

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

1978

Second Regular Session

January 4, 1978 — April 6, 1978

INDEX

Senate Confirmation Session

June 14, 1978

INDEX

First Special Session

September 6, 1978 — September 15, 1978

INDEX

Second Special Session

October 18, 1978

INDEX

Third Special Session

December 6, 1978

INDEX

APPENDIX

HOUSE

Monday, January 16, 1978

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

Prayer by the Reverend Kenneth Poole, Clinton Baptist Church, Clinton.

REVEREND POOLE: Our Father, we pause in Thy presence this morning, on this beautiful day that Thou has blessed us with. We thank you, Father, this morning for our country, for the privilege of being a part of the greatest country in all the world. We thank you for the process of government, the responsibility and privileges that Thou has placed upon the Representatives that are here this morning who represent the people of our state. We realize the awesomeness of the responsibility to lead the affairs of millions of people. We pause also to remember our country, our President, those in authority over us nationally, and ask today for your wisdom and your guidance and your direction. We thank you, Father, for the privilege again of meeting here this morning and the privilege of committing ourselves to Thee for your guidance and direction each day. Bless the affairs of this body day by day as they labor to represent our state. May they realize, again, the responsibility to represent us as the people. So we come into this session today and thank you for what you are going to do in Jesus name. Amen.

The members stood at attention during the playing of the National Anthem by the Mattanawcook Academy Band of Lincoln.

The journal of the previous session was read and approved.

Papers from the Senate

The following Joint Order, an expression of Legislative Sentiment recognizing that: the Football Team of Marshwood High School has won the State Class C Co-championship for 1977. (S. P. 670)

Came from the Senate read and passed. In the House, the Order was read and passed in concurrence.

The following Joint Order, an expression of Legislative Sentiment recognizing that:

Rod Wotton has, during the course of his career at Marshwood High School and South Berwick Academy, headed teams which have won 100 football games. (S. P. 669)

Came from the Senate read and passed. In the House, the Order was read and passed in concurrence.

Bill "An Act to Establish the Maine Corporation Takeover Bid Disclosure Law" (S. P. 665) (L. D. 2056)

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

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

Bill "An Act to Provide a \$250,000 Grant to the New England College of Osteopathic Medicine" (S. P. 667) (L. D. 2055)

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

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

Bill "An Act to Clarify County Law Enforcement" (S. P. 671) (L. D. 2075)

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

In the House, referred to the Committee on Local and County Government in concurrence.

Bill "An Act to Facilitate Recruitment and Retention of Outstanding Persons for Policy-making Positions in State Service" (Emergen-

cy) (S. P. 672) (L. D. 2076)

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

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

Bill "An Act to Make Allocations from the Unappropriated Highway Fund Surplus for the Fiscal Year Ending June 30, 1979" (Emergency) (S. P. 666) (L. D. 2054)

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

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

Study Report

Pursuant to Legislative Council

The Committee on Performance Audit to which was referred the study relative to the Maine Human Rights Commission have had the same under consideration, and ask leave to submit its findings and report that the accompanying Bill "An Act to Encourage Early Resolution of Discrimination Complaints and to Clarify the Subpoena Power of the Maine Human Rights Commission" (S. P. 664) (L. D. 2044) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Performance Audit

In the House, the Report was read and accepted and the Bill referred to the Committee on Performance Audit in concurrence.

Messages and Documents

The following Communication: (S. P. 668)

STATE OF MAINE

DEPARTMENT OF TRANSPORTATION

TRANSPORTATION BUILDING

AUGUSTA, MAINE 04333

January 12, 1978

Governor James B. Longley and Members of the 108th Legislature

Transmitted herewith is a copy of the Supplement to the Highway and Bridge Improvement Program for Fiscal Years 1978 and 1979, as well as a copy of the Revised Highway Maintenance Paving Program for the 1978 summer season.

The Supplement to the Highway and Bridge Improvement Program for Fiscal Years 1978 and 1979 lists additional projects which the Department has determined to be priority items that should be authorized for improvement using available Highway Fund monies and previously unmatched Federal funds.

The Revised Highway Maintenance Paving Program for the 1978 summer season provides for the paving of 1180 miles; 980 miles comes from the 1978 year of the previous 1977-1978 Highway Maintenance Paving Program, an additional 100 miles was approved by the First Regular Session of the 108th Legislature and the remaining 100 miles was recommended by Governor Longley in the Supplemental Highway Allocation Act. This effort expands on the maintenance paving efforts of previous years in accordance with efforts to more closely approximate the life cycle of the pavement.

We trust that this material will be of interest and will provide information and clarification regarding the Department's efforts to maintain and improve Maine's highway system.

Very truly yours,
MAINE DEPARTMENT OF
TRANSPORTATION

Signed:

ROGER L. MALLAR
Commissioner

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

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

Petitions, Bills and Resolves

Requiring Reference

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

Health and Institutional Services

Bill "An Act to Clarify Procedures for Emergency Admission to Hospitals for Mentally Ill" (H. P. 1997) (Presented by Mr. Goodwin of South Berwick) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act to Revise the Method of Computing Legislators' Expenses" (H. P. 1996) (Presented by Mr. Greenlaw of Stonington) (Cosponsors: Mr. Hall of Sangerville) (Approved for introduction by Legislative Council pursuant to Joint Rule 24)

Committee on Reference of Bills suggested the Committee on State Government.

On motion of Mr. Greenlaw of Stonington, the Bill was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

Orders

An Expression of Legislative Sentiment (H. P. 1987) recognizing that:

James V. Gibbons, of South Portland, is retiring after 36 years of outstanding service in the Federal Bureau of Investigation, 23 years of which were spent as a special agent in the Portland FBI office

Presented by Mr. Joyce of Portland. (Cosponsor: Mr. Flanagan of Portland)

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

An expression of Legislative Sentiment (H. P. 1988)

recognizing that:

Gayle Reynolds of Fort Kent Community High School has won the Maine State Basketball Foul Shooting Contest for girls

Presented by Mr. Martin of Eagle Lake.

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

An Expression of Legislative Sentiment (H. P. 1993)

recognizing that:

Corporal John Arnold, of the Sanford Police Department, performed an act of great bravery on December 28, 1977

Presented by Mr. Paul of Sanford. (Cosponsors: Mr. Nadeau of Sanford, Mr. Wood of Sanford, Senator Lovell of York)

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

On motion of Mr. Garsoe of Cumberland, the following Joint Order: (H. P. 1989)

WHEREAS, Representative Gordon Cunningham was seated for 46 weeks during 1977 and received a salary of \$3,240; and

WHEREAS, on a pro rata basis, based on a full salary of \$4,500, Representative Cunningham is due an additional payment of \$900; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Finance Officer be authorized to pay Representative Gordon Cunningham an additional \$900 salary for services during the First Regular Session of the 108th Legislature.

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

On motion of Mr. Dow of West Gardiner, the following Joint Order: (H. P. 1994)

ORDERED, the Senate concurring, that the Joint Standing Committee on Fisheries and Wildlife shall report out a bill revising the statutes relating to Inland Fisheries and Wildlife.

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

At this point, the Speaker recognized the presence of Mr. Jalbert of Lewiston in the Hall of the House, who was absent on the organizational roll call.

House Reports of Committees Divided Report

Majority Report of the Committee on Education reporting "Ought Not to Pass" on RESOLVE, Appropriating Funds to Renovate an Elementary School Building at Windham which was Destroyed by Flood Waters (Emergency) (H. P. 1864) (L. D. 1914)

Report was signed by the following members:

Mr. Katz of Kennebec, Mr. Usher of Cumberland - of the Senate.

Mrs. Lewis of Auburn, Mr. Fenlason of Danforth, Mrs. Mitchell of Vassalboro, Mr. Birt of East Millinocket, Mr. Bagley of Winthrop, Mr. Plourde of Fort Kent, Mr. Lynch of Livermore Falls, Mrs. Beaulieu of Portland - of the House. Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-954)

Report was signed by the following members:

Mr. Wyman of Pittsfield, Mr. Connolly of Portland - of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch. Mr. LYNCH: Mr. Speaker, I move that the Majority "Ought Not to Pass" Report be accepted.

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, moves that the Majority "Ought Not to Pass" Report be accepted. The gentleman may proceed.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: This is not the most pleasant job. The bill was presented by my seatmate, but I had to, and I am sure that most of the committee members felt they had to do the same.

Our opposition is based on the fact that to pass this bill it would open it up to amendments from A to Z. Every school community in the state would seek to get a special grant from the legislature.

This school building was damaged by subsurface and surface waters, basement classrooms. It would cost about \$40,000 to renovate another building to substitute for the basement classrooms

There are two ways that this can be done. It is a capital expense, and minor capital expenses can be included in operating costs and would be reimbursed the same as other operating costs. But this district is an above per pupil cost and it would mean very to them to go this route. The other route is major capital expenses. This requires an application to the Board of Education, which the district did not do, and they are, in effect, attempting to bypass the law, bypass the State Board of Education and ask for a \$40,000 grant. As I said, this would open this up to every school unit in the state, and I am sure the legislature could not face those costs.

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

Mr. DIAMOND: Mr. Speaker and Members of the House: Just two quick points before I ask for a division, that being that Mr. Lynch is correct in that if went to per pupil cost, our per pupil average in Windham would essentially reimburse us nothing.

The second point is, had we gone to the State Board of Education, we have a time problem, and what we are considering right now is the fact that we have kindergarten children who are missing about 25 percent of their class time. We felt the route to go was directly to the legislature and let the legislature make that decision, and if the problem is 21, or A to Z amendments, we feel that if the avenue is for these amendments to be presented or these

ills or these representatives to come with their problems, then that is what we are here for. We simply ask the legislature to value and judge each of those.

I do ask for a division, Mr. Speaker.

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

A vote of the House was taken.

Whereupon, Mr. Connolly of Portland 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 questions in on the motion of the gentleman from Livermore Falls, Mr. Lynch, that the Majority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEAS: Aloupis, Ault, Austin, Bagley, Beaulieu, Biron, Birt, Boudreau, P.; Brown, K. L., Brown, K. C., Bunker, Carter, F., Conners, Cote, Cox, Cunningham, Drinkwater, Dudley, Fenlason, Garsoe, Gould, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Kane, Kelleher, Lewis, Littlefield, Lougee, Lunt, Lynch, Marshall, Masterton, Maxwell, McBreairey, McKean, McMahon, Mitchell, Morton, Najarian, Norris, Palmer, Peltier, Perkins, Peterson, Plourde, Rideout, Sewall, Smith, Sprowl, Stover, Stubbs, Teague, Theriault, Torrey, Whittemore

NAYS: Bachrach, Bennett, Benoit, Berry, Berube, Blodgett, Boudreau, A., Brenerman, Burns, Bustin, Carey, Carrier, Carter, D., Chonko, Churchill, Clark, Connolly, Curran, Davies, Dexter, Diamond, Dow, Durgin, Durtremble, Elias, Flanagan, Fowlie, Gillis, Goodwin, H., Goodwin, K., Gray, Green, Greenlaw, Hall, Hickey, Hobbins, Howe, Hughes, Jensen, Joyce, Kerry, Kilcoyne, Laffin, LaPlante, Lizotte, Locke, MacEachern, Mackel, Mahany, Martin, A., Masterman, McHenry, McPherson, Nadeau, Nelson, M., Nelson, N., Paul, Pearson, Post, Prescott, Quinn, Raymond, Rollins, Shute, Silsby, Spencer, Strout, Talbot, Tarr, Tierney, Tozier, Trafton, Truman, Twitchell, Valentine, Violette, Wilfong, Wood, Wyman, The Speaker

ABSENT: Carroll, Devoe, Gill, Henderson, Kany, Mills, Moody, Peakes, Tarbell, Tyndale Yes, 61; No, 80; Absent, 10.

The SPEAKER: Sixty-one having voted in the affirmative and eighty in the negative, with ten being absent, the motion did not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted and the Resolve read once. Committee Amendment "A" (H-954) was read by the Clerk and adopted and the Resolve assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" on Bill "An Act to Require Certain Out-of-State Sellers to Register under the Maine Sales and Use Tax Law" (H. P. 1883) (L. D. 1937)

Report was signed by the following members:

Mr. Martin of Aroostook, Mr. Wyman of Washington - of the Senate.

Mr. Teague of Fairfield, Mr. Maxwell of Jay, Mr. Immonen of West Paris, Mr. Cox of Brewer, Mr. Carter of Bangor, Mr. Carey of Waterville, Mrs. Chonko of Topsham, Mr. Twitchell of Norway, Mrs. Post of Owls Head - of the House.

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

Report was signed by the following member: Mr. Mackel of Wells - of the House.

Reports were read.

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

Mr. CAREY: Mr. Speaker, I move that the Majority "Ought to Pass" Report be accepted.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I feel that I do owe the members of the House an explanation as to why I, as one member of the Taxation Committee, did not go along with the consensus of the committee.

Quite frankly, I feel that this particular bill makes an attempt to extend the authority of the State of Maine into other states. That is, in this case I think it is primarily into the State of New Hampshire. I don't think that we are able or I don't think we should attempt to extend the authority of this legislature into another state.

I think that this bill, too, is practically impossible to enforce. If we were to enact this into a law, it would be literally impossible for the authorities of this state to enforce it. I see no purpose in adding to our statutes a law which cannot be enforced.

Certainly I feel also that if in fact we are able to enforce it even to a minor degree, the result would be harassment of our consumers within the State of Maine.

Essentially, those are the reasons why I objected to this particular bill, and I would ask for a division.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I can understand Mr. Mackel's concern. He is from Wells. There is a very close proximity to the New Hampshire border. However, the State of Maine is, in fact, being robbed by some people who advertise in Maine papers that come to New Hampshire and take advantage of the fact that they do not have a 5 percent sales tax. That is exactly why this bill was put in, because it does discriminate against people, it discriminates against those people who are not living close to the border and therefore cannot take advantage of New Hampshire's taxing policies.

We already have had step forward to the Bureau of Taxation a couple of firms that have voluntarily turned over their figures to the state and the state is now processing some of those things and has recovered some money. In one instance, there was a recovery of some \$750 on a very expensive mobile home.

We are not going after the people who go over there and shop for their groceries, we are not going after those people who are shopping for their clothing, but we are going after those people who are buying their white goods, their appliances, their cars and the very expensive items such as trailers and such.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I guess I am a little confused about exactly what this bill is trying to do. As I understand it right now, if someone from New Hampshire, a dealer let's say, delivers a product in Maine, he has to collect a sales tax on that. What I think this bill is attempting to do is to say that if you advertise in Maine, then you are going to have to register, and I am not sure what you are going to have to do after that. I would just like to have this bill explained a little bit more clearly, because what I think is going to happen is this, that any dealer, store or anything of that nature in New Hampshire is just not going to bother to advertise in Maine newspapers like, say, in York County, which would hurt their advertising-revenues. Also, I don't see how you can possibly keep a Portsmouth, New Hampshire radio from carrying ads by a Portsmouth store to come shop at the Newington Mall, which they do now, and I don't

see how you can possibly, the Maine State Department of Taxation, tell that radio station that anybody who advertises is going to have to register with the State of Maine.

I have a problem with allocating \$17,000 to the Bureau of Taxation to do something like this when I really can't see what the point is and I can't really see how they are going to enforce it. It just doesn't make sense to me. I wish it could be cleared up a little bit as to what the intent of this bill is actually supposed to be.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: As sponsor of this bill, perhaps I can throw a little light on the question that has just been raised concerning advertising. This does not mean that all companies that advertise in the State of Maine by newspaper or other media would be subject to registration under our Maine sales tax law. This refers only to advertising which is aimed directly toward the State of Maine and not toward other areas. In other words, if a New Hampshire firm advertises "Shop in New Hampshire and avoid the Maine Sales Tax," such a firm would become subject to registration under our Maine sales and use tax law. If a company does register under a law, then their books and records are subject to audit by our Maine Sales Tax Department.

The other area that would subject an out-of-state firm to registration under our Maine sales tax law would be the situation where they deliver merchandise into Maine.

I regard this bill as merely an extension of the existing law, because at present, any firm that maintains salesmen in Maine do have to register under our Maine sales and use tax law. So this bill extends that to those who advertise specifically to shop in New Hampshire to evade the Maine sales tax law and also to those firms that deliver directly into Maine.

I do not think that this will present a problem of enforcement, because we already have the apparatus for enforcement under the present registration law in the situation where a firm has a salesman within the State of Maine.

I ask your support of this bill.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I still don't think my questions have been answered by the explanation of Mr. Carter. I still feel that I have some more questions.

First of all, what if a particular retail outlet does register with the State of Maine, then they can go ahead and advertise that you can come to New Hampshire and not pay a sales tax, is that the intent of this? It sounds to me like it would promote that. What if they do register and then later on somebody from Maine's Department of Taxation comes over to Portsmouth or Dover, New Hampshire or wherever and walks into the office and says, "Okay folks, I want to look at your books." What authority are they going to have if they go into New Hampshire and do this even though the company has already registered in Maine?

I just don't understand why we are doing this. I think our present laws on the books are sufficient. If someone does deliver a product in Maine, they do collect a sales tax.

Also, I would like to ask a few questions in regards to the wording here. As I understand by reading the bill, if an individual or seller of tangible personal property from New Hampshire or Massachusetts or some other state advertises in Maine but doesn't state "come to our state because we don't have a sales tax," then they don't have to register from what I read in this. But if they directly or indirectly appeal to a potential purchaser, whatever that means, I am not really sure, if they just list the benefits, is that indirect, like saying that our prices are 10 percent lower and that New Hampshire does not have a sales tax, is that indirect or is that

direct? It just seems to me that it is a total infringement on a person's ability to advertise their products and their particular situations.

The SPEAKER: The gentleman from South Berwick, Mr. Goodwin, has posed a series of questions through the Chair to anyone who may care to answer.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I think there is a bit of confusion regarding the question of advertising. I would also say that the teeth of the law here is in the fact that if a firm advertises specifically for the State of Maine rather than general advertising for all areas, they do become subject to registration, and once having become subject to registration, of course, their books are subject to audit by the State of Maine.

The other thing was, why the state is now able to pass such a law is the result of a recent decision by the U. S. Supreme Court. I would point out that this does extend the jurisdiction of one state into another state. Also, the firms in Maine will be subject to jurisdiction from other states. We are not trying to anything in Maine which other states will be subjecting our people to.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: To pose a further question, I would like to know exactly what this bill is trying to do. Right now it sounds to me like you are trying to harass the York County residents. I just can't see what this bill is trying to do. I am just totally lost.

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

Mr. CAREY: Mr. Speaker and Members of the House: This bill is primarily intended to help Maine businesses stay in business, particularly along the New Hampshire boundaries. As for the authority in us going over to check some books, the authority is granted simply by the fact that people have to register and it is a condition of registration.

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

Mr. VALENTINE: Mr. Speaker, Men and Women of the House: I guess I am a little bit confused and I will pose a hypothetical and see if anybody can answer it for me.

My grandmother, who is 77 years old, has sort of a hobby business making pocketbooks and selling them, among other things, through mail order advertising. She lives in Maine. I guess my question is if she lived in North Carolina and was advertising in Down East Magazine, would she be subject to this law?

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

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: In my opinion, the answer to this question would be no. In that situation it would not be necessary to register and collect the sales tax on any sales in Maine.

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposes will vote no.

A vote of the House was taken.

92 having voted in the affirmative and 28 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once and assigned for second reading tomorrow.

The following papers appearing on Supplement No. 1 were taken up out of order by unanimous consent:

The following Bills were received and, upon recommendation of the Committee on Refer-

ence of Bills, were referred to the following Committees:

Energy

Bill "An Act to Establish Standards to Protect Maine Consumers Against Unsafe and Improperly Manufactured Cellulose Fiber Insulation" (Emergency) (H. P. 1998) (Presented by Mrs. Huber of Falmouth) (Cosponsors: Mr. Jalbert of Lewiston, Mr. Howe of South Portland, Mr. Perkins of Blue Hill) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

Committee on Reference of Bills suggested the Committee on Business Legislation.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker and Members of the House: The Committee on Energy has been studying the subject of insulation and installation of insulation during the interim since the first session of the 108th and we will have legislation coming from the study that we have been doing. I would suggest that this matter be tabled until the Committee on Business Legislation have had a chance to consult on which committee it should go to.

Thereupon, on motion of Mr. Davies of Orono the Bill was referred to the Committee on Energy, ordered printed and sent up for concurrence.

Judiciary

Bill "An Act to Make Trafficking in Five Pounds or More of Marijuana a Class C Crime under the Maine Criminal Code" (H. P. 1999) (Presented by Mr. Hughes of Auburn) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

The following papers appearing on Supplement No. 2 were taken up out of order by unanimous consent:

On motion of Mr. Jalbert of Lewiston, the following Joint Resolution: (H. P. 2000)

JOINT RESOLUTION IN MEMORY OF
THE HONORABLE

HUBERT HORATIO HUMPHREY, JR.
UNITED STATES SENATOR

AND

FORMER VICE-PRESIDENT OF THE
UNITED STATES

Whereas, the Legislature has learned with deep regret of the death of The Honorable Hubert Horatio Humphrey, Jr., of Minnesota, former Vice-President of the United States; and

Whereas, "the happy warrior" was not only a great American, but a humanitarian of huge proportions who lived to enjoy rather than to endure life; and

Whereas, his life's work involved many victories and occasional setbacks which he always accepted with inspiring grace; and

Whereas, the citizens of Maine are truly saddened by the loss of the distinguished and honored public servant; and

Whereas, the Senate and House of Representatives are joined in understanding and prayer with the citizens of this State and Nation; and

Whereas, when the Legislature adjourns this date, it will do so in honor and in lasting tribute to the deceased; now, therefor, be it Resolved: That we, the members of the 108th Legislature, now assembled, pause to inscribe this token of enduring affection and esteem for his memory and extend our deepest sympathy to his family and our understanding to all others who share this loss; and be it further

Resolved: That a copy of this Joint Resolution, suitably engrossed, be transmitted forthwith by the Secretary of State to his dear wife, Muriel, and their four children in token of our esteem.

The Resolution was read and adopted and sent up for concurrence.

All matters acted upon requiring Senate concurrence were ordered sent forthwith.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I should say "Ladies and Gentlemen of this distinguished body," for I, too, have been watching news commentaries and special programs over the weekend concerned with the death of Senator and ex-Vice President Hubert Humphrey, and I guess it has brought back to me in sharp tones the honor and distinction of serving as an elected public official of the State of Maine. Therefore, I think I would be remiss in my duties if I, too, didn't give a couple of remarks concerning the death of this great individual.

Senator Hubert Horatio Humphrey, for more than three decades as an elected official, struggled unceasingly for the rights of all minorities, the aged, the hungry, the defenseless, the foreign poor, the disenfranchised, the elderly.

Senator Humphrey struggled for the aged when in 1949 he first introduced the Medicare program and continued for more than 16 years to introduce it until it was finally enacted.

Senator Humphrey struggled for the hungry when in 1952 he introduced the plan that became eventually America's Food for Peace Program.

Senator Humphrey struggled for the defenseless when in 1950 he began to seek world disarmament until finally, in 1961, his disarmament agency bill was enacted leading to the first Geneva Conference and the 1963 Test Ban Treaty with the USSR.

Senator Humphrey struggled for the poor of foreign countries when in 1960 he first introduced the legislation that led to the Peace Corps.

Senator Humphrey struggled for the disenfranchised when 1964 he was the tireless floor leader of the successful effort to pass the profoundly important 1964 Civil Rights Act.

Senator Humphrey, even at the time of his death last Friday, January 13, 1978, was struggling for passage of the Humphrey-Hawkins full employment bill which would recognize the right of each American to have a productive job.

Senator Humphrey himself understood too well why his struggle for minorities must be unceasing when he said, "The fact is, we cannot lose this battle for human rights. We cannot lose it because if we lose it, we lose ourselves."

Mr. Speaker, just an added comment. I think we as an American people and people of the State of Maine should declare war on cancer, and I would like to ask all businesses, schools, civil rights organizations, private citizens, elected officials to declare war on cancer by trying to donate money, dollar bills, quarters, nickels, dimes, to the Maine Cancer Society. The address is 52 Federal Street, P. O. Box 549, Brunswick, Maine.

Divided Report Indefinitely Postponed

Five Members of the Committee on Liquor Control on Bill "An Act to Permit Sale of Alcoholic Beverages for On-premise Consumption at 18 Years of Age" (H. P. 1887) (L. D. 1944) reporting in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-951)

Report was signed by the following members:

Mr. Levine of Kennebec - of the Senate
Mr. Maxwell of Jay, Mr. Nadeau of Sanford,
Mr. Connors of Franklin, Mr. Raymond of Lewiston - of the House.

Four members of the same Committee on same Bill report in Report "B" that the same "Ought Not to Pass"

Report was signed by the following members:

Mr. Lizotte of Biddeford, Mr. Immonen of West Paris, Mr. Twitchell of Norway, Mr. Gray of Rockland - of the House.

Three members of the same Committee on same Bill report in Report "C" that the same "Ought to Pass" as amended by Committee Amendment "B" (H-952)

Report was signed by the following members:

Mr. LOVELL of York - of the Senate.
Mr. MARSHALL of Millinocket, Mr. JACQUES of Lewiston - of the House

Mr. DANTON of York - of the Senate - abstaining

Reports were read.

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

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to support Committee Amendment "A" (H-591).

What this does, very briefly, it changes the drinking age across the board to 19. It seems like a fair situation and it puts it out to referendum. This lets the people vote for it.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: Rather than talk long, would rather, at this time, make a motion that we indefinitely postpone this bill and all its accompanying papers.

The SPEAKER: The gentleman from Portland, Mr. Joyce, moves that this Bill and all its accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: This bill and all of the drinking bills were roundly debated from February 23 to March 15 of last year. Legislative action last year in raising the drinking age to 20 came in direct response to pleas from local schools and police authorities. They were alarmed by the epidemic of alcohol abuse among the young. On March 15 of last year, 101 members — 101 responsible members of this House voted to raise the drinking age to 20. Yes, we handled the problem on March 15, it became effective October 24 and we are receiving good news that the problem is improving.

We have already given this bill too much time. Mr. Speaker, I ask that the vote be taken by the yeas and nays.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: Today I rise to ask you to reexamine the drinking bill that is presently in existence in the State of Maine. As you all remember, the debate on this issue was intense and probably to the naive legislative spectator during the last session, the debate and interaction between the two bodies resembled a tennis game with the different committee reports being bounced back and forth between the two legislative bodies.

During that time, false hopes in the divided camps, the camp involved with the good gentleman from Portland and the camp involved with many of us, were raised and several times in the House they accepted and rejected several different reports. To put it bluntly, we as legislators, if I can use the term that was coined by former President Gerry Ford, flip-flopped at will on this issue with many changing their positions at least a half a dozen time. But finally, panic, frustration, emotions, all these elements prevailed after several grueling days of debate and, thus, on October 24 of last year, the State of Maine became the only state in New England to raise the legal drinking age to 20.

During the debate on the drinking age last year, the underlying concern and principal argument articulated by the good gentleman from Portland and many others who supported raising the drinking age was to get the liquor out of the high schools, especially to the 14, 15 and 16 year olds. Unfortunately in the State of

Maine, a minority of irresponsible 18 year olds who, under the law are considered adults, were procuring liquor for those under age and thus the result is that the irresponsibility resulted in the present law and has punished and discriminated against the great majority of our 18 and 19-year-old adults of the state.

I have heard many individuals who have expressed the feeling that 18 and 19 year olds got what they deserved, and to some extent, I suppose, they were right. Some 18 and 19-year-old adults have acted irresponsibly. A great many have been apathetic and have a "don't-give-a-darn" attitude. A great percentage of 18 and 19 year olds don't vote for us or don't vote against us; in fact, they don't vote at all or get involved in the political system.

However, I think it should be noted in defense of our 18 and 19-year-old adults of Maine that they are not afforded, under our present system of government, the privilege and right to serve in the Maine Legislature in order to protect their own interests. These individuals do not have the highly financed lobbying efforts that many professional interests have in the Maine Legislature and are not well organized like the Maine Christian Civic League. This is part of the reason why I as a legislator am so sensitive toward this issue, because I was elected to this body at the age of 21 and have been serving here for the last five years. I and many others have taken it upon ourselves to represent this unrepresented group to insure that laws are not passed which are over broad in scope, which I feel the present drinking law is.

I, too, share the concerns of fellow legislators and parents and clergy that we must get the liquor out of the hands of 14, 15 and 16-year-old high school students. Although I am not a parent, I do have a sister who is high school. In fact, she is a very wonderful 15-year-old freshman in high school, and I don't want to see her or her friends consume alcohol while they are in high school.

Many feel the raising of the drinking age to 20 will ensure and basically accomplish placing a situation where we will get the liquor out of the high schools, but all raising the drinking age to 20 accomplishes is placing a very small bandaid over a very huge wound of our society.

The problem of drinking and drinking in general, which is a drug-like cigarettes and like many other drugs in our society, should be addressed and the control of these elements should be addressed in our our homes, our schools and our churches. It is unfortunate that the family circle in our great state and our great nation has been chipped away in recent years and the end result is that the virtues that were once espoused and the moral principles that were once espoused in this country, instilled in us in our youth are no longer being instilled.

The present law which we have, 20 years old, will not solve these problems that plague our society. The present law goes beyond the main objectives which many of the proponents espoused during the last legislative session. I urge this legislative body to reexamine the present drinking law and to decide whether or not some type of change will achieve the same objective without having a chilling effect on the privileges of the responsible 18 and 19-year-old adults.

It should be noted that this bill has a referendum rider on both reports, Report A and Report C. I realize that many of you feel that we should not shirk our responsibilities and send this to referendum. However, on certain issues which are so highly volatile in our society, which are so emotional, philopophical, moral or whatever you want to use for a term, several of these issues, I think, should be decided by the majority of the people to allow those people, the 18 and 19 year olds who are not representatives, who do not have rights and privileges of running for office, allow them to have

an opportunity to vote on the bill, allow the people out there in our community the opportunity and the great majority of those who are over 18 and 19 years old to vote on the bill.

I guess today I am just going to ask you, whatever report you do accept, 18, or 18/20, 19 or whatever your feeling is, to allow the bill to go to the people. It shouldn't be decided upon what position you take on the bill, it should be decided upon the fact that it does have a referendum clause and the people of Maine might have a decision if the motion to indefinitely postpone the bill is not supported.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Contrary to the good gentleman from Saco's remarks, I don't think the legislature or the members of this body flip-flopped in their positions dealing with the drinking bill. There are a great number of us, I believe, in this body today who are willing to send the original bill that was proposed by Mr. Hobbins of 18 year olds out to referendum and let the citizens of Maine make their decision.

Occasionally, since I have been in the legislature, and this is my fifth term, issues such as this come up and they never are finally settled in this body. I think the opportunity should be presented to allow the people of Maine to express their opinion at the polls. I would urge the House to reject Mr. Joyce's motion to indefinitely postpone this bill as well as the other reports that are in the bill, with the exception of the straight 18 going out to the voters. That was presented by Mr. Hobbins and his supporters, and I think in good faith and good faith of those good people who sponsored the 18-year-old bill should stay to the 18-year-old bill and not attempt to raise the point that games have been played in the past. If they are sincere, those sponsors, with the intentions that they presented before that committee, I believe they will either vote for the straight 18 or the straight 18 out to referendum, but they won't be playing games either. I ask them to, in good faith, stand behind the bill that they submitted and not be playing games with any 19-year-old bill.

The bill was introduced before and I am sure the question is going to be raised, and I believe the answer may be that they need two-thirds to let it in. Let's take care of Mr. Joyce's motion, I hope and not support indefinite postponement and go back to what the original bill was, the original intentions of the good gentleman over there, friend, lady and the other sponsors, and we will go with the 18. We will see where they are this morning.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: If you indefinitely postpone this bill, I sincerely hope that you get all these bar owners in the State of New Hampshire to register under this act to require certain out-of-state sellers to register under the Maine sales and use tax law because, Mr. Man, you are advertising to our 18 and 19 year olds in the State of Maine to come over in our bars in the State of New Hampshire. Boy, they are doing it. They are buying all their beer and their are bringing it over into York County and it is still in the schools. You haven't done a darn thing. Just make sure if you kill this bill that they all register with this one also.

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

Mr. MASTERMAN: Mr. Speaker, Men and Women of the House: I had no thought that I would rise on this question that is before us this morning but I feel now that I have to. I, for one, was absolutely appalled and shocked when I saw that this piece of legislation was allowed into this session we are in presently. I don't think we should go over it any more, but many of us were disappointed that we couldn't get some of our bills in and we called and our

people considered emergency measures, but I, for one, represent my people to the best of my ability, and when this came out, it was considered a tavern bill because it was an on-premises drinking bill.

I talked with quite a few in the restaurant business and quite a few expressed their interest in leaving it as we had determined it last year because they told me, and they didn't want me to mention their place of business, and you can understand why, but they said the problems they had were with younger people under 21. Well, we set it last year at 20, we didn't make 21, but we did exercise a vote and we finally determined that 20 was a reasonable age.

I have talked with the people all over my district, which is District 85, and there is a very small minority of people that wanted me to vote for the tavern bill, and I would presume they want me to vote for this referendum to go out to the people at 19. But the overwhelming majority of the people complimented me on my vote last year and this is the way I will go this time. I urge you to support Representative Joyce this morning.

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

Mr. HUGHES: Mr. Speaker and Members of the House: The split-age concept never really did get that good hearing in the last session, in my opinion. It was one that came out that there was an 18-19 split proposed at one point late in the debate and that lost. It was only after the votes were taken, however, that the Governor came out for an 18-20 split himself and many of us, I think, started to give that concept some serious thought. So I guess I oppose this thinking that somehow we have discussed this thing to death and we've given it all the thought it ought to have.

It is a controversial issue, in fact as much as any bill that is in this session. People are interested in it, and that alone justifies our taking some time to consider this issue this year.

If I could vote for prohibition, knowing that prohibition would prohibit the use of liquor, I would do so. I am not a drinker and I see and feel very strongly the effects of liquor on people of all ages, not just young people, who abuse it. I think if there were a way to deny the people of Maine the use and abuse of liquor, I would certainly vote for it.

Statistics tell us that 74 percent of the adult population of the State of Maine drinks either regularly or moderately or immoderately, but 74 percent of our adults drink. That tells me, then, that the problem is not to try to prohibit people from drinking until the age of X, Y, or Z, the problem is to prepare them for the age at which they are going to be able to drink to drink responsibly. I think the kind of legislation we passed last time works against that, and that is why I am so concerned about it and why I wanted to speak again today on this issue. As a members of the Maine Commission on Alcohol and Drug Abuse representing this House, I spend a lot of time in helping to deal with the problems of alcoholics in this state. It seems to me that the prohibitionist approach to alcohol has not been one that has paid off well in terms of teaching people to drink responsibly. I think you will find that statistics will support two conclusions: (1) that people who have real alcoholic problems tend to come from one of two kinds of families; they come either from a family which have alcoholics in it and a tradition of alcoholism, and that is one big group. (2) Very often they come from families who are strict teetotalers and don't quite understand how to teach their young people a responsible attitude toward alcohol.

I really think that society is going in the wrong approach when they try to say to people that we are going to set an unrealistically high age before which you are not supposed to drink and I think we did that when we said age twenty. Eighteen, in my opinion, was realistic,

but there is a problem with 18 and a problem that we all recognize and that problem was that there were 18 year olds in high school and 18 year olds can thus buy for their friends, and that was the problem we set out to deal with last session. Somehow in the process of dealing with that problem, we got a little carried away with ourselves and decided we were going to try this prohibitionist approach for a couple of years after high school too.

It seemed to me, even before the last session, that the measured response to the problem, the response that made as little change as necessary to deal with the problem, was a split-age concept. The 20 year old side of the split deals with buying for friends in high school. It gets it out of the high schools and that take-home market, and that was where the abuse was. I don't think that any of us can argue there was abuse.

The other side of that split, 18, (1) leaves a privilege, and a privilege which to some people is very important on the books for all adult citizens. I think that that is useful: (2) it channels the drinking that goes on and tells an 18 year old that he can either drink illegally in his car or he can drink illegally in a field somewhere or he can drink legally in a controlled situation in a tavern, restaurant or a bar of some kind; a situation where a liquor licensee has some restrictions upon him, is not allowed to serve drunk people, where the price of the drinks in themselves serve as a deterrent to overdrinking. All of those kinds of things seem to me to be helpful in teaching young people, not that prohibition is going to work because we have learned that it has not, but that drinking has to be done in moderation, has to be done intelligently if it is going to be a part of our society that is at all useful.

I have done a little research on this subject but one of my great biblical scholars friends, Larry Biron from Lewiston, tells me that two of the original 12 apostles were under 20, and I think there is a message in that for us; that age has nothing to do with wisdom and that people of all ages have something to contribute. We ought to encourage the most intelligent use of liquor by people of all ages and discourage the unintelligent use of liquor. The law we passed last time, I feel, did not do that. An 18-20 split, which I favor, would do that. A 19 would be closer to doing that.

So, whether you favor 19 at this point or 18-20, I hope you will oppose the motion to indefinitely postpone a bill which means an awful lot to a lot of people in this state and pass something, either 18-20 or 19, send it to referendum and let the people have a chance to speak on it. I like to make decisions finally here myself, but this is an issue which goes beyond these walls, which people are anxious to express opinions on, and I think a referendum is a fair way to let them have their chance. So, let us not kill this bill; let's oppose the motion to indefinitely postpone.

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

Mr. MASTERMAN: Mr. Speaker, Men and Women of the House: Don't we all recall that the 18 year olds had their petitions circulated? I was accosted several times by the students from the University of Maine, all dear friends of mine, but let's remember that they were unable to obtain the required signatures to get this out to referendum. When you vote, I would like to have you remember this.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to somebody here who might answer it. This law has been on the books and in force since October, has anybody got any real facts or information whether this has been better, the same or worse since it has been effect?

The SPEAKER: The gentleman from Sangerville, Mr. Hall, has posed a question through

the Chair to anyone who may care to respond. The Chair recognizes the gentleman from Portland, Mr. Joyce.

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I think the only thing we can point to is a report given to us by Mrs. Joyce Rogers, who is on the State of Maine's School Board Association. She reported back that it is getting quite a lot better. In other words, we have given the schools back the children. I have gotten some letter that I would be glad to have Mr. Hall read. They are from the Athletic Directors Association of the State of Maine. They say they notice an improvement there. What we got back in the first 60 days, the effect of this bill, is that it has much improved in junior high schools and the high schools.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to have one thing set straight for the record. I feel that the petition drive did not fail for lack of response or for lack of signatures but for lack of organization from the people that were working on it.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I sit here this morning and recall the debate that took place last year in this body in reference to the drinking age bill and the effects of this bill and what it would have upon our young people of Maine. I remember some Representatives, and I am sorry that I cannot quote their names at this time, but they said that our sister state, New Hampshire, is looking at similar legislation and they will be passing it in this session and we will have an 18-year-old drinking bill in New Hampshire as well. I am sure that that affected some of your thinking, but do we have an 18-year-old drinking bill in New Hampshire? No, we do not. Why is that? Is it that the legislators in New Hampshire are more concerned with the adult rights and privileges than we are? Is that the reason? I don't think so, I really don't. I think the reason is that the people in New Hampshire are taking advantage of what we did in the State of Maine. They are taking advantage in a financial way. As a representative from the southern part of the state said earlier, and his name escapes me, they are bringing our young people into New Hampshire to consume alcohol, they are doing it now, there is no question about that.

The people that I represent, obviously, many of them don't get into an automobile and drive to New Hampshire from the Lewiston-Auburn area but yet I had an opportunity to speak to many of these young people and I did last week. What have we done? Have we made criminals of our young adults? That is what we have done because they are still consuming alcohol. You can go out into any of your legislative districts and ask the young people between the ages of 18 and 19 if they have stopped drinking because of this bill and they will tell you that they have not. They won't because if you, the legislature, say to yourselves that we are going to give the young people all the adult rights and privileges but yet, at the same time, are going to deny them the right to consume alcohol, it is inconsistent, it is unbelievable and I hope that today you take your responsibility as a legislator and let me say this, ladies and gentlemen, if any of you are willing to sponsor a bill which will take all adult rights and privileges away until the age of 21 I will support it, but I don't think any of you are willing to do that. You are going to Mickey Mouse the issue and you are going to come back and take rights away one by one, only the ones that you agree with, and the ones you don't like you will take away, but it does not work that way in today's society. If a young person has a right to vote and if a young person has a right to go out and finance an automobile or to get married, after he has done those three things, he needs a drink.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I feel that we would be doing the people of this state a favor by voting to indefinitely postpone and save them the trouble of going to the polls. I am real confident that this would be defeated by the people. It will be just another issue if you sent it out to them today, that I will be able to stand here again and say, "I told you so."

I represent as many young people in my district as the rest of you do, but I cannot find any enthusiasm amongst them, and I went out of my way to talk with them for the last week or two about this bill. The ones that I talked with cannot see any excitement about passing this 18-year-old bill, not excitement enough to circulate a petition in its favor.

I guess that I live so far away from New Hampshire border we are not having much problem with them going across the border from where I live. I feel real confident that the people in Maine would defeat this by a large majority and I think we would be doing them a favor this morning if we save them the trouble and indefinitely postpone this. I hope we do this.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I respectfully request your attention. I also wish many of my fellow legislators were in their seats.

I wear a pendant in this House very often. It is a Bicentennial commemorative coin and one of the key phrases on this coin is "A rebirth of concern for the people, by the people and of the people" and the rebirth of concern is my bag today and I liken my sponsorship of the 18-20 drinking bill as such.

I honestly and sincerely am convinced that the action we took last session has served to disenfranchise the majority of our younger adults, and I choose to call them younger adults simply because I am an older adult. We have disenfranchised them because of the mindlessness of a minority. We in this House heard testimony that some 18-year-olds were abusing their drinking prerogatives in contributing to minors, so we, as a court of 184 strong, sat as a jury, found all 18-year-olds guilty, indicated them and convicted them all. Fair play— isn't that wonderful? The end result is that we legislated to no avail and the question was raised a few minutes ago, does anyone have any statistics to show that things are the same or better? In a position paper made by the Department of Educational and Cultural Services that was handed to us just prior to the hearing, and I wish to quote the first line of that comment, it says, "the Department of Educational and Cultural Services continues to be concerned about reports from Maine school superintendents, principals, teachers, guidance personnel, parents and students which confirmed the increase in alcohol use and abuse related problems by school age youths." The law became effective in October and in January they are still getting reports of abuse. Has it helped? I say, no.

We stripped away the rights of those who are responsible. Instead of building bridges between the older and younger adults, we have rotted the spars that are supposed to support those bridges.

Let's take a look at what we did. We stripped and weakened the responsibility of the parents. We have literally handicapped parents in their day-to-day affairs in dealing with their young people. Example: parents are having problems in the area of setting up wedding receptions, taking their younger adults out to dinner, knowing that the increase of house parties as opposed to on-premise drinking where there is monitoring is no longer in effect. The Portland Police Department reports that house calls to homes, private apartments and houses to quell disturbances has increased threefold.

The point was made especially to the parents during the last holidays when they found that their younger adults and their dates were no longer able to accompany them to hotels and the lodge and fraternity hall parties. Those who were licensed would not risk losing their licenses, so the parents could not allow their younger adults to accompany them.

I say to you that an overwhelming number of parents have changed their minds about what we did and the evidence was there at the hearing last session two to one to raise the drinking age; this year, pretty even. Even the Maine Opinion project that is conducted by WGAN-TV in Portland, the first time they raised the question, the yes's and no's were two to one to raise the drinking age. The last time they asked, there was only 100 votes separating the two.

I made a point last year of saying to you that should I and other parents find ourselves with a minor who comes home drunk or winds up in court because of alcohol abuse, that not a single one of you would be in the courts or in that home to help the parent deal with it. I thought that you might wonder if that was an issue for us to deal with or if, indeed, the debate should be where it belongs, in the homes.

I am not afraid to send any of this issue out to referendum and I don't consider it to be a copout at all. The best alcohol use or abuse education program we could possibly generate would be for the debate to take place in the homes.

I also asked you to remember the story that is told from time to time from our experienced ex-policeman-legislator, who tells us about bringing the drunk child home to his mother while the father, more often than not, was in bed drunk himself. I think it is time for us to wonder if the officer can or cannot urge the mother to find help for herself and her child. Ask why the mother herself does not seek help for herself and her child and, finally, are there not ways to drag that unfit father out of that bed and without the sole use of his arms and legs to do it with?

I ask all of you to recognize the fact that there is a majority of responsible and mature younger adults in this state. There are a lot more parents who have done a better job of raising their children to respect the use of alcohol than we. It is the time to reexamine what we did last session. I say we made an error in judgment and I ask all of you to agree and hope you have the intestinal fortitude to admit that maybe we were to hasty and feel that there is cause for us to look again. If some of you feel that my comments here today were probably aiming below the belt just a little bit, then I would say to you, please remember that I am a short person and my aim is naturally lower.

In a document that was passed out to you and I wonder how many of you took the time to read it, I say maybe ten out of the members of this House, which saddens me, — under number three, is a compilation of some of the things I said at the hearing.

The 19 year old who holds a full-time job brings home a paycheck I wish my husband had brought home when we were first married, who pays his rent and his bills and the utility costs and who is going to be a father in the spring, is my son-in-law and the 20 year old female referred to in that article is my daughter and it was not funny at all when she asked me what her responsibility was and how responsible would she be if she went to the store and purchased a six-pack of beer and served it to her minor husband? We have to look at this situation again.

I hope you will not indefinitely postpone and that we take each report, one by one, and go through them and decide on the one that will best serve to recognize the majority of our younger adults who deserve to be recognized.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker and Members of the House: There was a request earlier for some facts and figures on what has transpired relative to the drinking age and its effect on our younger citizens. We have had some attempts at making this point but we have not had any statistics and I would like to give you some of the statistics that were made available to us by the Department of Public Safety in the State of Maine.

I think Representative Hughes from Auburn stated very clearly the reason why a split bill provides us with some guarantees against the problem of alcoholism in our schools while still extending to our young adults a portion of the privilege that was granted to them at referendum a few years ago.

Now, underlying our debate last year and this year is another question that has not been brought to the floor but I think it is affecting a lot of our decision making, and that is the subject of fatalities. We talk about our young people driving on the roads and being involved in fatal accidents and we have some statistics kept by the Department of Public Safety since 1963. The number of fatalities in the 18 and 19 year old bracket in automobile accidents, the number of 18 and 19 year olds who are licensed drivers and the fatal crash involvement per thousand drivers in the age group of 18 to 19 year between 1963 and 1971, the mean crash involvement per one thousand 18 and 19 year olds who were licensed to drive was 1.343; on and one-third 18 and 19 year olds died for every one thousand 18 and 19 year olds who were licensed to drive. It is a very saddening statistic, and that was when the drinking age was 21 and for a short time 20. Since 1972 to the present, the mean crash involvement per one thousand 18 and 19 year-old drivers has dropped by 25 percent, and it is now only slightly above one fatality per thousand 18 and 19 year olds licensed to drive. What this means is that since the people voted at referendum to extend to 18 and 19 year olds all adult rights, the number of fatalities by these people who we are most concerned with in the age bracket of 18 and 19 has declined. There are fewer people driving on the roads drunk and getting killed. I think the reason why that has taken place is because we have given these individuals who are going to drink, regardless of what our laws say, a place to drink it under supervision where they can be shut off if they drink too much, where they are under the responsibility of an adult who has the legal responsibility to supervise them. When we force the young people by our laws to drink in the back seats of automobiles on back roads where they are out of supervision, where they have to finish off those last two cans of the six-pack because they cannot take it home, we are fostering greater numbers of fatal accidents on our roads because our young people are drunk.

All of us recognize the problems of alcohol. There is no question that alcohol is a dangerous substance, but it is going to be used, and if any of you can remember to your adolescence, you will know that people who want to drink will drink regardless of what the law is. It is much better to have those people under the supervision of a responsible adult to supervise their behavior and cut them off when they drink too much than to have them driving around aimlessly on the back roads, drinking more than they are capable of handling, having to get rid of the evidence by drinking it and running into you or me or some of our loved ones. I would just as soon have them in the bars doing their drinking than on the back roads.

Since the issue of 18 and 19 year olds being able to drink was decided at referendum by all the people of this state in a solemn occasion, I think it is only appropriate that if we should make any changes in this law, that those changes should be done by the same people who voted the age to 18, that being the people.

All of the "ought to pass" reports on this bill recommend a referendum. I think this issue

will be decided at referendum regardless of what this legislature does, so let's not be fools, let's sent it to the people, where a good decision can be made. We have all accepted the decision on the Uniform Property Tax, that the people are wise and I think we should give them the opportunity to exercise their wisdom.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: It sure makes a difference, I guess, in a few months of being up here — they always say that time changes a lot of things. It was only a few short months ago that we debated a bill up here on a referendum and the same people this morning who want a referendum voted against that referendum that day. I suppose they have more interest in this kind of bill than they have in whether murderers and rapists continue to be free in this state.

They say they are adults and they know what they are doing at 18 and 19 and to be sure, many of them do, but I remember a bill that we debated and passed overwhelmingly in this body on forced retirement. When a man or woman got to a certain age, the law said they would not be capable of doing their job. We turned that bill around. Age has nothing to do whether a person is an adult or not; whether a person is capable of doing his job because he turns one day older, he is not capable of doing his job. I think we are all intelligent enough to understand why we supported that bill.

This morning, we have heard people talk about what is right and what is wrong, and I am certainly not going to judge that today. The thing that I am going to ask is that if we allow this bill to become law and we have people in this House who thrive on discrimination, we have people in this House that burn to no end when discrimination is sought against one group or another. Rightly so they have those complaints.

Many people in this House and in this state send their children to private schools, to parochial schools for religious education, hiring the best teachers, the best principals and the best superintendents that money can buy for guidance and leadership, but then all of a sudden when they become 18 they don't need that anymore; they are out on their own, they don't need leadership, and all the money that you have spent in your families, and most of them have been hard earned dollars because the majority of the people of this state are hard working, mill working people. Yet, when young people who are supposed to be so educated will leave the state of Maine to go to New Hampshire because they can buy booze, and those are supposed to be educated people, too bad they didn't keep them there, send them on a one-way ticket and not let them come back. I think if I had done something so foolish as that, I could be forgiven because I don't have the education that so many other people today have. I never had the chance. But when well educated people will get up and say they travelled across the state to show this legislature that their feelings are that we have made a mistake, well, isn't that a shame. I feel real sorry for that group of college-educated people who are going to show this legislature that we are wrong.

In a store last week in my community, a young girl came up to me and said, if you vote against the 18 year olds drinking in bars I am not going to vote for you. I told her, good! I don't want her vote. I don't want the votes of people who feel that I have to commit myself to something that I don't believe in. If I were from a college town, I would tell them the same thing.

I believe that we set the example to the very best of our ability for young people and then they are on their own. We raise them, we do the best we can, we educate them, we spend money on them, we put them through school and when they become adults they are on their own.

Sometimes you win and sometimes you lose, but to have young people tell this legislature, because of their actions, that we do not allow booze to be sold, that they are going to have their party in New Hampshire, I think is probably about one of the most stupid things that they could ever do to convince this legislature to join their side. I could think of several other good ways to persuade me to give them this opportunity.

They talk about the people having the right at 18 to be married and whatever other rights they have, fine and good, but that does not give the right to this legislature to be dictated to by a small minority group. And remember a chain is only as strong as its weakest link. If we have 10,000 young people in this state that should be kept out of bars, then it is the duty of this legislature to protect that 10,000 that need our help.

I could go on this morning but I am not going on any further. I feel that many of you young people in this legislature who support drinking at 18, that is your prerogative. You probably drank yourself at 18 and you turned out all right, you didn't kill anyone on the highways, you had no accidents, you saw that everything was fine, you are adults and go elected to the legislature, you really have done well, but what about all those others who haven't done so well? Do you have any consideration for them this morning? Are you going to open the doors again? Are you going to say, we don't want you to go to New Hampshire? Stay home here. Well, I am not going to say that. I am not going to say this morning that the people of Maine should decide this issue either. The people of Maine elected this legislature and I am sure that coming from a mill town my stand is very unpopular this morning, but I will accept that responsibility.

This legislature owes an obligation to the people who elected them, and if we are going to turn around and send every piece of legislation back to the people, then we might as well not be here in the first place. Let's all go home and anyone who wants to have a referendum, we will let the people decide. Well, I am not going to accept that this morning. I feel the members of this House are intelligent enough, respectable enough for the young people of this state to kill this bill this morning once and for all.

This bill will be debated long after we are six feet under. In years to come, the debating of the 18, 20 or 21 year olds will always be debated. We are not going to settle anything here this morning, and I am sure that in the next session, regardless of what happens here this morning, there will be other bills back before this House. This is not dead here today, it is not dead. It was let in illegally, in my opinion, in the first place by the leadership, but the bill is not dead. If it is killed here this morning, it will be back. It will be back in the 109th and to be sure, some of us won't be here, but the rest of you will have to make that decision. But I urge the members of this House, not for my own sake because this doesn't mean one thing to me, I have nothing to gain, but I feel that I have plenty to lose if an 18 or 19 year old drinks in a bar all day and drives his car home, as was stated by the good gentleman up there drinking on wood roads, it is the same effect, I think we owe an obligation to the people of this state. We can let them drink at 15 if we want to, we can let them wait until they are 21 to drive a car if we want to, that is our prerogative. We can make the laws as we so choose.

What has happened here, we have found that 15 year olds are capable of driving in a good and proper manner. I don't believe any of you, regardless of how strong you feel about this, believes that a 19 and a 20 year old, or a 40 or 45 year old, is capable of driving a car intoxicated. I don't believe that. I don't think there is any age discrimination.

I certainly feel we should kill this bill this morning. If good reasons can be shown to the

next legislature, and I am sure that many of you young fellows will be back here again, then put it in again and start all over again, but this bill is not going to be settled today, ladies and gentlemen. But have an obligation to the young people and at least show them that you care. You are not doing them a favor by allowing them to drink and they are not doing us a favor by going to New Hampshire so they can get killed over there. You are not doing the young people one bit of good.

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

Mr. GREEN: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Auburn, Mr. Green, has moved the previous question. For the Chair to entertain a motion for the previous question, it must have the consent of one third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

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

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

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

Mr. CARRIER: Mr. Speaker and Members of the House: As far as putting the main question now, I am against it. I voted against it because I think that this is one of the worst moves that this House has ever made, not to give the opportunity to those who are here to speak if they want to speak on something.

I don't want to make any reflection on who makes the move, but I do think that in the future we should put a lot of consideration in the matter before somebody makes that motion. I am against it and I hope a lot of others are too.

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

Mr. MARSHALL: Mr. Speaker and Members of the House: I would like the opportunity to speak on this also. I am the cosponsor of this measure and I have been waiting for other members to speak and I would like to have the opportunity to address this body.

The SPEAKER: The pending question is, shall the main question be put now. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 33 having voted in the affirmative and 72 having voted in the negative, the main question was not ordered.

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

Mr. MARSHALL: Mr. Speaker and Members of the House: I would like to respond to a couple of comments and questions that have been raised by various representatives. First of all, to Representative Dudley, who suggested that we could avoid the people going to the polls by defeating this bill today, I might point out that the thinking of this body is not always reflective of the thinking of the people of Maine, and that is pretty well reflected by the December 5 repeal.

To Representative Hall's inquiry about statistical information — no information has been given to the Committee on Liquor Control regarding recent figures and the effects of the new law.

To Representative Joyce's statement that 101 Representatives voted for the 20-year-old drinking age last year, well, I was one of them and I would now like to reaffirm my cosponsorship of this legislation and I see no discrepancy in my support of this.

I think this proposal will accomplish the same thing that the 20-year-old law presently

does, but I think it would take it one step further. I think it would allow 18 and 19 year old adults, whether they be students or whether they not be students, a privilege of drinking on premise.

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 pending question is on the motion of the gentleman from Portland, Mr. Joyce, That Bill "An Act to Permit Sale of Alcoholic Beverages for on-premise Consumption at 18 Years of Age" House Paper 1887, L. D. 1944, and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, I would like to pair my vote with Representative Gill. If she were here she would be voting yes and I would be voting no for indefinite postponement.

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

Mr. DOW: Mr. Speaker, I would like to pair my vote with the good lady from Waterville, Mrs. Kany. If she were here, she would vote against indefinite postponement and I would be voting for it.

ROLL CALL

YEAS: Aloupis, Ault, Austin, Bagley, Bennett, Benoit, Berry, Birt, Blodgett, Boudreau, A.; Brown, K. C.; Bunker, Carrier, Carroll, Carter, F.; Chonko, Churchill, Clark, Cox, Dexter, Diamond, Drinkwater, Dudley, Durgin, Dutremble, Fenlason, Flanagan, Garsoe, Gillis, Goodwin, K.; Gould, Gray, Greenlaw, Howe, Hunter, Hutchings, Immonen, Jackson, Jensen, Joyce, Kilcoyne, Laffin, LaPlante, Lewis, Littlefield, Lizotte, Locke, Lougee, Lunt, Lynch, Mackel, Mahany, Martin, A.; Masterman, Masterton, McBreaarty, McKean, McMahon, McPherson, Morton, Najarian, Nelson, M.; Nelson, N.; Palmer, Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Twitchell, Whittemore, Wood, Wyman

NAYS: Bachrach, Beaulieu, Berube, Biron, Boudreau, P.; Brenerman, Burns, Bustin, Carey, Carter, D.; Connors, Connolly, Cote, Curran, Davies, Elias, Fowlie, Goodwin, H.; Green, Hall, Henderson, Hickey, Higgins, Hobbins, Huber, Hughes, Jacques, Jalbert, Kane, Keliher, Kerry, MacEachern, Marshall, Maxwell, McHenry, Mitchell, Nadeau, Norris, Paul, Quinn, Raymond, Rideout, Sewall, Spencer, Truman, Valentine, Violette, Wilfong, The Speaker

ABSENT: Cunningham, Devoe, Mills, Moody, Tarbell, Tyndale

PAIRED: Brown, K. L.; Dow, Gill, Kany
Yes, 92; No, 49; Absent, 6; Paired, 4.

The SPEAKER: Ninety-two having voted in the affirmative and forty-nine in the negative, with six being absent and four paired, the motion does prevail.

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

Mr. JOYCE: Mr. Speaker, having voted on the prevailing side, I ask for reconsideration and hope you all vote against me.

The SPEAKER: The gentleman from Portland, Mr. Joyce, having voted on the prevailing side, now move we reconsider our action whereby this Bill was indefinitely postponed. All those in favor will say yes; those opposed will say no.

A viva voce vote being taken, the motion did

not prevail.

Sent up for concurrence.

Consent Calendar

First Day

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

(H. P. 1902) (L. D. 1963) Bill "An Act converting Beaver Cove Plantation into the Town of Beaver Cove". Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H - 956)

No objections being noted, the above item was ordered to appear on the Consent Calendar of January 17, 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. 1906) (L. D. 1967) RESOLVE, to Amend the Apportionment of Multimember Districts of the House of Representatives into Single Member Districts (Emergency)

No objection being noted, the above item was passed to be engrossed and sent up for concurrence.

(H. P. 1880) (L. D. 1934) Bill "An Act to Increase the Bonding Limit of the Maine State Housing Authority" (Emergency)

On the objection of Mrs. Najarian of Portland, was removed from the Consent Calendar.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading tomorrow.

(H. P. 1890) (L. D. 1947) Bill "An Act Relating to Joint Committee Between George Stevens Academy and Nearby Towns" (C. "A" H - 953)

(H. P. 1878) (L. D. 1932) Bill "An Act Relating to the Taxation of Certain Property Owned and Operated by Telephone or Telegraph Companies" (Emergency) (C. "A" H-955)

(H. P. 1892) (L. D. 1949) RESOLVE, to Appeal the Decision of the State Claims Board Regarding Property Damage Suffered by Phillip G. Rotolo of Portland Because of a Resident of the Maine Youth Center (Emergency)

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

Passed to be Engrossed

Bill "An Act Concerning the Discount Factor and Capitalization Rate in the Tree Growth Tax Statutes" (Emergency) (H. P. 1882) (L. D. 1936)

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

Mr. Cunningham of New Gloucester was granted unanimous consent to address the House.

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I had to be in the Governor's Office for a few moments and I missed that last roll call. I would like to have it recorded that I was in favor of indefinite postponement.

On motion of Mr. Jalbert of Lewiston, Adjourned until 9:30 tomorrow morning pursuant to the Joint Resolution in memory of the Honorable Hubert H. Humphrey.