can make her presentation to those people to see if somehow or other some agreement can be arrived at between she and I.

She made a very interesting comment to the city council on Tuesday, which I assume she would repeat this evening to the Democratic City Committee and that was that I may have possibly sold out a portion of the city of Waterville so that a Republican can get elected from that section. I would point out to the gentledady, and I wish that John Day were here, because she has probably paid me the highest compliment that I have received in this House in the last 11 years by pointing out that I may possibly have a bipartisan spirit. I would hope that no one tabled this matter so that it can move along on its journey. We have until the fifth of May to get this thing done, otherwise it automatically ends up in the courts. I would see no reason why it should be held up for a Democratic City Committee of Waterville or any other city committee. She certainly can have her meeting with the city committee this evening if she wants to and then make her attempts in the other body where this bill is traveling.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: Other than city council elected officials have been invited to the meeting this evening. We have seven school board members who are elected municipal officials who have also been invited. We have our county commissioner who was elected and is from the city of Waterville who has been invited to a meeting this evening. I would just as soon not go into details on why this particular meeting was called on the floor of this House. I can promise you that I do this in the spirit of openness and with trying to offer to the state of Maine and the city of Waterville in its best interest.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: The comments of Mr. Carey were indicative of the kind of bipartisan approach that this commission took. The gentledady from Waterville, perhaps it doesn't have to be said and I am sorry if I am belaboring the point, Mr. Speaker, but the gentledady from Waterville has approached us on the commission in the last several days and even weeks individually and collectively. We have been aware of what she is going to do here today with this amendment and now for her to come in at the 11th hour and say there is a public meeting, which the gentleman from Waterville tells us is kind of a different version of that, at which public officials are going to be presented, is just to me unbelievable. The gentledady has had this in her mind for a long time. She has had the ability to contact her colleagues and constituents in Waterville and I truly believe that notwithstanding the gentledady's good graciousness at times, this is simply an effort on her part to delay this.

We have a definite time commitment. We must act or the courts will do so. I truly hope that you do not delay this matter and that the gentledady does not offer her amendment and I hope it will be sent to the other body forthwith.

Mrs. Kany of Waterville was granted permission to speak a third time.

Mrs. KANY: Mr. Speaker and Members of the House: I first became interested in the workings of the apportionment commission and at a point I had not intended to object in any way to whatever the results of this commission were. I became interested at a point in which I was glancing at a map on a wall with Representative Brennerman, looking at the Portland area just after lunch one day, and we were asked to leave, then it became a question of open meetings and so on. From that point, I decided that perhaps in the interest of open government it would be a good idea to be interested in the outcome of this apportionment commission.

There is more to it but that's all I will say at this time.

is more to it but that's all I will say at this time.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I really take with interest this morning the cute innuendos that the gentledady of Waterville is trying to stir around this noble body today. All I can say to the fine gentledady — if she has got an amendment she wants to offer, then why don't you offer it? First you wanted to delay the bill, then you start questioning the actions of the committee, which was open. If you want to offer an amendment, the time is now.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, I regretfully and hesitantly offer an amendment to this resolve, House Amendment "C".

House Amendment "C" (H-250) was read by the Clerk.

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

Mr. KELLEHER: Mr. Speaker, I move the indefinite postponement of this amendment.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that House Amendment "C" be indefinitely postponed.

The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: This amendment was not before the apportionment commission. It is offered in the spirit of compromise. I do have a couple of maps and would like to show you. I don't know if you can see, but this is the apportionment of Waterville as is being offered by the apportionment commission. I will say that there is a problem and it is a difficult problem trying to offer a compact district when you are dealing with enumeration districts. I understand the city of Waterville, when taking their last census in 1970, it had not been taken by wards, so they did have to deal with enumeration districts. I hope maybe you can see from the back the shape. I find that rather unnecessary, to say the least. I think that a better plan could be evolved.

The Republican members of the commission, I heard, had offered an apportionment of Waterville which was more compact. I did not offer that to you. I offer something the spirit of compromise which I think would be an improvement and I think the courts might find this a little bit more compact. It might be easier for the city of Waterville to redraw its wards, or its political subdivisions as the city has indicated that it wishes to do following this particular apportionment. I do feel it is much more compact.

All of the plans that were offered are contiguous. There is not a problem with that. They all fall well within the guidelines as far as keeping within the 5 percent. This one was well within the guidelines. I offer it in the spirit of compromise. I offered it privately to the members of the commission and I had first understood that this was accepted but then last Tuesday I learned that it would no longer be accepted by the Waterville member commission by the House. It was at that point that I asked for this meeting this evening. That is why I am hesitant to offer something.

I am sorry to involve everybody else. I have gone out of my way, never to mention any of the problems with the press. I had the option of going to the Supreme Judicial Court to ask about the compactness. I chose not to do it. I have been trying to do this as nicely as I can. I offer you this amendment as more compact and perhaps helping the city of Waterville as it redraws its ward lines.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that House Amendment "C" be indefinitely post-

poned. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

101 having voted in the affirmative and 25 having voted in the negative, the motion did prevail.

Thereupon, Mr. Biron of Lewiston requested a roll call vote on passage to be engrossed.

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 passage to be engrossed of Resolve to Apportion Multimember Districts of the House of Representatives into Single Member Districts, House Paper 1486, L. D. 1723. All those in favor of this resolve being passed to be engrossed will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopuppis, Ault, Austin, Bagley, Beaulieu, Bennett, Benoit, Birt, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Byers, Carey, Carrier, Carter, F.; Chonko, Churchill, Clark, Connors, Connolly, Cote, Cox, Cunningham, Curran, Dexter, Diamond, Dow, Drinkwater, Dudley, Durgin, Fenlason, Flanagan, Garsoe, Gauthier, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jalbert, Jensen, Joyce, Kane, Kelleher, Kilcoyne, Laffin, LeBlanc, Lewis, Lizotte, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Masterman, Masterton, Maxwell, McBreairty, McHenry, McKean, McMahon, McPherson, Mills, Moody, Morton, Nadeau, Najarian, Nelson, N.; Palmer, Pearson, Perkins, Peterson, Plourde, Prescott, Quinn, Rideout, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Twitchell, Tyndale, Valentine, Whittemore, Wood, Wyman, The Speaker.

NAY — Bachrach, Berube, Biron, Blodgett, Carroll, Carter, D.; Davies, Dutremble, Elias, Fowlie, Gray, Howe, Kany, LaPlante, Mitchell, Nelson, M.; Post, Raymond, Spencer, Wilfong.

ABSENT — Berry, Devoe, Hobbins, Jacques, Kerry, Littlefield, Locke, Martin, A.; Norris, Peakes, Peltier, Tarbell.

Yes, 119; No, 20; Absent, 12.

The SPEAKER: One hundred nineteen having voted in the affirmative and twenty in the negative, with twelve being absent, the motion does prevail.

By unanimous consent, ordered sent forthwith to the Senate.

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1977 (Emergency) (H. P. 1504) (L. D. 1722)

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

Amended Bills

Bill "An Act Prohibiting the Sale of Certain Aerosol Sprays after January 1, 1979" (H. P. 290) (L. D. 371) (H. "A" H-226 to C. "A" H-211)

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

Second Reader Tabled and Assigned

Bill "An Act Relating to Music, Dancing or Entertainment" (H. P. 875) (L. D. 1068) (C. "A" H-217)

Was reported by the Committee on Bills in the Second Reading and read the second time.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I signed this bill, L. D. 1068, out of committee as "ought not to pass." I have tried to state my objections through an amendment but we couldn't draw that up. Presently, the Liquor Commission issues licenses, liquor licenses. If a local community objects to the issuance of that license, the Liquor Commission has the jurisdiction over the appeals process.

In the past, the Liquor Commission has overruled in some cases the unanimous decisions of the local municipal authorities and issued these licenses in spite of those objections. Today, under the proposed legislation we are now trying to place the appeals process regarding amusement licenses also with the Liquor Commission. Although the Liquor Commission issues these amusement licenses, unlike the liquor licenses, it does so only at the discretion of the municipal authorities. The only reason that the Liquor Commission handles the issuance in the first place is the fact that the location of this establishment happens to be a place where they sell liquor.

The Statement of Fact in this bill reads, "Under the present law, there is no right of appeal for a licensee seeking an amusement permit." That is a misleading fact. There is an appeals process and that appeals process is through the district courts.

The sponsors and supporters of this bill wish to remove the appeals decision from the courts where they complain of cost and bad relations with the community and place that appeals process with the Liquor Commission. So we are faced with two alternatives today, an appeals process through the court or an appeals process where the final decision to issue or not to issue this license is left up to the Liquor Commission. The former is a problem, but the latter is unacceptable intrusion in an area that should not concern the Liquor Commission.

I sincerely sympathize with those people who wish to expedite the appeals process — what this bill suggests — but I cannot accept the belief that the Liquor Commission is that vehicle. I believe that the Liquor Commission has no business in areas that do not involve liquor or liquor sales. I believe that there is a conflict of interest when they do. I believe that the evaluation of their own needs may be overridden by a not so impartial liquor commission. I further believe that this bill and all its accompanying papers should be indefinitely postponed and will so move and humbly ask that you kill this worst of two bills.

On motion of Mr. Palmer of Nobleboro, tabled pending the motion of the gentleman from Millinocket, Mr. Marshall that the Bill and all accompanying papers be indefinitely postponed and specially assigned for Wednesday, May 4.

Passed to Be Enacted

"An Act to Transfer Regulations Regarding the Security of Certain Parks, Grounds, Buildings and Appurtenances, Maintained by the State from the Department of Finance and Administration to the Department of Public Safety." (H. P. 204) (L. D. 264) (S. "A" S-96 to C. "A" H-153; S. "A" S-80)

"An Act to Provide Interest on Judgments in Civil Action." (H. P. 575) (L. D. 699) (H. "A" H-189 to C. "A" H-168)

Were reported by the Committee on Engros-

sed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

**Enactor
Recommended**

"An Act to Authorize the Transfer of all Assets and Liabilities, Except Bonds and Notes, of the Lincoln Sanitary District to the Town of Lincoln and the Dissolution of the Lincoln Sanitary District." (H. P. 1450) (L. D. 1679)

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

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: This bill got this far in the House with the wrong amendment on it. I have another amendment that rewrites completely the bill. It was partially my fault and partially the committee's fault. I would like at this time to move that this be recommitted to the committee.

Whereupon, on motion of Mr. MacEachern of Lincoln, the Bill recommitted to the Committee on Public Utilities in non-concurrence and sent up for concurrence.

**Enactor
Tabled Unassigned**

"An Act to Establish Arbor Week." (H. P. 766) (L. D. 959)

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

On motion of Mr. Quinn of Gorham, tabled unassigned pending passage to be enacted.

"An Act Concerning the Crime of Prostitution" (H. P. 629) (L. D. 770)

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

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Just a brief explanation of what this bill does. As you remember, when it came out of the committee, I was the only member in the House who signed the Minority "Ought Not to Pass" Report, and the three gentleman in the other body at that time signed it. I have no doubt of the good intentions of the people who put this bill in. I am sure that they have a problem in some areas. I felt that the House was due an explanation that this may create more of a problem for some of the younger male population or middle age or older male population in the state.

It is readily admitted by most police departments that the crime of prostitution is uncontrollable at the present time. There is no way they can control it. They arrest the ladies of the evening and take them to court and they pay their fines and are back on the street probably within just a number of hours to make the money to take care of the crime.

It is impossible, I understand, from the testimony given by the good gentleman, the sponsor of the bill, to control the pimps or managers of these ladies of the evening. They apparently can never get anyone to testify against the managers, so this bill simply says that if and any time that a person procures these services, they will be liable under the law. That means if a gentleman goes to a convention in Portland and there happens to be a couple of young ladies under cover for the Portland Police Department and they are working undercover and he goes up and mentions that he might be desirous of their services, then he would be liable of the same crime. I feel, and I know that many people won't agree with me, but I feel that this really is a law that we don't need, so I would hope that I could ask for a division on this.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: The bill before you is simply to make the man as guilty as the woman in the area of prostitution. I think if this body is to address the problem of prostitution here in the State of Maine, we should enact a law that deals with the problem. The bill before you, the sponsor, as I understand it, says that if we make the man as guilty, it will go away. Prostitution will not go away. I think it is time that members of this body and of the other body address the problem of prostitution in the state. The word "sex" and we say — "hey, these things do not exist. Gambling, it doesn't exist, so let's pass laws and we will hide it. The more laws we pass, the less of it we will have. I say to you, that is not true and to pass another law that will not be enforced is not the answer to the problem.

If you, in this body, are sincere about the problem of prostitution, let's legalize it and let's provide protection for those girls who commit suicide, who run away from home and come to the State of Maine and have no other alternative but to become prostitutes. If you are really sincere about the problem, let's do something about it, let's not just put another law on the books that will do absolutely nothing. All we are doing is putting money into the hands of the pimps and these girls are getting beat up and some ladies are saying that this is a male chauvinist issue. It is not. I am concerned about those girls — I am, I am really concerned, and to say that we are going to pass legislation and prostitution will go away is ridiculous.

Therefore, I move this bill and all its accompanying papers be indefinitely postponed.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to any member of the Judiciary Committee. In reading this, I am just wondering, have we taken into consideration that there is male prostitute in being procured by a female? Is that going to be covered by this legislation also?

The SPEAKER: The gentleman from Millinocket, Mr. Marshall has posed a question through the Chair to anyone who may care to answer.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill. This can be considered this week as a Mother's bill. I will address this bill properly. As I look around, I see many tender ears and innocent youth that we welcome here as our Pages and our guests. I will not embarrass them but I will address my bill.

The present system punishes the seller more than the buyer. We have a practical enforcement problem, a limited number of sellers and an excessive amount of buyers; in fact, an inexhaustible supply of customers. The law of supply and demand comes into play here. This bill will keep the demand down and in turn cut down supply. Thus, the domino theory will bring a measure of relief to local communities. All new buyers coming into town won't know the local law enforcement people. This is how the problem will be reduced.

I know this is a "Red Light" bill and this is the way I believe we will have to vote. The motion is indefinite postponement and I ask you people to move into the "red light" district for us and vote against it.

As for the young gentleman from Millinocket, from here I can only see him blush, I will tell him that the criminal code already takes care of the male prostitute that he referred to, and I urge that you will vote against the indefinite postponement of this bill.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I only have a couple of problems with this bill. If I may pose a question through the Chair, first of all, what constitutes prima facie evidence? I don't know too many ladies of the evening who give receipts or even green stamps. Another thing, it could be her night off, so I am just wondering what constitutes prima facie evidence in this?

The SPEAKER: The gentleman from Limestone, Mr. McKean, has posed a question through the Chair to anyone who may care to answer if they so desire.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: To partially answer the good gentleman's question, as I understood the testimony before our committee, in some communities, and the sponsor of the bill had the gentleman there from Portland who is the legal advisor for the Portland Police Department, and they intend, if this bill is passed, to put undercover agents. Those are young ladies who would be working for the police department and they would dress themselves in the attire of a lady of the evening and then, as my good friend Mother Joyce says, this is a Mother's Bill, and then some mother would pick up the Portland Sunday Telegram to read the church notice and she would see where little Johnny who had just turned 18 had been picked up for soliciting the services of a prostitute in Portland on the previous evening. That is what I don't like about this bill. That would be the type of a mother's bill that it would be. Little Johnny was down there to the basketball tournament and he went astray, so in order to get the prostitutes, we are going to grab little Johnny and make him guilty also. I guess there is no question, and I have no idea, but I guess it is the seller's market.

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I, too, rise to oppose this bill. The gentleman earlier, in questioning, said that he didn't know any prostitutes who gave green stamps. I guess I would have to say that I don't know any prostitutes at all.

Another earlier speaker said that our present law punishes the seller more than it does the buyer, and I guess that is the serious essence of this question. I find a great deal of precedent for punishing the seller more than the buyer. Certainly our drug laws are aimed in that direction and many of our other criminal laws as well.

There is a distinction, I think, between those who do things for money, who adopt a way of earning a living which society wants to discourage through criminal sanctions, and the great mass of people who from time to time may be tempted to use those services, buy those drugs or whatever the various vices may be. I think it is a fair distinction for a legislature to make.

If you are worried, as I suspect many of you are, that somehow we are treating women differently from men, I will repeat what has been said, that our laws are blind in that sense. This applies to male prostitutes as well as female. If many of you think there aren't many male prostitutes, then I would point out that homosexual prostitutes are covered as well and there are some of those in the state. So we did, indeed, intend, when we designed this law a year ago, to make it apply to all sexes equally.

What happens if we do broaden the law to include the customer? I think we open up a large proportion of our citizenry who may at one time in their life find the need, for whatever reason, to buy sexual favors, to harassment, to blackmail, to the possibility, indeed, of police agents being on the street with nothing else to do and being charged with the function of attracting such customers and to me, that is an

especially disgusting area of law enforcement; yet we have heard that that is going to be done, at least in one city.

I think we are opening a large segment of our citizenry to a lot more problems than we would solve by broadening this law. Therefore, I oppose it, I join with the gentleman from Brewer in doing so, to alleviate those problems of entrapment, of harassment, of blackmail that are going to result if, indeed, every person who, for some reason that I can't understand, feels it necessary to pay for sex.

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

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: The only problem I am wondering about this is where it says it promises a pecuniary benefit to be used let's say by a male against a young lady who is not possibly a prostitute but has run away from home and has been in a little bit of trouble, decides that he would like to have a young lady commit a sexual act with him and then, if disturbed, maybe he is somewhat influential and decides to discredit her by maybe claiming that she approached him and she promised him money if he would perform this act with her. I am wondering legally how this would affect that problem. Maybe somebody could explain this to me.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: In a few moments you will be asked to stand up and be counted. I don't think this is a difficult bill for you are to pick a side on. I know that the lawyers will play with it. All this bill does, and I came up with the idea for it when I saw that void in Maine law. About a year ago, down in the State of Utah, a Congressman, home visiting his constituents, went out at night, he walked up to two women on the street and he gave them the deal, the records show that this was Congressman Howe of Utah, the Congressman, although lucky in politics, he wasn't lucky in this field, the two women that he approached were police decoys. He offered \$35, he was arrested, prosecuted ran for reelection and he faced the voter — many just like the good people that I see here in the House — and you know, in Utah, the good people of that state knew how to take the stand and he wasn't sent back to represent those people. I don't think this is a difficult decision to make.

I urge you to vote against the indefinite postponement of this bill. I will welcome you to the 'red light' district on the board.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I am inclined to join Mr. Joyce on the red side this morning. However, I have one problem with this piece of legislation. Are we, in fact, tying the hands of the law enforcement officer? Because if he goes out attempting to stop the crime of prostitution, he is also going to be in the area of solicitation and he may, under this bill, be prosecuted as well as those people he is trying to pick up.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: Being the second speaker on this bill, I showed my objections to the bill. I think we have used hypothetical situations before. Police departments, working as they do, would pick up a prostitute, a known prostitute, and there are some, it is hard to believe that there are some, and bring her in for questioning and at that point they would ask this lady who her clientele is. Okay? Under this present law, no matter if the gentleman is a client now or has been in the past, he could be prosecuted. You can see the possibilities of blackmail? If she says that he is a client, he is guilty of committing a crime under the Maine

law. Putting this law on the books will not solve the problem; that is what I am trying to emphasize here this morning.

We have a law against prostitution in the State of Maine. It hasn't solved the problem, hasn't even addressed the problem. Now you are going to put on another one which is still not going to solve the problem. It won't even address the problem.

As I said earlier, if you are sincere, if you are really sincere about this problem, let's draft legislation which gives protection to those who are prostitutes. Let's address the problem as to why people use prostitutes. Doesn't anyone here really know? An awful lot of the male population is perverted, perverted in that their wives would prefer to see them go see a prostitute than to stay at home and do those acts. You might find this funny but it is true. Have you seen some of these young girls and what they look like.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Joyce. Would he please state his point of order.

Mr. JOYCE: Mr. Speaker, I feel that the debate is now getting outside the bounds of decency that is expected of us. I think if a person wants to bring in some statistics, cite psychiatrists and this sort of thing, but I think this is really heading into the gutter now. I think there should be somewhere in our rules something to preserve even the innocent ears of my colleagues here.

The SPEAKER: The Chair thanks the gentleman from Portland, Mr. Joyce, but the remarks from the gentleman from Lewiston, Mr. Biron, were within bounds. The gentleman from Lewiston may proceed.

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: Unfortunately, this legislation belongs in the gutter, so that is where we have to talk from.

There is a serious problem here in the State of Maine. I am willing to address the problem. I am willing to take the pressure from the constituents and pass reasonable legislation that will address the problem, not to simply sit here and say I am a moralist. There is no morality in passing this legislation, none whatsoever, and if anyone can show me the morality, I would be willing to listen. There is none. It is another law that cannot be enforced. That is the point that we have here this morning. We can all say, I voted for that and go back home and say, "I am against prostitution." Who are we kidding? It is still going to be here.

Venereal disease is high in the State of Maine, as it is any place in the country. Does anyone want to address that problem? There are doctors in the State of Maine that won't even treat venereal disease. Doctors — anyone addressing that problem? No, we will hide it. We will pass legislation that means nothing and that is what this bill does, it means nothing.

I ask for the yeas and nays.

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 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 Lewiston, Mr. Biron, that L. D. 770 Bill "An Act Concerning the Crime of Prostitution," and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Biron, Boudreau, P.; Brown, K. L.; Carter, F.; Cox, Davies, Dexter, Diamond, Green, Hall, Howe, Hughes, Jackson, LaPlante, Lougee, Mackel, Maxwell,

McBreairty, McHenry, McKean, Moody, Norris, Peltier, Perkins, Flourde, Quinn, Rollins, Silsby, Smith, Talbot, Tierney, Torrey, Tozier, Tyndale, Valentine, Whitemore.

NAY — Ault, Austin, Bagley, Beaulieu, Bennett, Benoit, Berube, Birt, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Bunker, Burns, Bustin, Byers, Carey, Carrier, Carroll, Carter, D.; Chonko, Churchill, Clark, Connors, Connolly, Cote, Cunningham, Curran, Dow, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Henderson, Hickey, Higgins, Huber, Hunter, Hutchings, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kilcoyne, Laffin, LeBlanc, Lewis, Lizotte, Lunt, Lynch, MacEachern, Mahany, Marshall, Masterman, Masterton, McMahon, McPherson, Mills, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Pearson, Post, Prescott, Raymond, Rideout, Shute, Spencer, Sprowl, Stover, Strout, Stubbs, Tarr, Teague, Theriault, Trafton, Truman, Twitchell, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Berry, Devoe, Gauthier, Gould, Hobbins, Immonen, Jacques, Kerry, Littlefield, Locke, Martin, A.; Peakes, Peterson, Tarbell.

Yes, 38; No, 99; Absent, 14.

The SPEAKER: Thirty-eight having voted in the affirmative and ninety-nine in the negative, with fourteen being absent, the motion does not prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

"An Act to Require County Commissioners to Notify Municipal Legislative Bodies of County Budget Hearings" (H. P. 646) (L. D. 790) (S. "A" S-97 to C. "A" H-173)

"An Act to Prohibit the State Lottery Commission from Controlling the Game of Beano" (H. P. 437) (L. D. 544)

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

Orders of the Day

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

House Divided Report — Majority (7) "Ought to Pass" as Amended by Committee Amendment "A" (H-209) — Minority (6) "Ought Not to Pass" — Committee on Taxation on Bill "An Act to Remove the Manufacturer's Excise Tax on Tires from the Sales Tax" (H. P. 339) (L. D. 430)

Tabled — April 28, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Acceptance of either Report.

On motion of Mr. Tierney of Lisbon Falls, retabled pending acceptance of either Report and specially assigned for Wednesday, May 4.

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

"An Act Relating to Representation of State Employees under the State Employees Labor Relations Act" (S. P. 149) (L. D. 391) (S. "A" S-81 to C. "A" S-70)

Tabled — April 28, 1977 by Mr. Tierney of Lisbon Falls.

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 third tabled and today assigned matter:

"An Act to Increase Flexibility in the Funding and Operation of the Vocational-Technical Institutes" (H. P. 221) (L. D. 285) (C. "A" H-158)

Tabled — April 28, 1977 by Mr. Quinn of Gorham.

Pending — Passage to be Enacted.

On motion of Mr. Lynch of Livermore Falls, retabled pending passage to be enacted and specially assigned for Wednesday, May 4.

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

Bill "An Act Establishing an Experimental Open Season on Moose" (H. P. 1298) (L. D. 1495) — In House, Passed to be Engrossed on April 21. — In Senate, Indefinitely Postponed.

Tabled — April 28, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Motion of Mr. MacEachern of Lincoln to Insist.

Thereupon, the House voted to insist.

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

Mr. NORRIS: Mr. Speaker, I move that we reconsider our action whereby the House voted to insist.

The SPEAKER: Mr. Norris of Brewer moves the House reconsider its action whereby it voted to insist.

The gentleman may proceed.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I know that it is late but this is a matter that concerns me greatly. As I mentioned the other day, the problem with our wildlife is probably man. I did some research and I did come up with some thoughts on this matter and I will quote to you for the next few minutes. Usually, I am brief but today I am not going to be brief.

I will quote to you out of the Smithsonian Magazine of May 1977, an article by Mr. Lee M. Talbot who is a member of the Council on Environmental Quality in Washington and also has served on the International Whaling Commission. It says: "Wildlife quotas sometimes ignore the real world. For years, a widely accepted law of nature has maintained that a certain number of given animal population can be killed for sport or profit each year without affecting its stability. The percentage of wildlife and fish allotted to the harvester is called the maximum sustainable yield," which I will refer to from now on as MSY. "The MSY concept is exquisite in its simplicity and in one form or another it has been basic to management where management has occurred of sport and commercial harvesting of fish and wildlife in much of the world. To many the idea of maximum sustainable yield is virtually sacred. It is not simply the basis of management, it has become the goal. Whales, for example, are considered wasted if the MSY is not taken in a given area. Only recently, a former chairman of the international whaling commission, spoke of whales being left in the sea to rot if the MSY total were not caught. This is a long way from the original conservation use of MSY in which it was intended that the MSY for each species should serve as the outer limit not at a goal which you are aiming at."

While I was disturbed by the changing application of the MSY principles for some years, I did not question the basic theory. Then, in 1959, the course of an ecological study of the Sangetti-Mara Region of East Africa, my wife and I tried to apply the MSY concept to the wildebeest. After collecting data and analyzing it, we came to the conclusion that in real life, MSY does not work. To begin with, MSY assumes a stable population and that the number of animals the habitat can support is fixed but, in fact, such stability is rare.

"One year's MSY might be the total number of wildebeest that the area could support in the succeeding year. Apart from the population fluctuation, MSY totally ignores the impact of hunting on the social and behavioral patterns of the animal with potential changes in habits, especially breeding.

"In Kenya, during the early 1900's, buffalo and certain types of antelope became largely

nocturnal and confined themselves to wooded areas, whereas they previously had roamed the open plains in daylight." We are coming right back to this moose situation. These animals were out in the open for everybody to see, now they are nocturnal creatures.

"Another problem that can disturb the reproduction process is either random harvest or the selective killing of the larger and therefore bolder animals in a population. Such killing leaves a higher proportion of younger and non-breeding animals in groups where several years are needed to reach sexual maturity. Lobsters, many fish and larger mammals, hunting greatly reduced their reproduction potential.

"Perhaps the most important weakness of the MSY concept, however, are those involving the relationship between wildlife and its environment. One fallacy of the MSY approach is that it assumes that the density of a group of animals is the only factor determining how many of them a given habitat can support. I have found that in reality the carrying capacity is affected by many factors, including food, water, space, competition, predators. These are affected by climate, pollution, land use and other human activities.

"Another serious flaw in the MSY concept is that it assumes that if a group of animals is reduced by man, the group will automatically come back. Some species have recovered and some have not," as we are well aware and from what I spoke of the other day. MSY is basic, the argument is given on an international basis through international law.

"Given the situation, it seemed to me that the best approach would be to bring key biologists and policymakers in a workshop situation helping to organize the program with Thomas Lovejoy of the U.S. Appeal of the World Life Fund which has financed the program. Richard Miller, then president of the Ecological Society of America and S. Dillon Ripley and David Shellanaugh of the Smithsonian Institution, these three organizations, plus the Council on Environmental Quality and the International Union for the Conservation of Nature and Natural Resources, joined to form a broad sponsorship of the two workshops. Among the fields represented, were ecology, animal biology, animal statistics, fishery science, wildlife management, resource economics, law and public administration. As I had expected, they were hot sessions but when the smoke had cleared, to my delight, the workshop participants agreed that the simplistic methods like MSY were not adequate to manage effectively the world's wild, living resources.

"Although management still focuses on value related to fishing and hunting, there is an increasing recognition of the importance of other considerations when dealing with wildlife. One is the role of the species in maintaining the health and stability of the ecosystem of which it is a part. Another is the role of the wildlife in giving enjoyment to those who admire, study or photograph it."

I hope that the House would give me the courtesy of reconsideration so I could move that the House recede and concur.

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

Mr. MCBREAIRTY: Mr. Speaker and Members of the House: I am sure that Representative Norris' theory has been carried out in India where they have millions of cows roaming around and people starving to death.

Many times, bills are voted for or against because legislators vote on emotions rather than scientific facts or common sense. Even though I realize this, I still feel I should give you a few more facts on the Moose Bill.

The 103rd Legislature instructed the Fish and Game Department to make a study of our moose so that they might better advise the

legislature on how we should manage our moose herd. For ten years, the Fish and Game Department has had Francis Dunn, Game Biologist, who lives in Patten, Maine, conducting an extensive study of the population count and the general conditions of the herd. Our game department had excellent cooperation from the University of Maine. This study, to date, has cost many thousands of dollars. I am sure that the advice given is the result of the thousands spent on research has continued to be disregarded, the money should be spent to greater advantage some other way.

The Moose Bill we have before us is actually drafted by the most experienced wildlife experts in the State of Maine. I am sure that if we would follow their advice, a great benefit would be shared by all concerned.

It is very repulsive for real, true conservationists to see valuable natural resources being illegally taken by unpunished poachers and so poorly managed that a large percentage is going to waste. Give us a limited open season and I will guarantee you that we will create an incentive to nearly everyone in the State of Maine to protect and better manage our herd.

To those of you who say we don't want moose killed, I am going to give you a few figures compiled for the last few years on accidental and known illegal kills. In the years 1973, 1974, 1975 and 1976, a total of 402 moose have been killed as a result of vehicle-moose collisions. Imagine the property damage and injuries resulting from over 400 collisions with an animal the size of the moose. In the same length of time, we have had 600 known illegal mortalities. Add to this, the unknown illegal poaching and we must realize we are already losing a large percentage of our moose herd because of very poor management and lack of funding to better protect our animals.

Hopefully, the 108th Legislature will show more wisdom by passing a limited, experimental open season on moose. By doing so, we will create the incentive and generate the funds to better manage and protect a very valuable natural resource for the mutual benefit of all people of the state. Maine is a state nearly as large as the rest of New England with human population of only a million people. How can we allow and pay for legal abortions to regulate the human population for the health, happiness, and welfare of the people and honestly vote against a scientific management of a moose herd.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I listened with intent interest to my good friend, Representative McBreairey of Perham and appreciate his concern for a large moose herd. Let me bring you a few facts. You have had put on your desks this morning a letter from Brian C. Carter, Director of Fisheries and Wildlife of Natural Resources of New Brunswick, Canada. Let me assure you that is a very interesting piece of information to me, because during the 200 mile limit bill, I traveled up from one length of Nova Scotia to the other with the folks in Nova Scotia on their fishing interest, and I never saw a moose. I understand that their moose herd is depleting every year. They sold 6,000 licenses a year or so ago and they have killed 1,000. That is one to every hunter. So you can see the herd going down and down and down.

It is ironic that this bill should be brought up today, the first day of "Be Kind to Animals" week. I am not asking any emotion on this bill, but I would like to bring you a few facts in the State of Maine, not in the country of Nova Scotia.

In the first place, years ago, the caribou roamed the State of Maine at will. They were protected at that time. Then came the day of infamy when an experimental hunting season was introduced for the caribou. I would like to read

to you a little notice that appeared in a fish and game magazine at that time. Each year's kill, the hunter was limited to one moose, two caribou, and three deer. A year later, a warden seized a whole carload of caribou meat on its way to a Boston market. Later on, it was estimated that 4,000 caribou would be killed that year. By 1900, it was found there were practically no caribou in the State of Maine and today there is not one single caribou in the State of Maine.

Now, I submit to you that game management is very important, but I would like to interest you to take a trip out west where the national parks are. There, you can see true game management. If the herd becomes in trouble or growing too large, the management people take care of it. They could very well do that in the State of Maine without ordering a slaughter of the deer and the moose in the State of Maine.

You will never prevent accidents on the highway of animals. That has been going on as long as Maine has been a state.

As far as poaching is concerned, yes, there is one thing in that bill that I like, that the penalty should be increased on poaching and careful management should be given by the Inland Fisheries and Game in this department. Somehow or other, I think they have failed in doing their job in game management in the State of Maine which you so readily admitted during your talk. But this is not going to be straightened out by issuing moose licenses or hunting moose.

The moose herd in Maine has been one of the biggest attractions we have had in our tourist industry. Let me assure you that the tourist industry is the third largest industry in the State of Maine, and I would like to see the moose reserved for the camera, because that is where he belongs. He is a harmless animal. He has been protected over the decades. Don't tell me that they roam all over and are vicious because I have confronted moose time and time again up in the Allagash and they eat out of your hand.

I ask you to consider this very carefully because what happened to the caribou can happen to the moose. You are inviting it, and I submit to you that if you start this shooting and slaughter — that is all it is — of the moose, several years from now there won't be a moose in the State of Maine because, mind you, the hunter is not going to take no sick moose around the town, he's going in and take the best of the breed. When you take the best of the breed, you start to diminish your herd.

I hope you will give us a chance to reconsider and to recede and concur with the Senate.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: The previous speaker has attempted to draw some parallels which, I think, are fallacious and I would like to tell you why I feel that way. First of all, he is comparing caribou with moose and I don't think that that is a proper comparison, no more than I think comparing moose with deer or any other animal is a proper comparison. He also said in the process of his speech that he had been involved in the 200 mile limit and traveled the length of the province of Nova Scotia. The moose are a fresh water animal and I think that it would be highly unlikely that you would see moose along the seacoast.

Francis Dunn has worked for the State of Maine for quite some time. You have heard Mr. McBrairly refer to him several times. He is a biologist and he is hired by you. He is a person, along with others, who is supposed to be an expert in their field. Now you can take his advice or not take his advice, but if you refuse to take his advice, you have to ask yourself this question: What do you have him there for? If you are willing to pay his salary and you

recognize him as somebody who knows something about the subject in which is involved, then it would seem to me that you would at least give him the benefit of the doubt and the drawers up of this bill.

They have asked for one year, only one year experimental season. It has to come back to this House again and to the other body next year for the analysis of the data that they are going to accumulate. I asked the Commissioner of Inland Fisheries and Wildlife Friday afternoon if he would get for me a letter from the Director of the Fish and Wildlife Department of Natural Resources in Fredericton, New Brunswick who had appeared before our committee, who gave testimony as to what the moose season had done in New Brunswick. You have that letter before you. The letter says that they had started their moose season in 1960. They didn't know exactly what was going to happen that moose season. So, for the first couple of years, they only allowed 400 hunters to take only bulls. That season and the subsequent seasons have been proved successful in New Brunswick so that in 1966, both the sexes were included in allowing the hunters to take a moose. Six thousand hunters in 1976 took over 1,000 moose.

The letter goes on, as you can see, that in 1960, they had serious starvation die offs of moose in the southeastern part of the province of New Brunswick and over 7 percent of the population of the moose were diseased. There was also, and he made this very graphic when he presented it to us, a high incidence of tick infestation on the bodies of the moose and with all of those thoughts in mind, when they went into the moose season and the results were evaluated, they found that the body weight of the moose increased over 100 pounds from what it was in 1960.

The antler density had also increased to the same extent. This was the telling point, as far as I was concerned, the thing that impressed me the most and that was that the moose, according to Brian Carter, were only located in small pockets of the province of New Brunswick. After the moose season had gone on for a number of years, they found them everywhere in New Brunswick. They have been able to increase the bag limit on moose every year ever since because the management, and I know it runs against the grain of an awful lot of people and an awful lot of thought, that if you kill, you improve the herd, but it happens, and it happened in New Brunswick and it can happen in this state.

I just don't think you could find an area more similar in the world than Maine. It is almost the same size, give or take a few thousand square miles. It is almost the same size and the same climate. Many of New Brunswick's moose that are being taken every year, indeed, come from the State of Maine.

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

Mr. McKEAN: Mr. Speaker and Members of the House: First of all, I offer the gratitude of the constituents in my home area to all of you. They all came to visit me this weekend and they all but glorified the members of this body for our previous action on this bill. They did have some other things to say about the other end of the hall but I can't repeat those in front of this esteemed body and especially in mixed company. What I would like to do, however, is to bring out some points that was in one of our prestigious newspapers in the State of Maine. The third largest moose population in the 50 states is located in Maine, a population pegged at 18,000 animals, ranking behind Alaska and Minnesota respectively where hunting is legal. I submit to you in the Saturday's newspaper the State of Vermont is asking for a moose season and they have a herd of 200 animals. They were asking to kill 15 to improve their herd.

It is unfortunate Maine will continue to be the breeding and feeding ground of a resource that will be shot and butchered by our Canadian brethren on both sides of the international boundary dividing Maine and the provinces of Quebec and New Brunswick. The moose poaching will continue on the rise, and that, in these times, when the price of meat is beyond the reach of most people, an estimated 250,000 pounds of quality food to several thousand Maine residents who could have been the benefactor of moose season. By failing to pass a law, the area most affected, the northern tier of the state likely will continue to see a decline in the deer population. The moose presence, thus far, has been prejudicial to the deer population taking over what was once deer country. Now, experts have testified that it doesn't take an expert when you drive through the particular area I'm from, especially around Blackstone siding, the northern portion of the Allagash, around Madawaska lake areas, to find that the low browse during the fall and the wintertime is all but gone.

People have said how nice it is to see the moose standing in the ponds, eating the lichens off the bottom of the ponds but if you want to know the truth of the matter, the reason they are doing that, is because the browse area is completely gone.

Moose will eat lichens last. They like low browse first. As they eat their way through an area, the low browse disappears and, of course, the deer is not as tall as a moose and he is definitely going to be in a sad state of affairs, so that is why they leave an area. We find this happening in our portion of the state.

The opponents to this ignored testimony of inland wardens who frankly admit there is no way under the sun to halt the growing problem of moose poaching. There simply aren't enough wardens to go around to continue to protect the noble beast. By giving the back-of-the-hand treatment and ignoring the counsel of trained professionals, the ye voters went against the majority wishes of the Maine residents testifying at our legislative public hearing. Therefore, ladies and gentlemen, let's at least give it another opportunity to do what we think is best, let us insist.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I don't wish to carry on this debate any further. It was debated quite at length the other day, but I did have something on my desk which I should bring to your attention. Lester E. Brown was the chief warden of the Fish and Game Department for a number of years. He is recognized as one of the outstanding men in the State of Maine on all fish and game problems. He wrote an article in the Fish and Game magazine itself in which he said — "Retired Warden's opinion why you should never have an open season on moose in Maine. During the 1870's and extending into the 80's, there was a considerable market for moose hides which promoted the killing of thousands of moose in this state. In fact, hide hunting during this period dealt the moose a blow from which they have never recovered." Down through his article he mentioned — as far as one of the previous speakers saying that was a fallacious comparison between caribou and moose, some day I would like to talk to him about that. They are both attractive animals, they both are habitants of the woods of Maine, and I can't see why there isn't a comparison between those two animals. The only difference is that they had an open season on caribou and they disappeared from the scene.

In the second place, you tell me about the poaching along the Canadian border. Do you think that by having an open season on moose you are going to stop that? No, you will just

have double killing. You will kill them in the woods by issuing hunting licenses for them and you will also have the poaching go on. As far as the road situation in Maine, we have had that since the day of the animals, and you will never stop that. So I really think that they are not very good arguments for this issue.

The main issue, what do the experts say. I brought you this statement, which is available to you and which you can read, from Lester E. Brown who made a study of this problem for years. In prefacing his remarks, he states: "A year ago, the controversy over moose hunting boiled up again." Lester E. Brown, retired Chief Warden of the Inland Fisheries and Game Department, opposed an open season, and I want to say this, that if that hearing had not been held at nine o'clock in the morning, you would have had more opponents to that bill appearing. It was just simply impossible for them to get there at nine o'clock.

I submit to you again, if you go the way of Nova Scotia, who issued 6,000 licenses, they started with a few hundred licenses and now they are issuing 6,000 and the herd is going down and down, and let me tell you, that is why the Canadians are coming over to our border, because the moose aren't there any more for them up in Canada.

I hope that you will reconsider this so that we can recede and concur with the Senate.

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

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: There is just one thing I would like to bring out here for you to think about. You never saw a game animal go extinct that was under game management.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker and Members of the House: I would just like to make one point in reply to Mr. Tyndale. We had one very strong opponent at the hearing. It was a young man who got up and made a terrific speech and was very much against the moose season. After he finished his pitch, I asked him a few questions. The first one was, if we had a bill before us to do away with the deer hunting season, would you support it? He said, very definitely. I said, well, for what reason? He said, I don't believe in killing animals. I said, do you eat meat? He said, no, I am a vegetarian.

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

Mr. NORRIS: Mr. Speaker and Members of the House: I apologize, but I do have to answer my good friend from Franklin, Representative Conners. The deer herd in some areas is practically extinct under the management of the Inland Fisheries and Game right now, and the reason they are is because they are being killed off. It is not because the moose are taking the feed away from them, it is because we are killing them.

I was here just a few sessions ago, as I stated the other day, and the commissioner came to the legislature to close the season, and he couldn't do it. Politically it was impossible, because every sporting camp owner had reservations made, the money had come in, and they had bought supplies, they had bought their equipment and they couldn't afford not to have a season to take care of them. You are going to get in the same boat, exactly the same boat with your moose. You can't protect things by killing them off. It doesn't work that way.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I know that you want to conclude this debate and I respect that, but there are some remarks that are so off base that I think I must address it.

As a matter of fact, my father was one of the last to shoot a caribou and he explained the situation to me. The only reason that the caribou left, my good friends, is because they are not compatible with man. When civilization moves in, the caribou moves over, and that is the case with the caribou.

As far as the deer herd is concerned, I come from five generations of professional guides and at one time my father was a professional meat hunter for woods camps and he told me that he went 17 days without shooting a deer, and this was back in the late 1800's. The reason he told me this was because I was complaining about the scarcity of deer at that particular time, and he said, you know, I went out on the 18th day and I shot 17 deer; I made up for the whole thing.

The reason you have deer today, my good friends, is because of management. The Fisheries and Wildlife Department are watching what is happening to the herd. If they see that there is too much of a deer kill, then they shut down the season. You hear the sportsmen, oh, they just complain something fierce when the season is shut down, but I assure you that our Fisheries and Wildlife and Game Management people will shut down the season if it gets out of hand. And I submit to you today that we have more deer than we did in 1875 and there is no reason for the moose to be any different because they are the same type animal, they are compatible with man, they don't move over when man moves in.

I hope that you will insist.

Mr. Tyndale of Kennebunkport 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 Brewer, Mr. Norris, that the House reconsider its action whereby this body voted to insist. All those in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Benoit, Biron, Brenerman, Bunker, Burns, Bustin, Chonko, Connolly, Cote, Curran, Diamond, Dudley, Dutremble, Flanagan, Fowlie, Goodwin, K.: Gray, Green, Henderson, Hickey, Howe, Huber, Hughes, Hunter, Jackson, Joyce, Kane, Kany, Kelleher, Kilcoyne, Laffin, LaPlante, Lewis, Lizotte, Masterton, McMahon, Mitchell, Moody, Najarian, Nelson, M.: Norris, Peakes, Prescott, Raymond, Shute, Sprowl, Stover, Stubbs, Talbot, Tarbell, Tierney, Trafton, Truman, Tyndale, Valentine, Wood.

NAY — Ault, Austin, Bagley, Beaulieu, Bennett, Berube, Birt, Boudreau, A.: Boudreau, P.; Brown, K. L.; Brown, K. C.; Byers, Carrier, Carroll, Carter, D.; Carter, F.; Clark, Conners, Cox, Cunningham, Davies, Dexter, Dow, Drinkwater, Elias, Fenlason, Garsoe, Gill, Gillis, Goodwin, H.; Gould, Greenlaw, Hall, Higgins, Hutchings, Immonen, Jalbert, LeBlanc, Lougee, Lunt, Lynch, MacEachern, Mahany, Marshall, Masterman, Maxwell, McBreairty, McHenry, McKean, McPherson, Mills, Morton, Nadeau, Nelson, N.; Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Quinn, Rideout, Rollins, Silsby, Smith, Spencer, Strout, Tarr, Teague, Theriault, Torrey, Tozier, Twitchell, Whittemore, Wilfong, The Speaker.

ABSENT — Berry, Blodgett, Carey, Churchill, Devoe, Durgin, Gauthier, Hobbins, Jacques, Jensen, Kerry, Littlefield, Locke, Mackel, Martin, A.: Post, Wyman.

Yes, 58; No, 76; Absent, 17.

The SPEAKER: Fifty-eight having voted in the affirmative and seventy-six in the negative, with seventeen being absent, the motion does not prevail.

(Off Record Remarks)

Mr. Nadeau of Sanford was granted unanimous consent to address the House.

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I don't know if some of you saw this morning's Portland paper. It says: "Jai alai Issue Stirred up a Lot of Heat in Kittery." Well, for those of you who may or may not know, I was the one who sponsored the jai alai bill, but with the voters of Kittery turning down the jai alai issue almost three to one this past Saturday, I have assured the good gentlelady from Kittery, Mrs. Durgin, and the rest of the people from that area that the jai alai bill will not be introduced and we are going to save ourselves some time and trouble and we won't have to get heated in Augusta over this jai alai bill.

(Off Record Remarks)

On motion of Mrs. Durgin of Kittery, Adjourned until nine o'clock tomorrow morning.