

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

SENATE

Wednesday, February 23, 1977

Senate called to order by the President.

Prayer by Father Jules Guy of the Augusta Mental Health Institute in Augusta.

Father GUY: In Isaiah we read this prayer for the leaders of a people: The spirit of the Lord shall rest upon them, a spirit of wisdom and of understanding, a spirit of counsel and of strength, a spirit of knowledge and of fear of the Lord; not by appearance shall they judge, nor by hearsay shall they decide, but they shall judge the poor with justice and decide aright for the lands afflicted.

We pray You, Oh God of wisdom and justice, to assist with your spirit of counsel and fortitude the Legislators of the State of Maine. May their deliberations be conducted in righteousness, and may they promote the total human development of every citizen, that each one might reach the fullness of his human dignity. Let the light of Your wisdom direct the deliberations of our Legislators and shine forth in all laws framed for our rule and government. May they tend to the preservation of justice for all our people, the promotion of equal liberty for all our citizens; the search to alleviate poverty and misery of too many of our brothers and sisters. May God's spirit be with you all in your deliberations. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

**Papers from the House
Non-concurrent Matter**

Bill, "An Act to Eliminate Membership Deadlines for the Cobbossee Watershed District." (H. P. 294) (L. D. 351)

In the House February 9, 1977, referred to the Committee on Public Utilities.

In the Senate February 16, 1977, referred to the Committee on Natural Resources, in non-concurrence.

Comes from the House, that Body having insisted.

Which was read.

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

Mr. SPEERS: Mr. President and Members of the Senate: This is not one of the more momentous Bills to come before us this Session, and it really makes somewhat little difference as to which committee this Bill goes on. However, it is not a matter to deal with public utilities, this is not a water district in the sense of it being a utility, it is rather a conservation district. I have talked with those in the other branch who are interested in this particular matter and if we do send it down remaining in its reference to Natural Resources, I do believe the other branch will concur and, therefore, Mr. President, I move that the Senate adhere.

On motion of Mr. Speers, the Senate voted to adhere.

Joint Orders

Expressions of Legislative Sentiment recognizing:

Mary Worthly celebrated the 76th anniversary of her birth on February 16, 1977 (H. P. 468)

The Redskins of Scarborough High School, who, in the 1976-77 academic year, were the Western Maine Class A Soccer Champions for the fourth consecutive year and the State Class A Soccer Champions for the third consecutive year. (H. P. 470)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

Joint Resolutions

A Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Lt. Kenneth E. Shaw of Farmingdale, who retired after 25 years of distinguished service in the Maine State Police. (H. P. 469)

A Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Norman E. Morse, who was town clerk of Scarborough for over twenty-five years. (H. P. 471)

Come from the House, Read and Adopted.

Which were Read and Adopted, in concurrence.

House Papers

Bills and Resolves received from the House requiring reference to Committee were acted upon in concurrence, with the following exceptions:

Bill, "An Act Relating to the Costs of General Assistance." (H. P. 422) (L. D. 527)

Comes from the House. Referred to the Committee on Appropriations and Financial Affairs and ordered printed.

On Motion of Mr. Morrill of Cumberland, referred to the Committee on Performance Audit and ordered printed in non-concurrence. Sent down for concurrence.

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

Mr. SPEERS: Mr. President, with reference Item 1-33, I move that the Senate reconsider its action whereby this Bill was referred to the Committee on Business Legislation on concurrence.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate reconsider its action whereby Item 1-33, "An Act to Create a Board of Registration of Substance Abuse Counselors", (H. P. 418) (L. D. 530) was referred to the Committee on Business Legislation. Is this the Pleasure of the Senate? It is a vote.

Mr. SPEERS: Mr. President, I now move that this Bill be referred to the Committee on State Government in non-concurrence.

On Motion of Mr. Speers of Kennebec, referred to the Committee on State Government and ordered printed.

Sent down for concurrence.

Senate Papers

Mrs. Snowe of Androscoggin presented, Bill, "An Act Relating to the Fair Trade Act." (S. P. 188)

Which was referred to the Committee on Business Legislation and Ordered Printed. Sent down for concurrence.

Mr. McNally of Hancock presented, Bill, "An Act to Establish a Closed Season on Deer on Deer Isle." (S. P. 194)

The same Senator presented, Bill, "An Act Establishing a Limited Open Season on Moose." (S. P. 191)

Which were referred to the Committee on Fisheries and Wildlife and Ordered Printed. Sent down for concurrence.

Mr. McNally of Hancock presented, Bill, "An Act Relating to Maximum Benefits under the Employment Security Laws." (S. P. 193)

Which was referred to the Committee on Labor and Ordered Printed. Sent down for concurrence.

Mr. Trozky of Penobscot presented, Resolve, "Permitting the Use of the name 'Maine' for the Maine Association for Human Genetics." (S. P. 195)

Which was referred to the Committee on Legal Affairs and Ordered Printed. Sent down for concurrence.

Mr. Minkowsky of Androscoggin presented, Bill, "An Act to Require Notice and Hearing to Counties When Ordered to Pay Surveyor's Fee." (S. P. 184)

Mr. Conley of Cumberland presented, Bill,

"An Act Relating to Residency Requirements of Municipal Employees." (S. P. 192)

Which were referred to the Committee on Local and County Government and Ordered Printed.

Sent down for concurrence.

Mr. Carpenter of Aroostook presented, Bill, "An Act Concerning the Veterans Preference in State Hiring." (S. P. 189)

Mr. Conley of Cumberland presented, Bill, "An Act Relating to Membership on the Maine Council on Alcohol and Drug Abuse Prevention and Treatment." (S. P. 190)

Which were referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

Committee Reports

House

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 20 of the Joint Rules:

Bill, "An Act Concerning the Requirements for the Hiring of a Superintendent of Schools by a Municipality." (H. P. 65) (L. D. 90)

Leave to Withdraw

The Committee on Business Legislation on, Bill, "An Act to Provide for Cumulative Voting by Corporations Registered in Maine." (H. P. 217) (L. D. 281)

Reports that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on State Government on, Resolution, "Proposing an Amendment to the Constitution to Abolish the Office of the Treasurer of State." (H. P. 115) (L. D. 145)

Reports that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Transportation on, Bill, "An Act to Clarify the Laws Governing Vehicles Overtaking and Passing." (H. P. 17) (L. D. 26)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-22).

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

Ought to Pass - As Amended

The Committee on Agriculture on, Bill, "An Act Relating to the Definition and Licensing of Applications under the Pesticide Control Law." (H. P. 108) (L. D. 139)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-17).

Comes from the House, the Bill Passed To Be Engrossed, As Amended by Committee Amendment "A".

The Committee on Judiciary on, Bill, "An Act to Authorize the Commissioner of Public Safety to Empower Local and County Law Enforcement Officials with Statewide Jurisdiction." (Emergency) (H. P. 102) (L. D. 126)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-15).

Comes from the House, the Bill Passed To Be Engrossed, As Amended by Committee Amendment "A".

Which Reports were Read and Accepted in concurrence, and the Bills Read Once. Commit-

tee Amendments "A" were Read and Adopted in concurrence, and the Bills, as amended, Tomorrow Assigned for Second Reading.

Senate

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 20 of the Joint Rules:

Bill, "An Act to Require Municipal Clerks and Registration Commissioners to File Lists of Certain Residents with Jury Commissioners." (S. P. 60) (L. D. 133)

Ought to Pass - As Amended

Mr. Wyman for the Committee on Taxation on, Bill, "An Act to Exempt Turbojet Fuel used for International Flights from Sales Tax." (S. P. 9) (L. D. 14)

Reported that the same Ought to Pass, As Amended by Committee Amendment "A" (S-15)

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

Divided Report

Six members of the Committee on Liquor Control on, Bill, "An Act Raising the Age of Persons who may Purchase Alcoholic Beverages or Sell as Licensees." (S. P. 1) (L. D. 4)

Reported in Report "A" that the Same Ought to Pass in New Draft under Same Title. (S. P. 196) (L. D. 574)

Signed:
Senator:

LOVELL of York

Representatives:

MARSHALL of Millinocket
CONNERS of Franklin
LIZOTTE of Biddeford
TWITCHELL of Norway
IMMONEN of West Paris

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

Signed:
Representatives:

MAXWELL of Jay
RAYMOND of Lewiston
JACQUES of Lewiston

Two members of the same Committee on the same subject matter reported in Report "C" that the same Ought to Pass in New Draft under New Title: "An Act Raising the Age of Persons who may Purchase Alcoholic Beverages or Sell as Licensees to 19 Years of Age". (S. P. 197) (L. D. 575)

Signed:
Senators:

LEVINE of Kennebec
DANTON of York

One member of the same Committee on the same subject matter reported in Report "D" that the same Ought to Pass in New Draft under New Title: "An Act to Raise the Age of Persons who may Purchase Alcoholic Beverages from Retail Establishments for Off-premise Consumption or to Sell as Licensees". (S. P. 198) (L. D. 576)

Signed:
Representative:

NADEAU of Sanford

One member of the same Committee on the same subject matter reported in Report "E" that the same Ought to Pass in New Draft under Same Title. (S. P. 199) (L. D. 577)

Signed:

Representative:
GRAY of Rockland

Which Reports were read.

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

Mr. LOVELL: Mr. President, this has been a very controversial Bill, and two weeks ago at the Civic Center we had some 400-odd people there from all places in the State of Maine, from the Chief of Police in Calais to the Superintendent of Schools in Dover-Foxcroft, and just about every person you could think of. We conducted the hearing for six solid hours, and I didn't move from my chair for six hours so I would be sure to get down all the details, and I am prepared for a three hour debate, but I will not debate that long, I can assure you.

I just want to tell you that the Bill we decided on, as amended, was the Bill that was presented by the good Senator from York, Senator Hichens, and good Senator from Cumberland, Senator Conley, and the good Senator from Penobscot, Senator Cummings. This Bill had placed the age at 21. However, after discussion with many people, we decided with the permission of Senator Hichens, that this Bill should be amended to the age of 20. We felt that 20 would be a good time to start.

We passed out three papers, three blanks at the Augusta Civic Center, and there were some 400 signatures, with about 300 signatures for 21 years of age and some went up as high as 50 and 60 years of age. However, after carefully talking with my Committee — the larger part of the Committee as you can see, came out for the "A" report, which later I am going to move that we accept Report "A" and ask for a Division. I think, just briefly, the other reports that were suggested by leadership, where there were four different Bills, that we should come out with one Bill. It was quite a proposition, because the House had to have a statement of facts and the Senate does not accept a statement of facts. So we finally made the arrangements, and the Bill is out today, the most controversial Bill certainly of this Session.

The "A" section is the section that was signed by the larger number of the Committee on Liquor Control. The "B" section is the Ought Not to Pass section, and was signed by three people. The "C" section, which came out under a new draft; the "C" section is an Act raising the age of the persons who may purchase alcoholic beverage or sell as licensee to the age of 19 years. And Report "D" was the section put in by two members of the other Body, which would allow the 18-year-old to drink, but not purchase liquor until they are 19. And the final section put in by a member of the other Body, would raise the age to 20.

Now, actually the re-write on L. D. 4, which was the Senator Hichens' Bill, has a grandfather clause in it and states that — changes the age from 21 down to 20, a re-write on the Bill, and at the same time those persons having licenses now will be able to purchase liquor until this Bill goes into effect, which will be 90 days after this Session closes, as it is not an emergency Bill.

I hesitate to go into some of the evils of drinking that has come to my attention in hundreds of letters that I have received from Superintendents of Schools, from Ministers and from mothers and fathers of broken families. It seems as though the liquor has gotten down to the point that the 14, 15 and 16-year-old person can get liquor and the 14, 15, 16-year-old person gets the 18 and 19-year-old to get the liquor for them. The thing that worries me the most is that all over the United States boys and girls are running away at 14 and 15, becoming prostitutes in many cases due to liquor. I saw in the Wall Street Journal just yesterday, that drugs have lessened and the young people are going onto liquor.

I don't say this Bill is a cureall. I don't, certainly, but something has got to be done. We must try to do something for our teenagers, especially in the high schools. After they get to college, well, they are really on their own. Most

of them have left home. But we lack, as the good Senator from York, Senator Danton, said, we lack the proper type of education in the primary and grammar schools and high schools on the dangers of drugs, sex and alcohol. I won't go into the number of murders, the number of accidents by teenagers from driving, which I have here. It is amazing.

We can save lives by passing this bill, and we can save possibly the life of a person who might become an alcoholic and stay an alcoholic all their life, develop cirrhosis of the liver and every drink of alcohol kills a few cells in the brain. That is my concern and I certainly don't want to make this a long debate, but in the mail that I have received, I certainly feel and I would now move that this body accept Committee Report "A" and when the vote is taken I would request a Division. Thank you.

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

Mr. DANTON: Mr. President and Members of the Senate, I reluctantly rise to oppose the good Senator from York, Senator Lovell, but as you can see from the reports from the Committee, all three Senators showed concern about the drinking problem in the State of Maine.

The thing is how are we going to get something on the books. Two years ago, as a member of the Liquor Control Committee, I reported out a minority report to raise the drinking age to 19 years old. It came into this Body, and this Body, through its wisdom, did not accept the 19 year old report. They accepted the 20 year old report. We sent it down to the other Body, and then the ping pong game started, going back and forth, and we ended up with nothing — two years with absolutely nothing on the books.

Today this Senate has an opportunity to get something on the books. We can take and pass what will be acceptable to the majority of the Members of this Legislature. 20 years old is just a little too high. All through that testimony, I think the Members of that Committee heard one thing, that the problem is in the schools — at the basketball games, at the football games. That is where the problem lies.

I think at the age of 19 years old we can take care of that problem, and get it out of the schools, and at least we will be taking a step in the right direction. I think if we accept the report to raise it to 20 years old, this Legislature will leave and we will have absolutely nothing on the books. Therefore, I oppose the motion to accept Report A.

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

Mr. HICHENS: Mr. President and Members of the Senate, I rise to support the Motion of the Senator from York to accept the majority report of the Liquor Control Committee.

Although I sponsored LD 4 raising the age to 21, I was supported by my co-sponsors, other Legislators and almost 300 people at the hearing. I personally do not agree with the statement that the good Senator made that there were over 400 odd people at the hearing. I feel that they were very human people, indeed, and very normal in their actions at that hearing.

At the hearing 20 Maine residents, fellow Legislators, school officials, law enforcement officials, Mr. Tim Wilson, Director of Community Services, Mr. Robert Nevin of the Secretary of State's office, clergymen, high school students, Dean Marriner, former Dean of Colby College, and concerned parents took the opportunity to express their concerns, related problems created by the present law and urged the Committee and the Legislature to raise the drinking age to 20 or 21. Several others of those present at the hearing wished to speak, but had to leave before having the opportunity to do so. 19 opponents — one high school student, two Legislators, a concerned citizen

and the rest students of various colleges throughout the State spoke against all four Bills presented.

I personally would like to see the age raised to 21, and may yet offer an Amendment to do so. If we can vote to raise the age to 20 and get liquor out of the high schools, we will make a great step forward.

Raising the age to 19 will not — and I repeat, will not correct the situation now existing in our schools, where teenagers still in the school system can furnish liquor to lower classmen. Dr. Fahey, Principal of Bangor High School, told the Committee that 11.4 percent of his graduating class will reach the age of 19 during this class year, so raising the age to 19 is liable to create more problems, rather than decrease them.

Answers to questionnaires that I sent to Principals throughout the State support Dr. Fahey's statement that there are several 19 year olders in our schools, and that the age should be raised to at least 20.

Law enforcement officials answering similar questionnaires mostly support raising the age to at least 20.

Of the 171 replies from Principals, 144 are in favor of raising the drinking age. Of the 60 replies from police chiefs, 51 are in favor of raising the age.

At the hearing, 324 people signed a questionnaire circulated by the Committee in favor of raising the age, while 63 were opposed.

I have made copies of the replies received from Principals and police chiefs, and would be pleased to provide any Senator with the answers from school and law enforcement officials in his or her district so that they may see first-hand how the officials responded.

We are not introducing this Bill just to get something on the books. We are very anxious to do something for the young people of our State. I fully realize that merely raising the drinking age will not cure the problem, but it will help immensely.

Not to prolong the debate further at this time, I urge you to support the Motion, and when the vote is taken I request a roll call.

The PRESIDENT: A roll call has been requested. The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE: I rise to oppose the Motion that we pass Committee Report A. I signed out of Committee, Committee Report "C", which raised the drinking age to 19.

I had a lot of trouble making a decision on this. It was an extremely difficult decision for all of us to make, I am sure. I asked for figures at the Committee hearing, and I am afraid I got more than I bargained for, and it took me many days to go through the figures; and what I found, quite simply, was something that agreed with a study I made back in 1967 while I was a college student.

The problem of alcohol abuse in this Country is on the increase, and it is increasing among the younger people more rapidly than others, that is the age group from 12 to 20. But this is a national phenomenon. This isn't dealing only with those states that have a drinking age at the present time of 18, 19 or 20, but also those states that have a drinking age of 21. Many of the figures that I have gotten are somewhat suspect. I have gotten them from people on all sides of the issue, and I have attempted, as best I could, to go over these figures and see what I could come up with. Simply stated, what I came up with was this, — no matter what we do, if in fact we do anything at all about raising the drinking age in the State of Maine, is going to have a very minimal effect on the problem.

I think we need a stronger program in education, and I think we need more in-put from parents.

There seems to be a feeling among my con-

stituents at least that if we raise the drinking age here, we are going to solve the problem. Lets not allow our constituents to believe that. That is very far from the truth.

I signed out 19, because, first of all, I am not sure at all that raising the drinking age will have more than a minimal effect. I think it may have some effect. Now as far as not removing people that might purchase for the younger students in the high school under the age of 19, I also believe that there are high school students in this State who have reached the age of 20, and there are some who have reached the age of 21. I think you have to make a decision about where you are going to draw the line. I think that 19 is a position that I can live with. I know my constituents can live with it. Basically it will take it out of the schools, and that seems to be the major problem, and I think that perhaps after all of the discussion on this Bill, and all of the debate on this Bill, that we as Legislators in the State of Maine should go back home, speak with our constituents, no matter what our findings are today, and discuss with them what they would like to see done in the State of Maine as far as alcohol education goes, as far as perhaps a select committee of parents and Legislators from a cross section around the State getting together and attempting to deal with the real problem. The real problem here is not just our young people. The real problem here is a problem of drug abuse. Now people here today have spoken of drugs and alcohol separately. They are not separate. Alcohol is a drug. It is a very dangerous drug. Used in moderation as in the case of most drugs, it is not terribly harmful; but we are not speaking of moderation today. We are speaking of excesses.

Alcohol is one of the very few drugs that can cause death simply from withdrawal. That is, if you are addicted to alcohol, and you withdraw from it too quickly, you can suffer death as a consequence.

I am opposing Committee Report "A", the move for passage of Committee Report "A". I would request that all Senators think very hard on this, and while realizing that we have to do something to help solve this problem, whatever we do here today is going to have a very minimal effect on the problem, and I suspect by passing the age of 20, rather than 19, we are going to alienate that much larger section of our young people. Thank you.

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

Mr. KATZ: Mr. President, I move that the Senate listen very closely to the remarks of the Senator from Kennebec, Senator Levine, because I agree wholeheartedly with most of what he said.

Last year in the United States the various state Legislators dealt with 3,000 pieces of legislation on alcohol, because of the deep concern of our society that alcohol is being abused. The fact is that most of the 3,000 bills that were passed by the Legislatures or considered the Legislators made the sponsors feel pretty good, but they seem to have had a minimum impact on abuse of alcohol. The thing that disturbs me about the debate today is that we are giving the impression that by passing a law, we can deal effectively with a problem of concern to all of us and that simply is not true.

Thirty percent of our people in the United States have made a responsible decision not to drink. Seventy percent of the people have decided that they choose to drink. Obviously there is no abuse from the 30 percent, and our concern is about the 70 percent of the people who drink. I think it is probably true that 10 years from now 70 percent of the people in the United States are still going to be drinking, so our concern should be how to have these 70 percent make responsible decisions as to how they use alcohol, if they choose to use alcohol. And

the fact is that among our young people, the misuse of alcohol is more prevalent than with the adult population.

For the past 3 years I have spent a considerable amount of time as a member of a national task force funded by the National Institute of Alcohol and Alcohol Abuse, and very clearly there are two ways to deal with the problem: one is through laws and one is through education. The education component offers much more opportunity for making a contribution than any laws we can pass. Parenthetically I voted against full adult rights for young people some years back. I voted against it at a time when that was the thing to push for, because of my single concern that alcohol would be increasingly abused, and I have consistently voted to increase the age when I had the opportunity.

But this Legislature, and, as a matter of fact, most Legislatures in the United States, have been so preoccupied with passing laws that by and large nothing has been done in the field of education. And when I say education, I am not referring to the kind of education that was exemplified by a Bill before us last Session, which mandated alcohol education in every school system in the State. Forget it. It is just a question of loading schools up with something that ought to be done at home. The problem is with the family, and the problem is at home, and the problem is the example set by the older people in their misuse of alcohol; and the problem is that a parent who comes home tipsy has very, very little effect on the young person, who is just starting to get into his years of decision making himself.

We have spent millions of dollars on rehabilitation of people who have gone over the brink and have become alcoholics and the principal spokesman for that has consistently been the good Senator from Cumberland, Senator Conley, who has led the State into some very, very important directions. But I suggest that if all of us here in the Senate are really interested in not only passing a law, but in making an impact on the reduction of the abuse of alcohol by people in the State, that I will have a handy-dandy little Bill for your consideration very shortly that gets us into the field of education, and when I speak of education, I am talking about the entire community's education. I cannot promise you the Bill will lead you in the path of righteousness and truth, but I do feel it is about time we made a start.

On that basis, I am not going to support the motion to raise the drinking age to 20 largely because I have become very pragmatic and I feel that a more pragmatic decision is to push it into 19 and get it out of the high schools. I take issue with my good friend from York, Senator Hichens, when he quotes statistics about the number of 19-year-olds in our high schools. The fact is that those figures that he quoted were figures that were in place as of graduation day, which is in June. Most of those kids become 20 in the last few months of the high school experience. I am confident that if we want to get into agreement with the other body and do something, that probably — and I don't know, but probably 19 is the area that will get accommodation.

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

Mrs. CUMMINGS: Many years ago I was told that if temptation were put in front of someone that was so strong that they could not resist it, that the person who put that temptation was just as much to blame as the one who gave in, and I think that in this instance if we made alcohol that much more difficult for the students in high school to get, that we would be doing a very good deed for those students who perhaps are going to find the temptation too strong, the temptation not only to drink, but the

temptation to be the good guy who will provide it for the younger students, the good guy who can show that he is going to take care of his younger friends and perhaps even the temptation of someone who might like to turn a dollar or two by selling it at increased price because he has the age. I think there are not a number of students, it is not normal for the high school seniors to be 19, but I think there are enough of them, so that the 20-year-old group would be a much greater age to allow them to start drinking.

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

Mr. CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, very briefly I would like to make a couple of comments on this issue, not necessarily on either report, but I think that anybody listening to the debate this morning can understand the position of the majority of Senators in this Chamber.

Two years ago I was in the other body and I was one of the leaders in a fight to retain the legal drinking age in the State at the age of 18. Perhaps I am getting older, perhaps I am getting more conservative. I find myself agreeing more and more with the good Senator from Kennebec, Senator Katz.

I will vote today to raise the legal drinking age, but not because I think it will make one iota difference in either the temptation that Senator Cummings alluded to or in the availability of alcoholic beverages at age 13, 14, 15, 16, or any other age. I don't think that by raising the age we are going to prevent or stop one person from procuring alcohol. When I was in high school, not that many years ago, the legal drinking age was 21. It made no difference. The person that wants to drink, be they 13 or 33, is going to drink.

I will vote this morning to raise the age as a symbolic gesture to try to tell our 18-year-old adults that we in the Maine Legislature gave them a right two years ago, a lot of rights. We feel that at least one of these rights is now being abused and so we are going to take it away. I think that any parent, any adult, any educator who feels that we are going to rectify the problem by coming here in these hallowed halls and changing laws is terribly naive and terribly ignorant, and I hope they understand what I mean.

You have heard about education this morning, you have heard about schools, and you have heard about education, and you have heard about schools. Education, in my opinion, is the key, but it starts long before a student ever goes to school, ever goes to kindergarten. The sooner our people realize that the better we are going to be as far as this particular area is concerned. I will vote this morning to raise the age to try to tell our teenage population that they have the ability, they have the power to police themselves if they will only use it. Constantly I hear persons back home saying I wrote my Legislator and changed his or her mind. Gee, I have more power than I realize.

If we have a number of students in any given school situation who are of legal drinking age today, the percentage of that number that is procuring alcohol for minors is very small. The majority of the people who are 18 who are not procuring alcohol have the power to police themselves. They can bring pressure to bear on the small percentage that is procuring and they could have stopped this. I hope that they understand this.

We, as adults — perhaps older adults, if you will, do this constantly throughout our society by the pressures that activate within our society, we stop one another from doing things that we know are not right. 18-year-olds, 19-year-olds, adults must realize that if they are going to have the right, they also have to have the responsibility to police themselves.

I hope this morning, if nothing else is accomplished here today, that this message that I think is felt by the majority of the people in here, regardless of how they vote this morning, I hope this message gets across to both our young and also to our parents. Thank you.

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

Mr. SPEERS: Mr. President and Members of the Senate: Certainly it is very true that what we vote on here today is not a total and complete answer to the alcohol abuse problem that exists in the State today, but it is also very true that we do have an opportunity here this morning to take steps to limit the availability of alcohol, particularly to the younger people in this State. We are talking about limiting the availability of alcohol to the individuals who are just beginning in high school, 14, 15 and 16-year-olds. We recognize that this is a very serious problem. We recognize that this has happened particularly in this State, most particularly since the 18-year-old drinking age was instituted I think that is very true, this is not going to solve all of the problems, but it is very true that we should if we can take this opportunity now to start limiting the availability.

I take issue with the good Senator from Kennebec, Senator Katz when he states that the 19-year-old age would solve this problem by not having it available to the younger children in high school. It may very well be true that most of those individuals who are 19, become 19 just before graduation, maybe one or two months before that time. But the problems that have arisen in the State and that are so rampant at the present time, are that through dances in high school, through parties in high school, those who may legally purchase liquor have been making this available to those who are younger and who are not legally able to purchase it. The time that those dances and the parties are taking place are mostly during the Spring and certainly in leading up to graduation. So the idea that once one becomes 19, if they become 19 only two months before graduation that this does not become a problem, simply does not hold water. It is a problem, and a very serious problem.

I would also very much agree with the good Senator from Aroostook, Senator Carpenter, when he states that this problem basically has arisen because of the irresponsibility of a few individuals who have taken it upon themselves to make liquor available to younger students in the high schools. It is unfortunate indeed that the irresponsibility of a few have led to the debate on this Senate floor here this morning, but it is also very true that even though it is the irresponsibility of a few, the problem is so acute in the State of Maine today that we should not ignore this opportunity to take steps to alleviate it.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: I was part and parcel to the Bill granting adult rights of five years ago in this Body. At that time I was rather reluctant to do this, simply because there was not sufficient statistics available to give us the proper handle exactly which direction this Body should be moving in. But I did go along with the 18-year-old vote. Today we find that statistics on this particular portion of the law is regarded as a giant flop.

In talking to my constituents about this particular matter and listening to this debate this morning, I have come to one conclusion, that to raise the drinking level to about 19 years of age is too drastic a move at the present time. I sincerely believe that at least one year out of high school where these people have severed their relations and ties with other teenagers is

possibly the answer to Report "C". But the real answer to the entire problem lies, as has been brought out so clearly before, that everybody working together, the law, the educational programs and the parental influence basically will solve the problem we have here in the State of Maine.

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

Mr. MANGAN: I generally don't rise to speak to members of the Senate that often, but on this one issue I do have to make my point, I think fairly clear. I do respect the points that were brought up this morning by my brethren here in the Senate. Their ideas are very strong. I think their points of view have to be completely respected.

I think my feelings were shaped a few days ago when a young lady constituent of mine approached me and clearly stated that it was unfortunate to condemn all of the 18's for the abuses of a few. She did bring up a point that I did have to sit back and pause. She stated that while kids who are 18 years old may still be in high school, many are 19 who are out of high school and who are either working, for example, in grocery stores, and at this time if we should raise the drinking age to 20 and allow the people who are only 20 to be able to sell liquor, every time that a grocery order comes through with a case of beer or a six pack of beer in there, the manager of the store or somebody who is over 20 is going to have to come in and ring the order up.

The second problem that comes in is that many students who are 19 are in college, and they are trying to find summer jobs working in restaurants on the Coast, or are working in some capacity in some summer resort. A young lady who is 19 or a young man who is 19 attempting to act as a waitress for summer funds to earn their way to college, would be unable to serve anybody requesting liquor unless they were 20 years of age.

With these thoughts in mind, I would strongly urge that my brethren here in this Senate consider voting for the 19.

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

Mr. CONLEY: Mr. President and Members of the Senate, as a co-sponsor of one of these Bills, I have agreed to go along with the compromise version of raising the drinking age to 20 years of age. I don't honestly believe that there is a magic age that we can really deal with; whether it is age 18, 19, 20, 21 or 55. I think we have a serious problem when we get into a situation or into the dealing with the substance of alcohol. There is no question that we do have very serious problems with young children at 10 and 11 years of age, who are alcoholics. It is not because of going to a high school dance, or because they run around with other people that are drinking. In a sense, in many ways, it is the culture that they have been brought up in.

I can only again speak from a personal experience. I know that as a young lad, and perhaps it was because I was Irish, because I recall somebody always used to say to me do you have to be Irish to be an alcoholic, and someone said, no, but it helps. I think that was sort of the situation I found myself in at a very young age, because the circles I travelled and the people I travelled with, the common thing to do was to drink.

Let us look at Society today. Let us look at the family life today — the businessman, the secretaries and so forth. We have to go to lunch, we have to drink. We go home to supper, we have to drink. It breaks down to a situation where this is one of the primary things we request, whatever we do, — whether we go out playing tennis, whether we go out playing golf, whether we go fishing, we have to have the six-pack. It is sort of a culture that we have es-

tablished, and we have shown our youngsters that this is a part of life and this is what we live with.

You know if you had a youngster of 16 years of age and let him take a car and he abuses it, you take it away from him. I understand we are only talking about one child, and we are not talking about all children of 16. There are a lot of children at 16 that can handle an automobile and treat it right. There are probably a lot of youngsters 18 years of age who drink moderately and have no problems whatsoever.

I don't believe there is a member in this Senate who doesn't recognize the fact that we have a very serious problem, not only in the State of Maine, but in the country, dealing with this subject. And I cannot disagree with anything that has been said by the Opponents or the Proponents of this particular measure, because I think what everyone has said has, in a sense, spoken some part of the truth. But I think there are a lot of parents who are going to rest a little easier at night knowing that at least the age is there, and perhaps now those that have children of 12 years of age, and 13 years of age, may be able to set that example that we saw, some of us saw, when we were youngsters. of treating alcohol with a little more respect.

You know, I remember very vividly when I was a youngster and I used to go around to some of my friends' homes of different ethnic races and classes, and in one home I recall that I would go in and I would be 9 or 10 years of age and a decanter of wine was right on the dining room table. You know, when I think of that ethnic race, there are very few people in that race that I've ever seen have a problem with alcoholism, and it is because, I think, they were taught at a very early age to respect exactly what it was.

I think what Senator Katz has referred, that it is a very strong educational program that we should be putting into effect, and that the serious question is how do we go about that. But you know if you go back to the Feast of Cana when the Good Lord allegedly turned water into wine, that is when the problems all started. We have this alcohol problem for history, since the world began, and everybody has been trying to find a magic solution to correct it, and I am sure that raising the age may not correct the ills that we would like to see corrected, but I honestly feel as a parent and a father of a large number of children, I honestly believe that it will bring an awareness to the forefront of every parent in this state of the seriousness and the gravity of this problem, and I intend to support raising the age to 20 years of age.

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

Mr. MERRILL: Mr. President and Members of the Senate: Those of us who were here in the last Session, this is the second time we have gone through this exercise. Each time I have come in determined that I am not going to say anything, knowing full well that no minds are going to be changed. Each time I am overcome with the same strong impression.

Let me commend particularly the remarks of the good Senator from Kennebec, Senator Katz, and I think I feel just about exactly as he does on this issue, and I am going to, if I have a chance, vote for 19, for, I think, the same reasons.

The reason I am compelled to speak is because of that, or to explain why I am not going to vote for 20, simply to point out what seems to me in this one man's opinion to be the scapegoatism that we all indulge in so piously every time this question comes up.

We talk about a few young people, how they are abusing things and they are the cause for this problem. My God, does anybody in this Chamber think that the problem of alcohol abuse rests with the young people alone, when

people who hold high positions in State Government are arrested and convicted for driving under the influence of alcohol. Isn't that close enough to know that the problem isn't with 18 and 19 year olds. Is there anybody who is so sheltered in the life that they lead that they don't see their own peers, people of their own age group, risking people's lives, destroying families and beating their children. Are the 18 and 19 year olds, or the 15 and 16 year olds unique. They are probably unique in their political weakness, so they make a nice target for those of us who are in politics.

We talk about how we are going to take care of this problem, and we are going to deal with these people, and yet lets think about ourselves in the bigger context. As a society we use the powerful medium of television to make programs to entertain the young, to draw them to watch. And then we use all of the persuasive powers we have through modern media communications to make the use of alcohol look attractive, and to assert the rights of manhood or womanhood, and to lead people into a situation where they consume alcohol as sort of the thing to do, and everybody profits from this, and nobody in this Chamber is concerned about that — concerned enough to be speaking for a Bill to do something about that. Yet we pick out this one little area, this one small group of people, and that gives us a chance to talk piously about the huge problem that our society faces, not only from alcohol abuse, but from all of the other drugs that are abused, the ones that are popular to young people, and the ones that are popular to older people, the ones that drug companies are making so much profit on. We don't see them being attacked either.

Every time I listen to this debate, I cannot help but be overcome with the feeling that, maybe without meaning it, there is a hypocrisy in it. I do sympathize with the problems that our parents face looking at the myriad of influences that have brought us to this situation, — the deterioration of the family being one of them, and maybe we should give a signal for them that we are going to begin to do something about it. If this is the easiest place to begin, if this is the easiest place to give the signal, then I am willing to go along with doing it, and wait and see what else follows. I think the proper signal is to raise the age to 19 and then see what follows.

If anybody honestly leaves this Chamber thinking that they have done anything after they have made any of those approaches, that is going to make a substantive difference, beyond sort of a pat on the back from the parents, we will have to face the situation on the front line, I think they are deluding themselves.

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

Mr. LOVELL: Just a few more comments, Ladies and Gentlemen of the Senate. I had jotted down some notes, but there have been so many speakers speak that I have sort of got too many notes, so I am not going to go into these notes.

I will state that in France, for example, the children have wine on the table at 4, 5 and 6 years of age, and there are very few alcoholics in the country of France.

As far as drugs are concerned, as the good Senator from Cumberland, Senator Merrill, said, we have a stronger Bill in for the abuse of drugs, such as librium and valium and barbiturates.

Actually, I think what hit me the most — and I don't think that this Bill is going to be a cure-all. It certainly will not be, but I think that we have got to try something, and if we try at 20 and it goes over to the other Body and comes back at 19, okay, then we can decide whether we will recede and concur. But I think we should move it out of this Body at the age of 20, because there

is still too many children at the age of 19 that are in high school, or not working, or that are going out with high school students.

I have a letter here from a 16 year old, and he is a sophomore at Noble High School in Berwick, and he says I have seen students lurking in the hallways, I have seen them sick in the men's room, and smelled the strong scent of liquor on their breath. I have seen students rushing to cars in the school parking lot. I have seen them take from the trunk or reach in the back seat, take out a beer bottle and pass it around, throw the bottle on the grass and take off from the parking lot like the Indianapolis 500 race driver. I have seen athletes play in school sports when they were much the worse for drinking, raising the danger of hurting themselves and others. When the freshman football season ended, the freshman players, average age 14, went to a place called The Pit in the back of the school field, and there they proceeded to drink until one at least was so drunk that he jumped into the river nearby.

Now I don't say that this is a cure-all, but, for God's sake, lets get something on the books, up to 20, and lets see what happens to it in the other Body. I beg of you this morning, and I can debate a lot more on this, I can assure you, but I don't want to take the time, but I beg of you this morning, lets pass this Bill at 20, for God's sake.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Lovell, that the Senate accept Committee Report "A". A roll call has been requested.

In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of the Senators present and voting.

Will all those Senators in favor of the roll call please rise in their places until counted.

Obviously more than one-fifth having risen, a roll call is ordered.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President: I request permission to pair my vote with the Senator from Penobscot, Senator Curtis, who, if he were here, would vote No on the pending motion, and I would be voting yes.

The PRESIDENT: The Senator from Kennebec, Senator Speers now requests leave of the Senate to pair his vote with the vote of the Senator from Penobscot, Senator Curtis, who, if he were here, would vote nay, and the Senator from Kennebec, Senator Speers, would vote yea. Is it the pleasure of the Senate to grant this leave? It is a vote.

The pending question before the Senate is the Motion by the Senator from York, Senator Lovell, that the Senate accept the Committee Report "A". A yes vote will be in favor of accepting Committee Report "A". a no vote will be opposed. The Secretary will call the roll.

YEAS: Senators Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Greeley, Hichens, Jackson, Lovell, McNally, Morrell, O'Leary, Pray, Wyman.

NAYS: Senators Danton, Farley, Huber, Katz, Levine, Mangan, Martin, Merrill, Minkowski, Pierce, Redmond, Snowe, Trozky, Usher.

The PRESIDENT: 15 Senators having voted in the affirmative, and 14 in the negative, with two Senators pairing their vote, the Motion to accept Committee Report "A" does prevail.

The Bill in new draft, (S. P. 196) (L. D. 574) read once.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: I move under suspension of the rules that we give this Bill a second reading at this time.

Under suspension of the rules, read a second time and passed to be engrossed.

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

Mr. SPEERS: I move that the Senate reconsider its action whereby this Bill was passed to be engrossed, and I urge the Senate to vote against the motion.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate reconsider its action whereby this Bill was passed to be engrossed. Will all those Senators favoring reconsideration please say yes, those opposed will say no. A viva voce vote being had, the Motion to reconsider does not prevail.

Sent down for concurrence.

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

Mr. CONLEY: Mr. President, with reference to Item 3-7 on Page 6 of today's calendar relating to "An Act Relating to the Residency Requirements of Municipal Employees," (S. P. 192) I move the Senate reconsider its action whereby the Senate referred this Bill to the Committee on Local and County Government.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate reconsider its action whereby Item 3-7, (S. P. 192) was referred to the Committee on Local and County Government. Is this the pleasure of the Senate? It is a vote.

Mr. CONLEY: Mr. President and Members of the Senate, this Bill deals with Title 26 of the Public Labor Relation Laws, and, therefore, Mr. President, I move that this Bill be referred to the Committee on Labor.

Which was referred to the Committee on Labor and ordered printed.

Sent down for concurrence.

Second Readers

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

Senate

Bill, "An Act to Correct Errors and Inconsistencies in Laws of Maine." (Emergency) (S. P. 186) (L. D. 531)

Which was read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Bill, "An Act to Amend the Duties of the Commissioner of Educational and Cultural Services Relating to Bilingual Education." (S. P. 52) (L. D. 109)

Which was read a second time.

Mr. PIERCE: Mr. President, I now present Senate Amendment "A" to S. P. 52, L. D. 109, under filing S-16, and move its adoption.

Senate Amendment "A" read and adopted.

The Bill as amended passed to be engrossed.

Sent down for concurrence.

Senate — As Amended

Bill, An Act Appropriating Funds for the Save Loring Committee. (S. P. 48) (D. 97)

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

Sent down for concurrence.

Enactors

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

"An Act Concerning Certified Copies of Records of Marriage." (H. P. 56) (L. D. 77)

"An Act Pertaining to Issuance of Marriage Licenses." (H. P. 57) (L. D. 78)

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

Emergency

"An Act to Extend the Time During which School Budgets may be Adopted." (H. P. 316) (L. D. 407)

This being an emergency measure and having

received the affirmative vote of 27 members of the Senate was Passed to be Enacted, and having been signed by the President was by the Secretary presented to the Governor for his approval.

Constitutional Amendment

RESOLUTION, "Proposing an Amendment to the Constitution to Provide for a Four-year Term of Office for Sheriff." (H. P. 24) (L. D. 33)

Comes from the House, Fails of Final Passage.

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

Mr. COLLINS: Mr. President, this comes to us, having not been debated in this Body before, and I should like to make a few remarks concerning the proposal. Most of you, I am sure, will treat it strictly as a political item, and yet I should like to tell you that before the Committee on State Government there was no opposition to the Bill, and it came out of the Committee with the unanimous report ought to pass.

Essentially the argument for changing the office from two years to four years is that the quality of law enforcement would improve in our various counties on the supposition that the second year of office of the Sheriff is used in part to politicking in attempting to get reelected. There are some 34 states now that have a four year term for the Sheriff, so on the basis, if you accept this premise, that the Sheriff can do a better job with a four year term, why this Committee has offered this as a unanimous Ought to Pass Report, and we solicit your approval.

This Resolution, being a constitutional amendment, received the affirmative vote of 21 Members of the Senate, with 6 voting in the negative, was finally passed and signed by the President.

Sent down for concurrence.

Orders of the Day

The President laid before the Senate:

Bill, "An Act to Standardize Some of the Procedures and Statutes Administered by the Department of Environmental Protection." (H. P. 364) (L. D. 483)

Tabled — February 22, 1977 by Senator Speers of Kennebec

Pending — Reference

Which was Referred to the Committee on Natural Resources and ordered printed in concurrence.

The President laid before the Senate:

Bill, "An Act Relating to Budget Requirements of the Town of Winthrop." (H. P. 308) (L. D. 268) Emergency

Tabled — February 22, 1977 by Senator Speers of Kennebec

Pending — Reference

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

Mr. SPEERS: Mr. President and Members of the Senate, there is now enacted a Bill to extend the time during which school budgets may be adopted for every town in the State, and I, therefore, now move that this Bill be indefinitely be postponed.

On Motion of Mr. Speers of Kennebec,

Indefinitely postponed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate:

Bill, "An Act Relating to Reapportionment." Emergency (H. P. 58) (L. D. 79)

Tabled — February 22, 1977 by Senator Speers of Kennebec

Pending — Enactment

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

Mr. SPEERS: Mr. President, for the purposes of offering an Amendment, I move that the rules be suspended, and that the Senate reconsider its action whereby this Bill was pas-

sed to be engrossed.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate suspend its rules and reconsiders its action whereby this Bill was passed to be engrossed. Is this the pleasure of the Senate? It is a vote.

Mr. SPEERS: Mr. President, I now offer Senate Amendment "A" under Filing No. S-17 and move its adoption.

Senate Amendment "A" read and adopted.

This Bill as amended passed to be engrossed in non-concurrence.

Sent down for concurrence.

(Off record remarks.)

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Papers From the House

Enactors

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

Emergency

An Act Converting Mount Chase Plantation into the Town of Mount Chase and Converting Westmanland Plantation into the Town of Westmanland. (H. P. 39) (L. D. 56)

This being an emergency measure and having received the affirmative vote of 25 Members of the Senate, was Passed to be Enacted, and having been signed by the President was by the Secretary Presented to the Governor for his approval.

On Motion of Mr. Huber of Cumberland, Adjourned to 2:00 p.m. tomorrow afternoon.