

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume I

January 5, 1977 to May 25, 1977

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SENATE

Wednesday, March 2, 1977

Senate called to order by the President.

Prayer by the Reverend Barry Fearon of the First Baptist Church in West Gardiner.

Rev. FEARON: Let us pray together. Our Heavenly Father, we thank you today that we have the privilege of being called Americans, with the liberties and the freedoms that we enjoy. We live in exciting days, as historical events are happening with great rapidity.

We realize that it soon may come that Kingdom of Christ on this earth to rule in righteousness and justice, but until then Governments will rise and fall. They are going to crumble, and they are going to expand.

But we recognize, O God, today that you are the great law giver, and the laws that you have given, if disobeyed, brings disaster, and we are in the midst of these law givers, and we pray today that you would give them the wisdom and the knowledge and the understanding that you have displayed and put into our hearts. Many decisions will be made today of far reaching consequences, and we would pray, O God, today that you give each person here the wisdom that comes from you. We realize that you do not press upon each one your will. We are all self-willed, but we hold responsibility before you. We pray your blessings now upon this day and all of its activities, that the Lord Almighty, in the name of Christ, might be glorified. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

Reconsidered Matter

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

Mr. CONLEY: Mr. President, I would inquire of the Chair as to whether or not the Senate is in possession of S. P. 192, L. D. 589, an Act relating to the Residency Requirements of Municipal Employees?

The PRESIDENT: The Chair will answer the Senator in the affirmative, the Bill having been held at the Senator's request.

Mr. CONLEY: Mr. President and Members of the Senate: Yesterday morning the Senate received this paper back from the other Body: Through an error in the other Body, a stamp was placed on here which was in error. The Senate at that time, when it came back in non-concurrence, moved to recede and concur.

I have discussed this with the Majority Floor Leader, as well as the Speaker and the Leaders of the House, and they recognize this error. On that basis, Mr. President, I would move the Senate reconsider its action whereby it receded and concurred with the House yesterday.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate reconsider its action whereby it receded and concurred with the House with reference to L. D. 589. Is this the pleasure of the Senate? It is a vote.

Mr. CONLEY: Mr. President, I reluctantly move that the Senate adhere.

On Motion of Mr. Conley of Cumberland, The Senate adhered.

On Motion of Mr. Pierce of Kennebec, Out of Order and Under Suspension of the Rules, the Senate voted to consider the following matter:

Bill, "An Act to Clarify the Maine Municipal Securities Approval Act. (Emergency) (H. P. 109) (L. D. 140)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-34).

Comes from the House, the Bill Passed, to be Engrossed as amended by Committee Amendment "A".

Which Report was read and accepted in

concurrence and the Bill read once. Committee Amendment "A" read and adopted in concurrence.

On Motion by Mr. Pierce of Kennebec, under suspension of the rules, the Bill, as amended, read second time and passed to be engrossed in concurrence.

Sent forthwith.

Papers From The House
Non-concurrent Matter

Bill, An Act Raising the Age of Persons who may purchase Alcoholic Beverages or Sell as Licensees. (S. P. 1) (L. D. 4)

In the Senate, February 23, 1977, Report "A" Read and Accepted and the Bill Passed to be Engrossed. (S. P. 196) (L. D. 574)

Comes from the House, Report "E" Read and Accepted, and the Bill Passed to be Engrossed as amended by House Amendment "A" (H-39), in non-concurrence. (S. P. 199) (L. D. 577)

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

Mr. HICHENS: Mr. President, I now move that we recede from our action whereby LD 574 was passed to be engrossed.

The PRESIDENT: The Senator from York, Senator Hichens, now moves that the Senate recede from its former action whereby LD 574 was passed to be engrossed. Is the pleasure of the Senate. It is a vote.

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

Mr. KATZ: Mr. President, I move that the Senate concur.

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

Mr. HICHENS: Mr. President, I ask for a division on that Motion.

The PRESIDENT: A division has been requested. The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, the crux of the motion to concur, to put the Senate in concurrence obviously with the other Body, and put us on an easy and fast road to do what we all want to do, increase the legal drinking age for our young people to 19.

There is a division in this Body as to whether or not 20 or 19 is the appropriate level. I also voted against the original move to reduce the drinking age when it came up two sessions ago.

The other day the Senator from Kennebec, Senator Levine, stood up, and he said some words to the effect that we should not mislead Maine people as to the power of laws to change society.

I would like to take a moment this morning to read to you the legislative efforts of previous men and women who have served in the Maine Legislature, and I would like to read to you from Title 20, first section 1221. I did not research to find out how long this has been on the books, but I suspect it was even before the time of the Senator from Washington, Senator Wyman. It says: "The Presidents, Professors and Tutors of Colleges, the Preceptors and Teachers of Academies, and all other instructors of youth, in public or private institutions, shall use their best endeavors to impress on the minds of the children and youth committed to their care and instruction, the principles of morality and justice, and a sacred regard for truth, love of country, humanity, and a universal benevolence, sobriety, industry and frugality, chastity and moderation and temperance, and all other virtues which ornament human society; and to lead those under their care, as their ages and capacities admit, into a particular understanding of the tendencies of such virtues to preserve and perfect a republican constitution, secure the blessings of liberty, and promote their future happiness and the tendency of the opposite vices, to slavery, degradation and ruin. All teachers in the public

schools of the State shall devote not less than one-half hour of each week of the school term to teaching to the children under their charge, in correlation with other studies of the school curriculum, the great principles of humanity as illustrated by kindness to birds and animals, and regard for all factors which contribute to the physical well-being of man."

We made quite a promise in those words, didn't we? I want you to equate those brave words with the actual change in the society on our college campuses, about which many of you perplex.

I would like to read you a brief section, Section 1231, because you probably don't know that Friday of this week is Temperance Day, and previous Legislatures adopted the following wording to be sure that the problems of the abuse of alcohol did not infiltrate the ranks of our young people.

"The first Friday in March of each year, or the school day in each year nearest that date, shall be designated as Temperance Day, and in every public school in this State, not less than 45 minutes of the school session shall be set apart and used for instruction and appropriate exercises relative to the history and benefits of temperance laws, such schools to continue the work as far as practical during the remainder of the day, and, finally, it shall be the duty of the Commissioner to prepare suitable material for the observance of Temperance Day. It shall be the duty of all school officials in the several administrations of the State that all public schools teachers comply with this Section."

Well, one of the problems with public attitude towards Government is that we attempt to over-promise outrageously, and I rise today hopefully to give the people of the State the message that there is little that the Legislature can do to change society. We are the servants of society. All of us, I think, today are going to vote to change the drinking age to one level or another, but the real challenge is not in changing laws, it is in changing the minds and habits of men, and in that the Legislature has not made much of a contribution. Several of us rose here and talked about the need for education. I don't think there is anybody here who feels that when we talk about the need for education, we are talking about what goes on in a classroom, with teachers up in front of the kids. We are talking about the broadest spectrum of education, — of the adult population, of community leaders, churches, fraternal and civic groups, all of whom make a contribution to attempt to say that in the case of alcohol, even though 70 percent of our people are using it, we ought to give some attention as to what is an acceptable use and what is an unacceptable abuse.

I hope that you respond favorably to my Motion to concur, because it will make a step to do what little laws can do to reduce the abuse of alcohol by our young people. But remember, we are taking just a small step.

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

Mr. CONLEY: Mr. President and Members of the Senate, I am a little disturbed the way this Bill faces us this morning. As one of the co-sponsors of the original Bill which would have raised the drinking age to 21, I was willing to compromise, along with several sponsors of this Bill, to reduce the 21 years of age down to 20.

I watched with a great deal of interest the debate that took place at the other end of the corridor. I listened with a great deal of interest to the debate that took place in this Chamber. My personal feeling is now to further reduce the age to 19 is a charade. We are playing games. There isn't anyone in this Senate that doesn't harbor some feeling, personal feeling about the subject that we are discussing,

whether it be 21, or 20, or 19, or 18. The mere fact is that all of us have talked with parents, talked with members of the industry, members of the industry that don't want the 20/18 proposal that has been suggested. They could not purchase at the Mom and Pop stores, therefore, would be flooding into the so-called lounges, beer parlors and such, because they know that they will have the habit.

I am concerned, not as Jerry Conley, not as a parent of a number of children, — I am concerned because of the vast number of people who have called me in support, not of raising the drinking age from 18 to 19, but from 18 to 21. These are concerned parents. I think that even at the public hearing it was discussed that the people who have been working so hard on this were willing to reduce it to 20, or go to 20 from 21. Mr. Benjamin Bubar, head of the Christian Civic League, made his feelings known publicly that if the drinking age were to be raised from 18 to 19, then kill the Bill, — leave it at 18. I concur with him, because we are making a mockery with this document before us. It has sort of given a piece of tokenism to the people back home that we tried to address the issue, but we didn't address it to the vast feelings of the majority.

Therefore, Mr. President, and Members of the Senate, I move that this Bill and all of its accompanying papers be indefinitely postponed.

The PRESIDENT: The pending motion before the Senate is the Motion by the Senator from Kennebec, Senator Katz, that the Senate concur with the House.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I am considerably shocked at the motion of the good Senator from Cumberland, the Minority Leader of this Body, and I originally thought that I would be able to stand here and express my sentiments of concern with the sentiments that the good Senator was expressing. I would hope that perhaps he would reconsider the Motion that he just made, and perhaps withdraw that Motion.

I would like to make very clear that I intend to vote against the Motion that was previously made to the Motion of the Senator from Cumberland, the Motion to Concur. I am going to do that because I feel that we have a very good opportunity to still pass a Bill which would raise the drinking age to 20 years of age. If we can defeat the Motion to Concur, we can then adopt the Report "E" which the other Branch has already adopted, and we will then have an opportunity to vote upon the House Amendment which was placed upon this Bill in the other Branch, and hopefully send that Bill out of here delineating 20 years as the drinking age in the State of Maine. This would be the course of action which I would hope that this Body would follow, and to do that, of course, we would first have to defeat the Motion of the good Senator from Cumberland. Incidentally, it occurred to me, Mr. President, that perhaps that Motion is out of order, and I would so request a ruling from the Chair at this time.

The PRESIDENT: The Chair would answer the Senator in the affirmative. The Motion to Indefinitely Postpone this Bill is not in order at this time.

Mr. SPEERS: Thank you, Mr. President. The Motion before the Body then would be the Motion from the Senator from Kennebec to Concur, and I would urge this Body to vote against that Motion, so that we would then have an opportunity to defeat the Amendment that was placed on the Bill in the other Branch which would reduce the age to 19.

I concur with the good Senator, the Minority Leader of this Body, that there has been considerable compromise, that a great number of the Senators in this Body do wish to

place the age of drinking at 20, and I think the way that we can accomplish that is to oppose the Motion to Concur, and then we will have an opportunity to further oppose the Amendment that was placed on this Bill by the other Body. I would urge this Body to defeat the Motion to Concur.

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

Mr. DANTON: Mr. President and Members of the Senate: I rise to support the Senator from Kennebec and his Motion to Concur.

This Bill is a new Bill to most of us in this Chamber. We had a similar Motion like the good Senator made for the age 19, and we ended up with nothing. At that hearing, this year and two years ago, the problem that was brought forth was that there is drinking in the schools. Now I know many Senators would like to see the age raised to 20, 21, and many would like to see it stay at 18. What is the right age? Parents perhaps would like to see it 25 and 30 and 35. If I was to ask my mother who is 84 years old, maybe she would like to see it 50 because I am 48.

There is no real age, but something has to be done. If we in the Senate today don't take a step forward, something that we can compromise on, and I think the age 19 is the age we can compromise on, at least to take one little step in the right direction, to see what it does, to see if it works. We don't know. Maybe 19 will do it. If it doesn't, I am sure there will be another Legislature and they will be right back here addressing themselves to the same issue.

At least by raising the age to 19, rather than not doing anything with it and killing the entire Bill, there will be some discussion throughout the State, there will be some discussion with the parents with their children telling them, look, you couldn't handle this, that is why they brought it up to 19. I think this is the thing we have to think of today when we vote, and I would hope you would support the Senator from Kennebec, Senator Katz, and his motion to Concur. Thank you very much.

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

Mr. LEVINE: Thank you, Mr. President. I would like to speak for just a moment. I explained my view point on this issue last week when we brought this Bill up before this Body. I don't consider my support of Senator Katz' motion that we Concur to be a compromise on my part. I, after all, signed the Bill out of Committee at 19, and I have stayed with that age because, to my mind, 19 basically gets the booze out of the schools, and that basically seems to be the problem here.

I have a word of caution for those Members of this Body that wish for the Motion to fail, and therefore, think they will stand a very good chance of having it passed at 20. First of all, I don't believe the function of Government is to take as many rights as possible away from as many people as possible. I will include the privilege of drinking under rights, and I know that is a very fine technical term, but I don't want to get into that here. I think that the function of Government perhaps is better stated as that Body which takes the least from as few people as possible. That is the first point.

The second point is that I get as feedback from my constituents back home. The great majority of my constituents want to see the drinking age raised. The great majority of those constituents have said to me that they can live with 19. They think that 19 basically addresses the problem. Many of them would prefer 20, but almost invariably those that would prefer 20 truly believe that if we change the drinking age here in the State of Maine to 20, that will solve the problem of young people in this State drinking, simply by changing the drinking age. We can help in some small way, but a vote against

this Motion in order that Members of this Body might possibly get a Bill out of this Body and back to the House that will raise the age to 20 rather than 19, is a vote that will say to the people back home, if you really believe that we are solving the problem by going to 20, we are going to prove it to you and we are going to solve that problem. I don't think we can do that here. I think that is a major misconception on the part of the voters, but unfortunately it is there. I have attempted to reason with them and show them facts and show them figures, but that gut feeling, a very emotional feeling that we are going to solve this problem by going to 20 is there, and to me that is a very great danger, because, of course, it will not solve that problem. We all understand that here.

I would urge this August Body, to vote in favor of the Senator from Kennebec, Senator Katz' Motion to Concur with the House. Thank you.

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

Mr. HICHENS: Mr. President and Members of the Senate, raising the age to 20 will not solve the problem. I know it, and everyone that has encouraged me to vote for 20 or 21 has said that they know it. They feel that it is a great step forward.

I have heard this morning that if the Senate passes the 20, and sends it back to the House, that we are doing nothing but playing games. I do not think that we are playing games. I certainly hope that we are not, because this is too serious a problem to play games with.

The pressure has come from everywhere to raise the age to at least 20. On a paper that I passed around last week, the National Association of Secondary School Principals at their winter conference in New Orleans unanimously voted that they would urge every State in the Union to raise the age to 21. The Maine Secondary Principals Association are on record as supporting L. D. 4, which was to raise the age to 21. The Maine State Grange supports raising the age to 21. The Maine Farm Bureau supports raising the age to 20. The Community Services Director appearing at the hearing urged that we raise the age to 20 or 21. 263 people signing the paper which was circulated at the hearing advocated raising the age to 21. The Waldo County Law Enforcement Association has gone on record supporting 21. Not one person has asked me to raise the age to 19. They have all said it has got to be 20 at least, or it is not going to do any good.

I would like to share a letter that was passed to me by a Member of the House, which was sent to him by the President of the Maine Secondary School Athletic Directors' Association, and which he would like to have me share with the Senate today.

"The Board of Directors of the Maine Secondary Schools Athletic Directors' Association, at its last meeting, voted unanimously to request the State Legislature to change the drinking age from 18 to 20.

Enclosed are reasons the Athletic Directors' Association feel it should be changed.

The membership of the Association extends to almost every City and Town in Maine.

Athletic Directors throughout the State have had increased drinking problems at athletic events since lowering the drinking age to 18.

1. Drinking itself leads to intoxication and unruly conduct.

2. The throwing of beer cans and bottles has created a safety problem for players and fans.

3. Adults have stopped attending games because of numbers 1 and 2 above.

4. It has caused an increase in Athletic Budgets due to extra patrolmen required at games.

5. When the teenage drinkers realized they would not be allowed to drink at games, they did

not attend, but took to the parking lots for their drinking.

The use of alcohol by teenagers, and pre-teens, is reaching epidemic proportions.

The increased use of alcohol by teenagers seems to have little relationship with either poverty or affluence — it has nothing to do with money or race.

John McDonald, Director for the Texas Commission on Alcoholism says, "In our treatment programs, the age is dropping. There have been some under the age of 10 admitted to State Hospitals," and he goes on to quote several excerpts from different parts of the country. He goes on to say:

Below are a few facts resulting from lowering the drinking age to 18.

450,000 teenage alcoholics in the United States and growing.

One-third of high school students get drunk four times a year.

18-21 year olds contain the highest percentage of alcoholics in the U.S.

Teenagers drink to fit in with the crowd.

Teenagers drink to impress their girl friends.

Those of legal age (mostly 18) buy for those under 18.

For one heroin addict there are fifteen hard core alcoholic teenagers.

Problems associated with teenage drinking include:

Rate of deaths from cirrhosis of the liver is up 500% for males between 14 and 20.

Six of ten traffic fatalities between 16 and 24 years are alcohol related.

Many students in the U.S. "Drink Lunch".

Weekend parties and the resulting problems to home and school.

Problems for the police when they could be elsewhere.

It causes a student to be tardy, absent, behind in their work and often become a drop-out.

The eighteen year old drinking law has been a failure. They have not lived up to their responsibilities and the age should return to twenty (20) immediately.

With this, the problems caused by alcohol to the home, schools, and community will be lessened to a great extent. Above all, it will help the teenager prevent the above listed problems.

(Signed) KEITH LANCASTER

President of this Athletic Association

I therefore once again urge you to defeat this motion to concur.

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

Mr. TROTSKY: Mr. President and Members of the Senate, I rise to support the motion of the good Senator from Kennebec, Senator Katz, to concur with the House on the 19-year-old drinking age. With this Bill I have certain problems, and that problem is basically the concept that we sort of determine that the adult age is 18. At 18 we give our young people the right to vote, to determine the leaders of our country, to determine the policies of our country, we give them the right to get married, bear children; we give them the right to drive, fight for our country, execute contracts, and so on.

So, consequently, I have a great deal of a problem in voting to raise the drinking age when we don't raise the age of the other adult rights we have given to young people. However, there has been a great deal of pressure from my home town, notably from the principal of my high school, from the Chief of Police and from many of other people to raise the drinking age. I do have a letter here, which was handed to me from the principal of the high school and he states this: raising the age to 19 would have a tremendous impact on the school situation. Raising the drinking age to 19 would exclude nearly all students who attend high school.

Well, I am going to make that compromise to vote for 19 today. However, the real answer to

the drinking problem is basically that concerned parents have to begin again to exercise some authority over their teenagers, whether we raise it to 19, 20 or 21 is not going to solve the problem.

Also in the schools, I think some of the answers are, the principals are going to have to grab the young man or young woman who is intoxicated and drag them into the principal's office, and have them suspended from school and have the School Boards back up their actions. This is what is going to answer the problem, but I will go along and vote for 19 today if it will help to some extent in the schools.

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

Mr. LEVINE: One more brief remark. We have heard a lot of talk here about national meetings, and it should be clearly understood that not all states have a drinking age of 18 or 19 or 20. There are those states that have a drinking age of 21 and they seem to have much the same problem that we have in the State of Maine. This is a problem I have with my constituents, this is where the problem lies. They think that raising the age is going to solve that problem and it won't, because the states with the drinking age of 21 for the most part have the same problem that we do in the State of Maine. So I don't feel that national statistics should be considered to be germane to this particular issue. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Mr. CHAPMAN: Mr. President and Members of the Senate: We are facing an issue here which is an extremely difficult one to zero in on, and I agree with much that has been said that by raising the age we are not solving the problem. We have a real in-depth problem of education in our society in this use of liquor. I think we are here to represent our constituency, and it is my feeling that the public at home wants this age raised and raised significantly. I think when we are making laws we should be careful that we don't mislead the public, as has been said before, in making them.

To support my feeling and to determine just exactly how my constituency felt, I developed a questionnaire and sent it to 375 leaders and respected representatives in the 20 communities that I represent. I was very impressed with the response that I received. This was sent out just a little over a week ago; and to date I have a 33 percent response. I would like to share the results with you. I asked in this questionnaire how they supported this raising the age by asking these questions: they want to leave it at 18, raise it to 19, raise it to 20, or raise it to 21? 18 percent responded that they would want to leave it at 18; 12 percent responded that they wanted it raised to 19; 20 percent responded to raise it to 20; and 48 percent wanted it raised to 21. So there is a 68 percent response to raise it to 20 and 21 from the questionnaire that I sent out.

I think we are faced with not solving the problem, but setting some guidelines, and we have a situation where the people back home realize that this privilege of drinking has been abused in a number of instances in the youthful age bracket. I feel we need to raise the guidelines for establishing the age for drinking to 20, and I would urge that the Senate support 20 and defeat the motion to concur.

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

Mr. PRAY: Mr. President and Members of the Senate: I am amazed at the number of times that we address a serious problem in this State and I seriously feel that our actions are usually just a token gesture. They fall far short of the question at hand. At times I question the original merits of our action.

As an individual who stood in this body in the

last Session and to great lengths defended the 18-year-olds, I find myself with the personal question as to which way I will go and which way I feel is the best way to go. Having researched numerous material, reports, nationwide, studies throughout the State, I honestly must express that I do not believe that our actions here today is going to make one iota of any difference to the problem at hand. I have heard that expressed by many people that have addressed the issue today, that it really isn't going to do much, but this is what my constituency want.

Sometimes we are placed in a position of addressing those desires of our constituencies and other times we logically make intelligent decisions upon the facts that are rendered to us. That is the choice we have today.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Katz, that the Senate concur. A division has been requested.

Will all those Senators in favor of the Motion to concur, please rise in their places to be counted.

Will all those opposed to the Motion please rise in their places to be counted.

11 Senators having voted in the affirmative and 18 in the negative, the Motion to Concur does not prevail.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate, I now move that we indefinitely postpone LD 574.

The PRESIDENT: The Senator from York, Senator Hichens now moves that the Senate indefinitely postpone LD 574. Is this the pleasure of the Senate? It is a vote.

Mr. HICHENS: I now move we accept Report "E" LD 577 in concurrence.

The PRESIDENT: Senator from York, Senator Hichens now moves the Senate accept Report "E" L. D. 577 in concurrence. Is this the pleasure of the Senate? It is a vote.

The Bill, S. P. 199, L. D. 577, read. House Amendment "A" (H-39) read.

On motion of Mr. Hichens of York, House Amendment "A" indefinitely postponed in non-concurrence.

Which Bill was Passed to be Engrossed in non-concurrence.

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

Mr. SPEERS: Mr. President, I move the Senate reconsider its action whereby this Bill was Passed to be Engrossed in non-concurrence. I would further move that the Bill lie on the table for one Legislative day pending that Motion.

The PRESIDENT: Senator Speers of Kennebec now moves the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, a parliamentary inquiry, might the Senator explain to the body the effect of the Motion that has just occurred.

The PRESIDENT: Senator from Kennebec, Senator Katz has posed a question through the Chair to the Majority Leader if he cares to answer.

On Motion of Mr. Speers of Kennebec, tabled one legislative day pending the Motion of the same Senator to reconsider action whereby the Bill was passed to be engrossed.

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

Senator Speers of Kennebec was granted unanimous consent to address the Senate on the record.

Mr. SPEERS: Mr. President and Members of the Senate, there might possibly be some confu-

sion. Just to clear up any possibility of confusion, it is the position of the Senate at this time that the Senate has passed to be engrossed Report "E", LD 577 with no amendments upon it, which means that the Senate has passed to be engrossed a Bill setting the drinking age to 20 years of age. That Bill is now on the table for one Legislative day.

Non-concurrent Matter

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)

In the Senate February 24, 1977, Passed to be Engrossed as amended by Committee Amendment "A". (H-15) in concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" Thereto (H-45), in non-concurrence.

On motion by Senator Collins from Knox, the Senate voted to recede and concur.

Joint Orders

An Expression of Legislative Sentiment recognizing: Ruth G. Robinson of Richmond, Retired After 38 Years of Outstanding Public Service To the Town of Richmond in Such Capacities as Treasurer, Tax Collector, Secretary, Administrative Assistant to the Selectman and Interim Town Manager. (H. P. 563)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

Senate Papers

Mr. McNally of Hancock presented, Bill, "An Act to Prohibit Voter Registration After 12 Noon on Election Day." (S. P. 219)

Which was referred to the Committee on Election Laws and Ordered Printed.

Sent down for concurrence.

Mr. Trotzky of Penobscot presented, Bill, "An Act to Regulate Security Deposits on Residential Rental Units." (S. P. 222)

Which was referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

Mr. Conley of Cumberland presented, Bill, "An Act Providing Binding Arbitration for Certain Public Employees." (S. P. 223)

Which was referred to the Committee on Labor and Ordered Printed.

Sent down for concurrence.

Mr. Greeley of Waldo presented, Bill, "An Act to Increase the Salaries of Certain County Officials of Waldo County." (S. P. 226)

Which was referred to the Committee on Local and County Government and ordered Printed.

Sent down for concurrence.

Mr. O'Leary of Oxford presented, Bill, "An Act to Clarify the Powers of Regional Planning Commissions." (S. P. 221)

The same Senator presented, Bill, "An Act Concerning Standing before the Board of Environmental Protection." (S. P. 220)

Which were referred to the Committee on Natural Resources and Ordered Printed.

Sent down for concurrence.

Mr. McNally of Hancock presented, Resolve, Authorizing the Bureau of Public Lands to Convey the State's Interest in Public Lots in the Town of Osborn, Hancock County, Maine, to the Inhabitants of the Town of Osborn. (S. P. 225)

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

Sent down for concurrence.

Mr. Carpenter of Aroostook presented, Bill, "An Act Concerning Single Motor Vehicle Registration Plates and Placement of Motor Vehicle Inspection Stickers." (S. P. 224)

Which was referred to the Committee on Transportation and Ordered Printed.

Sent down for concurrence.

Orders

An Expression of Legislative Sentiment recognizing: Cindy Rand of Hampden Academy has reached the 1,000 point mark in her schoolgirl basketball career. (S. P. 218)

Presented by Senator Cummings of Penobscot.

Which was Read and Passed.

Sent down for concurrence.

(Off record remarks)

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

Senator Cummings of Penobscot was granted unanimous consent to address the Senate on the record.

Mrs. CUMMINGS: I am delighted that we have this opportunity to honor Cindy. She comes from Hampden Academy, which as many of you have read in the newspapers and seen on television, have done a marvelous job on the boys' team in the Eastern Basketball Tournament. I think with Cindy here, perhaps we will have equally exciting news from that team on the girls' group. I would like to offer my personal congratulations to Cindy, and her coach and to Hampden Academy.

Committee Reports

House

Leave to Withdraw

The Committee on Business Legislation on, Bill, "An Act Relating to Publication of an Annual Roster of Real Estate Brokers and Salesmen." (H. P. 121) (L. D. 154)

Reports that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Health and Institutional Services on, Bill, "An Act to Raise the Age Distinguishing Children's Facilities from Adult Facilities from 16 Years of Age to 18 Years of Age." (H. P. 271) (L. D. 339)

Reports that the same be granted Leave to Withdraw.

Comes from the House the Report Read and Accepted.

The Committee on Local and County Government on, Bill, "An Act Relating to the Probate Fee for a Certificate of Appointment." (H. P. 333) (L. D. 424)

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 — As Amended

The Committee on Education on, Bill, "An Act Relating to School Age under the Education Laws." (H. P. 100) (L. D. 124)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-32).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

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

(Off Record Remarks)

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act Concerning Membership on the Public Utilities Commission." (H. P. 13) (L. D. 22)

Reported that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Aroostook
SNOWE of Androscoggin

Representatives:

BACHRACH of Brunswick
DIAMOND of Windham
LOCKE of Sebec
VALENTINE of York
MASTERTON of Cape Elizabeth
CHURCHILL of Orland
STUBBS of Hallowell
SILSBY of Ellsworth
KANY of Waterville

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Senator:

MARTIN of Aroostook

Representative:

CURRAN of South Portland

Comes from the House, the Majority Report Read and Accepted.

Which Reports were read.

Accepted in concurrence.

Ought to Pass

Mr. Morrell for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Make Allocations from the Maine Coastal Protection Fund for the Fiscal Years Ending June 30, 1978 and June 30, 1979." (Emergency) (S. P. 105) (L. D. 234)

Reported that the same Ought to Pass.

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

Second Readers

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

House

Bill, "An Act to Advance the Schedule for Legislative Approval of County Budgets and to Change the Interest Charges on Delinquent County Taxes." (H. P. 73) (L. D. 63)

Resolve, Reimbursing Certain 1976 County Taxes on Account of Insufficient Appropriation. (Emergency) (H. P. 82) (L. D. 102)

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

House - As Amended

Bill, "An Act to Provide for a Trade-in Credit for Wheeled or Tracked Vehicles used in Lumbering or Agriculture." (H. P. 61) (L. D. 82)

Which was Read a Second Time and Passed to be Engrossed, As Amended, in concurrence.

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

Which was read a second time.

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

Mr. KATZ: Mr. President, L. D. 123 has been the subject of some curiosity on part of a couple of members of this Body. The real guts of the Bill, after some very, very nice prose in Section 1 and 2, deals with what happens when a school unit does not comply with provisions of the school funding act. There is a gray area in the law brought about by a situation in western Maine where one community appropriated \$1.00 for the support of its regional vocational school, and it was the feeling of the Department, reinforced by opinions from members of the Attorney General's office, that there really was no authority to withhold funds commensurate with the seriousness of the task. This Bill addresses itself to the question, and the House Amendment just narrows down the occasions when this authority may be exercised.

I think that there is ample provision within the law for hearings and procedures before such a step could be taken.

Passed to be Engrossed, As Amended, in concurrence.

Senate

Bill, "An Act Relating to Cruelty to Animals." (S. P. 114) (L. D. 273)

Bill, "An Act Relating to Livestock Disease Control." (S. P. 119) (L. D. 278)

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

Sent down for concurrence.

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

Which was read a Second Time.

On Motion of Senator Collins from Knox, tabled for one Legislative day, Pending Passage to be Engrossed.

Senate - As Amended

Bill, "An Act Relating to Public Utilities Commission Declarations of Public Convenience and Necessity Required by Statute." (S. P. 81) (L. D. 189)

Bill, "An Act Concerning those Buildings which must be made Accessible to Physically Handicapped." (S. P. 41) (L. D. 84)

Which were 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 Relating to the Definition and Licensing of Applications under the Pesticide Control Law." (H. P. 108) (L. D. 139)

"An Act Requiring Public Utilities Commission Regulated Motor Carriers to File a Designated Agent for Service of Process and Court Appearances." (S. P. 82) (L. D. 190)

"An Act to Revise the Bath Water District Charter." (S. P. 72) (L. D. 151)

"An Act Concerning Witness Fees Under the Public Utility Regulatory Statute." (S. P. 59) (L. D. 132)

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

An Act to Increase the Property Tax Exemption for Parsonages to \$40,000. (H. P. 25) (L. D. 34)

On Motion of Senator Speers of Kennebec, tabled for two Legislative days, Pending Enactment.

Orders of The Day

The President laid before the Senate, Bill, "An Act Authorizing Municipalities to Raise or Appropriate Money for a Consumer Action Program. Emergency (H. P. 7) (L. D. 17)

Tabled — February 24, 1977 by Senator Hichens of York

Pending — Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Mr. O'LEARY: Mr. President, I move the rules be suspended for the purpose of offering an amendment.

The PRESIDENT: Is it the pleasure of the Senate that the Rules be suspended in order to reconsider its action.

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President, I request a division.

The PRESIDENT: A Division has been requested. The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, a parliamentary inquiry: Has the Senate engrossed this Bill?

The PRESIDENT: The Chair will advise that the pending question is passage to be engrossed.

Mr. SPEERS: Would it not be correct, Mr. President, that amendments would now be in order?

The PRESIDENT: The Chair understands

that the amendment that the good Senator from Oxford, Senator O'Leary, is prepared to offer is to the Committee Amendment; therefore, it will be necessary to suspend the rules and reconsider.

On Motion of Senator Conley of Cumberland, Tabled for one Legislative Day, Pending Motion from the Senator from Oxford, Senator O'Leary that the Senate suspend its rules.

The President laid before the Senate, Bill, "An Act Relating to Reapportionment." (Emergency) (H. P. 58) (L. D. 79)

Tabled — March 1, 1977 by Senator Speers of Kennebec

Pending — Consideration

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

Mr. SPEERS: Mr. President and Members of the Senate: The Senate is faced with an unfortunate choice today of either accepting the Bill as it has been sent down to us from the other body, or insuring its own will on this particular matter. The Senate saw fit to attempt to reduce the variance in the reapportioned districts from ten percent to five percent. I think as a general principle it should be clearly adopted, that in apportioning either the House of Representatives or the Senate of the State of Maine, that where there is a variance within the Districts, that it ought to be as small as possible. Indeed, it is the very foundation, the very basis of the Supreme Court Decision, in Baker vs. Carr, 1963, a one man-one vote decision, that the Districts in which we represent be as equally divided by the inhabitants of those Districts as possible, and it was the attempt of the Senate in adopting the amendment, Senate Amendment "A", that the variance between the smallest District and the largest District be five percent rather than ten percent. I feel that we are on very solid ground in what we are attempting to do: It is unfortunate that the Bill is in the posture that it is at the present time before us, but I feel strongly enough that the Senate has taken the right position, so that I, therefore, move that the Senate adhere to its former action.

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

Mr. CONLEY: Mr. President, I think that the Majority Floor Leader has certainly analyzed this Bill and he has presented his views, which I think are extremely fair. I would only say that, taking the position that the Majority Floor Leader wishes to take, that it leaves us with nothing at all, and what we are living by then really is the Supreme Court decision.

I think he and I in appointing Members to the Reapportionment Committee feel that they would try to live within the edict of the Supreme Court, and, therefore, I would agree with him that this Bill here in a sense is frivolous. At least the feeling that I have had over the past procedures in dealing with reapportionment, that both he and I know only too well that if reapportionment isn't done in what we consider to be a fair way, dealing with both political parties, then the Court would be the ultimate decider, and they themselves would reapportion the House of Representatives, so I would concur with him that there is really no need for this Bill.

The Senate voted to adhere.

The President laid before the Senate:

Bill, "An Act to Reestablish the Shade Tree Planting Programs in the Department of Conservation." (H. P. 512) (L. D. 631)

Tabled — March 1, 1977 by Senator Huber of Cumberland

Pending — Reference

On motion of Mr. Huber of Cumberland, referred to the Committee on Appropriations and Financial Affairs and ordered printed.

Sent down for concurrence.

The President laid before the Senate:

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

Tabled — March 1, 1977 by Senator Speers of Kennebec

Pending — Motion of Senator Greeley to Indefinitely Postpone House Amendment "A" (H-22)

House Amendment "A" indefinitely postponed in non-concurrence.

On Presentation by Senator Greeley of Waldo, Senate Amendment "A" (S-22) read and adopted.

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

Sent down for concurrence.

Out of Order and Under Suspension of the Rules, the Senate voted to consider additional papers from the House.

Enactor

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

Emergency

An Act to Clarify the Maine Municipal Securities Approval Act. (H. P. 109) (L. D. 140)

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

Mr. CONLEY: Mr. President and Members of the Senate, it is not my intent to delay this document, but I would like to call the attention to the Senate, and perhaps one of our outstanding jurists in the Senate could respond to the question, but I would call the Senate's attention to the closing paragraph of Section 2, MRSA, 5337, which states "after the expiration of the period of limitation, no right or action or defense founded upon the invalidity of that resolution, or any of this provision, shall be asserted, nor shall the validity of that resolution or any of its provision be open to question in any Court, upon any ground whatsoever."

Mr. President and Members of the Senate, that seems very strong language to me, and it certainly has aroused my suspicions in a sense that I just question the constitutionality of that closing paragraph, and wonder if someone may be able to give an explanation.

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

Mr. CONLEY: It is obvious that this is a very urgent piece of legislation, and it is also obvious to me that the Members down at the other end are now breaking bread somewhere for lunch.

The PRESIDENT: The Chair would advise the Senator that he should not refer to actions in the other Body in debate.

Mr. CONLEY: My apologies, Mr. President. I think there should be some sort of a response, either through the Attorney General's office, or through the Chairman of the Judiciary Committee, who may have some knowledge or understanding. I would hope some Member would table this until tomorrow.

On Motion of Mr. Speers of Kennebec,

Tabled until later today pending enactment.

Bills received from the House requiring reference to Committee were acted upon in concurrence.

The President laid before the Senate An Act to Clarify the Maine Municipal Securities Approval Act (H. P. 109) (L. D. 140).

Tabled earlier in the day by Senator Speers of Kennebec pending enactment.

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

Mr. COLLINS: Mr. President and Members of the Senate, I have had the opportunity to give brief scrutiny to the provision that was mentioned by our Minority Leader, and I think there is no constitutional problem with it. It simply provides that where you have a bond issue with

election procedures for approval, that if there is any challenge to the election, that it has to be within a thirty day period of limitation. This is common in many other election statutes, and obviously it is important that any technical questions about the election be raised promptly, and disposed of before bond issues go out to the public and money is spent. I would see no significant problems in this provision.

This Bill being an emergency measure, having received the affirmative vote of 23 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.

Reconsidered Matter

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

Mr. PRAY: Mr. President, I move that we reconsider our action on Item 1-13, a Bill, "An Act to Amend the Statutes Relating to Automobiles," L. D. 657 where we assigned it to Natural Resources Committee.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that the Senate reconsider its action whereby it assigned L. D. 657 to the Committee on Natural Resources. Is this the pleasure of the Senate? It is a vote.

Mr. PRAY: Mr. President, in the absence of the Chairman of that Committee, I would like to have somebody table this Bill for one legislative day, pending assignment to Committee.

On Motion of Mr. Speers, of Kennebec,
Tabled for one legislative day pending reference.

(Off Record Remarks)

On motion of Mr. Huber of Cumberland,
Adjourned until 2:00 tomorrow afternoon.