

# 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, March 16, 1977

Senate called to order by the President.

Prayer by the Reverend Robert Harris of the Veterans' Administration at Togus.

Rev. HARRIS: My Country Tis of Thee, Sweet Land of Liberty; We hold high her torch's light that others may seek freedom's right. God Bless our State and all our people.

Today we pray for our people's representatives in this Chamber. Give to them good health for the physical strains of their office; good judgment for the decisions they must make; wisdom beyond their own years; the fighting courage of conviction and caring. Be close as each enters into his own secret place of prayer for divine guidance, through Christ our Lord. Amen.

Reading of the Journal of yesterday.

(Off record remarks.)

Papers from the House  
Non-concurrent Matter

Bill, "An Act Increasing the Mileage Allowance for State Employees on State Business." (Emergency) (H. P. 606) (L. D. 743)

In the House March 8, 1977 referred to the Committee on Appropriations and Financial Affairs.

In the Senate March 10, 1977 referred to the Committee on State Government in non-concurrence.

Comes from the House, that Body having Insisted.

On Motion of Mr. Speers, of Kennebec, The Senate voted to recede and concur.

## Non-concurrent Matter

Bill, "An Act to Revise the Maine Regional Library System Law." (S. P. 140) (L. D. 381)

In the Senate March 10, Passed to be Engrossed.

Comes from the House, Recommended to the Committee on Education in non-concurrence.

On Motion of Mr. Katz of Kennebec, Recommended to the Committee on Education in concurrence.

## Joint Orders

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

Adeline Wheeler of Auburn, who, at age 75, is a successful and hardworking decorator and world traveler, serves as a model and inspiration to all Maine working people, (H. P. 798)

The Medomak Valley High School Boys' Basketball Team has won the State Class B. Championship for the Academic Year 1977, (H. P. 799)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

Whereas, the Maine Land Use Regulation Commission adopted land use standards and districts on January 12, 1977; and

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

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

Whereas, if the Legislature fails to act, the standards shall remain in full force effect; and

Whereas, to provide for prompt legislative review of these land use standards and districts, it is necessary that a Joint Standing

Committee of the 108th Legislature be assigned the task of this review; now, therefore be it

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

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

Ordered, Upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to the Maine Land Use Regulation Commission as notice of this directive. (H. P. 796)

Comes from the House, Read and Passed. Which was Read.

On Motion of Mr. Trotzky of Penobscot, Senate Amendment "A", (S-28) was read and adopted.

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

## 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 to Reduce the Cost of Electric Utility Services to Customers and Encourage Energy Conservation through Improvements in Electric Utility Rate Design. (H. P. 691) (L. D. 873)

Comes from the House, referred to the Committee on Energy and Ordered Printed.

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

Mrs. CUMMINGS: Mr. President, I move that Item 1-25 be referred to the Committee on Public Utilities. We have made studies of this for a two year period, and I think we are better equipped to study this at this time, and I would like to see this referred to the Committee on Public Utilities.

On Motion of Mrs. Cummings of Penobscot, Referred to Committee on Public Utilities and Ordered Printed in non-concurrence.

Sent down for concurrence.

Bill, An Act to Establish the Salary of State Legislators. (H. P. 725) (L. D. 847)

Comes from the House referred to the Committee on State Government and Ordered Printed.

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

Mr. SPEERS: Mr. President and Members of the Senate, I wish to call this Bill to the attention of the Senate, and to the attention of the people of the State of Maine. We are all aware, of course, of recent pay increases that were voted upon by the Congress of the United States granting a substantial salary increase to members of the United States Congress and the United States Senate.

We are all aware of the objections to those increases that have been made, not only to the size of the increase, but more importantly the very valid objections, I feel, that have been made to the way in which those increases would come about. That is, that they would be tied automatically to other increases, so that the Congress of the United States in the future would not have to put itself on record so that every individual Congressman and Senator would not have to go on record in regard to increasing their own salary. I need not point out too strongly that that Congress is controlled by the party of which I do not hold the same political persuasion.

I am very happy to point out that both of the

Republican Congressmen voted against that particular pay raise and against that method of raising Legislative salaries, and I might add that the Senior Senator from the State of Maine joined those two Republican Congressmen in taking that same position. Of course, I am very sorry to see that the Junior Senator from the State of Maine, Senator Hathaway, did not hold that position, but rather held with the position that the pay raises for the future should be automatic, and that the Congress would not have to go on record voting for future pay raises.

Now I would bring to the attention of the Senate and the people of the State of Maine, that at least one member of the Democratic party feels that the State of Maine ought to adopt the same principles and the same processes for insuring future pay raises for State Legislators. This Bill would bring about a salary increase for State Legislators, but more disturbingly it would establish the same kind of automatic increases for the State Legislature that the Congress of the United States has voted for itself.

Now I have been supportive of pay increases for State Legislators in the past, and I think they have been worthy, but in the past the State Legislators have gone on record, clearly for everyone to see, with regard to the position they take on pay raises. Now I find that the efforts to introduce into the Maine Legislature the same kind of procedures and process with regard to automatic pay increases that have been adopted by the Congress of the United States to be inexcusable.

I would hope that the Republican party would follow the lead of its representatives in the Congress of the United States and oppose this kind of perpetrating upon the public automatic pay increases for our Legislators. I trust that the State Government Committee, when it deliberates upon this piece of legislation, will give it proper consideration.

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

Mr. MERRILL: Mr. President and Members of the Senate, I guess the item on the calendar is reference of a Bill. I would just like to say that I think it would be helpful to the promotion of the expedient conduct of this Session if we tried to limit our discussion to matters before us and not matters before the Congress. We had among us in the last Session a State Senator who always wanted to discuss the fortunes of the upcoming United States Democratic Senator and to do what he could to affect those fortunes. He did very little to affect those fortunes, but he did something to affect his own. I think the advice might be well taken.

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

(Off Record remarks)

## Communications

March 15, 1977

Honorable May M. Ross  
Secretary of the Senate  
State of Maine  
State House  
Augusta, Maine 04333  
Dear Madam Secretary:

In accordance with my authority pursuant to House Paper 345, I am pleased to hereby appoint the following to serve on the Joint Select Committee on State Policy for the Preservation, Development and Utilization of Historic and Cultural Resources:

Honorable John D. Chapman  
Honorable Olympia J. Snow  
Mr. Eaton W. Tarbell of Bangor  
Mr. David J. Holmes of Plymouth  
Mrs. John R. (Sally) Rand  
of Cundy's Harbor

Sincerely,  
JOSEPH SEWALL

Which was Read and Ordered Placed on File.

#### Senate Papers

Mr. Pierce of Kennebec presented, Bill, "An Act Relating to Sales of Vending Machines Required by the Returnable Container Law." (S. P. 291)

Which was referred to the Committee on Business Legislation and Ordered Printed.

Sent down for concurrence.

(See action later today)

Mr. McNally of Hancock presented, Bill, "An Act to Reduce Resident Hunting License Fees." (S. P. 292)

The same Senator presented, Bill, "An Act to Open Floods Pond to Fishing." (S. P. 293)

Which were referred to the Committee on Fisheries and Wildlife and Ordered Printed.

Sent down for concurrence.

Mr. Trotzky of Penobscot presented, Bill, "An Act to Permit 17 Year Olds to Donate Blood Without Parental Consent." (S. P. 289)

Which was referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

Mr. Mangan of Androscoggin presented, Bill, "An Act Concerning Powers of the District Court to Send Juveniles for Mental Examinations." (S. P. 300)

The same Senator presented, Bill, "An Act Concerning the Small Claims Laws." (S. P. 301)

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

Sent down for concurrence.

Mr. Collins of Aroostook presented, Bill, "An Act Relating to Employee Contributions to Unemployment Trust Fund." (S. P. 296)

Mr. McNally of Hancock presented, Bill, "An Act to Amend the Unemployment Compensation Act." (S. P. 294)

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

Sent down for concurrence.

Mr. Jackson of Cumberland presented, Bill, "An Act to Clarify the Town Line Between the Towns of Waterford and Stoneham." (S. P. 297)

Mr. Mangan of Androscoggin presented, Bill, "An Act Concerning Funding of Social Service Agencies and Non-profit Corporations by Counties and Municipalities." (S. P. 298)

The same Senator presented, Bill, "An Act Providing for the Separate Listing of County and Municipal Appropriations on Taxpayer's Bills." (S. P. 299)

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

Sent down for concurrence.

Mr. Collins of Aroostook presented, Bill, "An Act to Articulate the Line of Authority in Land Use and Environmental Protection Programs." (S. P. 288)

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

Sent down for concurrence.

Mr. Huber of Cumberland presented, Bill, "An Act to Increase the Use of Wood Fuel as a Supplement to Conventional Energy Sources in Residential Space Heating." (S. P. 295)

(See action later today.)

Mr. Pierce of Kennebec presented, Bill, "An Act Exempting New Machinery and Equipment used in the Hatching of Poultry from the Sales and Use Tax Law." (S. P. 290)

Which were referred to the Committee on Taxation and Ordered Printed.

Sent down for concurrence.

Mr. Pray of Penobscot presented, Bill, "An Act to Establish a Sign on Interstate 95 Announcing Peaks-Kenny State Park." (S. P. 302)

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

Sent down for concurrence.

#### Reconsidered Matter

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

Mr. PIERCE: Mr. President, I would ask that we reconsider our action whereby Item 3-1, "An Act Relating to Sales of Vending Machines Required by the Returnable Container Law", was referred to the Committee on Business Legislation.

The PRESIDENT: The Senator from Kennebec, Senator Pierce now moves that the Senate reconsider its action whereby Item 3-1 was referred to the Committee on Business Legislation. Is this the pleasure of the Senate? It is a vote.

On Motion of Mr. Pierce of Kennebec, Referred to Committee on Taxation and Ordered Printed.

Sent down for concurrence.

#### (Off Record Remarks)

#### Orders

An Expression of Legislative Sentiment recognizing: The Lady Rams of Bangor High School have won the girls' Eastern Maine Class "A" Basketball Championship for the academic year, 1977, (S. P. 287) was presented by Senator Trotzky of Penobscot.

Which was Read and Passed.

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 Repealing the Requirement for Uniform School Administrative Unit Budget Years. (H. P. 451) (L. D. 556)

#### Leave to Withdraw

The Committee on Legal Affairs on, Bill, "An Act to Insure the Confidentiality of Criminal and Professional Licensing Investigations." (H. P. 283) (L. D. 366)

Reports that the same be granted Leave To Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, An Act Imposing an Excise Tax on Watercraft, Motors and Trailers in Lieu of the Personal Property Tax. (H. P. 135) (L. D. 168)

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

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed To Be Engrossed.

The Committee on Public Utilities on, Bill, An Act to Amend the Charter of the Freeport Sewer District. (Emergency) (H. P. 439) (L. D. 546)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed To Be Engrossed.

Which Reports were Read and Accepted in concurrence, and the Bills, Read Once and Tomorrow Assigned for Second Reading.

#### Ought to Pass — As Amended

The Committee on Public Utilities on, Bill, "An Act Authorizing the Public Utilities Com-

mission to Use a Modified Procedure in Considering Certain Contract Carrier Permits." (H. P. 133) (L. D. 167)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-61).

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

The Committee on Public Utilities on, Bill, "An Act Authorizing the Public Utilities Commission to Insure Temporary Contract Carrier Permits." (H. P. 130) (L. D. 164)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-60)

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

#### Senate

#### Ought to Pass in New Draft

Mr. Collins for the Committee on Judiciary on, Bill, "An Act Relating to Work Probation in Lieu of Fine." (S. P. 108) (L. D. 237)

Reported that the same Ought to Pass in New Draft under same title. (S. P. 303) (L. D. 898)

Which Report was Read and Accepted in concurrence, and the Bill, in New Draft, Read Once.

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

Mr. KATZ: Mr. President, calling the Senate's attention to Item 6-8, at first glance it looks like the Committee has done something perfectly splendid and very interesting.

I would personally appreciate an explanation from the Senator from Knox, Senator Collins, as to the implications of this Bill.

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed a question through the Chair to the Senator from Knox, Senator Collins. He may answer if he so desires. The Chair recognizes that Senator.

Mr. COLLINS: Mr. President and Members of the Senate: I think we have all noticed in the papers where a number of our District Court Judges have been trying out the idea of assigning people convicted of minor crimes to certain work detail, such as working for the Fire Department, the Police Department or the Public Works Department in a Town, as a method of paying their debt to society, and, in some cases, this has worked out very well. Some of our Judges felt that their authority to do this in some criminal matters was not entirely clear, and they requested that we clarify that authority.

The Bill that was submitted presented the idea of a direct sentence to do certain acts, such as to sweep the floors at the Fire Department, for example. This matter was studied by the Attorney General's Office and advisors to the Criminal Code Revision Commission, and as a result we recast the Bill. It contains exactly the same idea, but rather than use a direct sentence situation which might bring into question certain problems of involuntary servitude, and which might discriminate somewhat in favor of those who could afford to pay fines, we revised it to fit it into the present scheme of sentencing where, if there is a fine levied or a sentence of imprisonment, either way, the Judge will have the discretion to place the offender on probation on the condition that the offender do certain acts. These acts are to be limited to services to Governmental entities, such as towns, cities, school districts and the like, and to charitable institutions. That is the gist of this Bill.

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

Mr. PRAY: Mr. President and Members of the Senate: I am going to support this Legislation, but I would like to share one experience, or a number of experiences that I have had in going through my police departments throughout my District.

On several occasions I have gone in and there have been young people there sweeping the floors and what not, and in lieu of sentences, and they will sweep the floor for about 20 minutes or 30 minutes, and they will put the broom up against the wall and say mark me down for 30 minutes on that sentence that I am serving.

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

Mr. CONLEY: Mr. President, I would like to direct a question to the good Senator from Knox, Senator Collins, through the Chair, if I may. I would like to know how this Bill would relate to the present Work Release Program that we currently have going on in most of our institutions, and if this supplements that, if it in some way or another, particularly those that are from the poorer communities. Presently it is my understanding under Work Release that they are compensated at the hourly rate of scale that is being paid to every other employee, and that money is generally sent home to the family, to help them keep going, to keep them off the welfare lists and such. Does this vehicle that is before us today in any way allow municipalities or town communities to pick up what we consider to be ways of cutting down on their budgets and using slave labor to take care of the necessities that have generally been provided through the town budgets?

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

Mr. COLLINS: Mr. President and Members of the Senate, to answer the first part of your question, I would say that this in no way changes the present program of Work Release. The Work Release comes in a situation where someone has been incarcerated in a penal institution as the result of a sentence for a definite period of time. This, of course, usually applies to the more serious crimes and the lengthier sentences.

This program of permitting these assignments is to be used largely in the case of more minor crimes, what we used to call misdemeanors, and is really a form of restitution. There are many crimes which are difficult to accomplish restitution, for example if a youngster, lets say an 18 year old, goes and breaks a hundred windows at the local school house, and he has no job and he has no money, what do you do. He cannot pay a fine. You can put him in jail for a while, but there is some growing evidence that there may be things better than jail. There may be value in some cases to require that person to go and do work which to some degree restores society which has been injured by his act. Now there are other cases, of course, where perhaps the damage is to a private individual, and in that case it may not be possible to use this Statute.

There are other ways of using the principle of restitution to compensate the victim of a crime. Sometimes the Judge under existing law, without use of this at all, may provide that the offender will be on probation for a certain period of time provided that he makes restitution to the person from whom he has stolen, or the person whose property has been damaged. Those existing programs are not harmed by this at all. This is merely to expand the principle of restitution and, of course, if it turned out that there was a conspiracy between a city manager

and a judge to get the streets swept in some way, I am sure that the public would soon discover that and the press would jump on it, and we would be doing something to alleviate that. However, I am sure that we have to entrust some confidence to our Judges to use this sort of program for the benefit of society as a whole.

The Bill tomorrow assigned for Second Reading.

#### Reconsidered Matter

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

Mr. HUBER: Mr. President, with respect to Item 3-13, "An Act to Increase the Use of Wood Fuel as a Supplement to Conventional Energy Sources in Residential Space Heating", I move the Senate reconsider its action whereby this Bill was referred to the Committee on Taxation, and further move that this Bill would be referred to the Committee on Energy.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves the Senate reconsider its action whereby Item 3-13, S. P. 295, was referred to the Committee on Taxation. Is this the pleasure of the Senate? It is a Vote.

On Motion of Mr. Huber of Cumberland, Referred to Committee on Energy and ordered printed.

Sent down for concurrence.

#### Second Readers

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

#### House - As Amended

Bill, "An Act Relating to Conferring Degrees by Husson College." (Emergency) (H. P. 48) (L. D. 69)

Which was Read a Second Time and Passed To Be Engrossed, As Amended, in concurrence.

Bill, "An Act to Provide for Legislative Review and Automatic Termination of State Agency Rules." (H. P. 173) (L. D. 211)

Which was read a second time.

On Motion of Mr. Collins of Aroostook, Tabled for one legislative day pending passage to be engrossed.

#### Reconsidered Matter

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

Mr. MANGAN: Mr. President, I would ask if the Senate is still in possession of L. D. 752, "An Act to Revise the Salaries of County Officers"?

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

Mr. MANGAN: Mr. President, I would ask the Senate to reconsider where the Bill was passed to be engrossed.

The PRESIDENT: The Senator from Androscoggin, Senator Mangan, now moves the Senate reconsider its action whereby this Bill was passed to be engrossed. Is this the pleasure of the Senate? It is a vote.

Mr. MANGAN: Mr. President, I would move the acceptance of Senate Amendment "C" to H. P. 738, L. D. 752, "An Act to Revise the Salaries of County Officers".

The PRESIDENT: The Senator from Androscoggin, Senator Mangan, now offers Senate Amendment "C" to L. D. 752, and moves its adoption. The Secretary will read Senate Amendment "C".

Senate Amendment "C" (S-30), read.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "C"? It is a vote.

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

On motion of Mr. Mangan of Androscoggin, Sent down forthwith for concurrence.

(Off Record Remarks.)

The PRESIDENT: The Senate will be in recess until the sound of the bell, and for the information of the people in the rear of the Chamber who might like to stay and listen to the forthcoming debate, which may be forthcoming, I suspect the caucus might last for 15 or 20 minutes.

(Recess)

The Senate called to Order by the President.  
Enactors

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

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

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

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

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

Mr. PRAY: Mr. President, I move that we suspend the rules so that this Bill can be reconsidered.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves the Senate suspend its rules in order to reconsider engrossing this Bill. The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Mr. President and Members of the Senate, as Chairman of the Liquor Control Committee, this Bill was given a very fair and good hearing, and I personally, along with the majority that signed actually L. D. 4, do not feel that we should suspend the rules at this time since this Bill has passed the other Body. If it goes back to the other Body, with their indecision, and with the hours that they spent on debate from 18 to 19 to 20 and back again, this Bill could very well be killed in the other Body. I would hope that you would not suspend the rules.

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

Mr. CONLEY: Mr. President, a parliamentary inquiry as to whether or not the Motion to Suspend the Rules is a debatable Motion?

The PRESIDENT: The Chair would answer the Senator in the affirmative, the Motion to Suspend the Rules is not debatable. The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I ask for a Division.

The PRESIDENT: A Division has been requested on the Motion by the Senator from Penobscot, Senator Pray, that the Senate Suspend the Rules.

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

Will all those Senators opposing the Motion to Suspend the Rules please rise in their places to be counted.

15 Senators having voted in the affirmative, and 18 Senators in the negative, the Motion to Suspend the Rules does not prevail.

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

Mr. KATZ: Mr. President, I am absolutely confident that the Senate is about to enact into law a Bill that will increase the legal drinking age to 20 years old, and I would like to re-cap at least one Senator's view as to what we are accomplishing here today.

My credentials are I have consistently opposed 18 year old drinking, and consistently favored raising the drinking age, but I would like to give you my impression as to what we are accomplishing.

In the first place, we are going to increase the incidence of law breaking in the State of Maine, and, secondly, inasmuch as those who break the law have a greater disrespect for the law, we are going to increase the disrespect for the law in the State of Maine.

I think the third thing we are going to do is we are going to increase the revenues of our favorite neighbor, New Hampshire, which successfully gives its entire tax structure to get as much money as possible from the citizens of its neighboring states.

The fourth thing we are going to do, I think, is we are going to succeed in dealing to some extent with the problem which perplexed us all. I think this Bill will be a vehicle to reduce the incidence of alcohol abuse among the very young in our schools, the 14, the 15 the 16 year olds. I think that we will be successful in making a contribution, and that is what has motivated us.

I call to the Senate's attention L. D. 857, which was on the calendar today and referred to the Committee on Taxation. It appropriates \$4.4 million to the Department of Alcoholism and Drug Abuse Prevention, and it raises the tax on liquor to do that. That is all the Bill does is it increases the tax and it appropriates money.

You have to read the statement of fact to find out what it is that we may be buying, but nowhere in the Bill is there any commitment as to what we are buying or any hint as to what we are buying.

I rise today because I feel that this is a real commitment on the part of the Senate to do something about alcohol abuse beyond just raising the drinking age. I would urge the Senate to take as much interest in the alternatives that will be suggested for making changes in community attitudes, making changes in society's attitude towards alcohol abuse, as we have toward raising the drinking age here today. If we do that, perhaps the benefits will be much more apparent by the time we adjourn, than they are with the passage of this single Bill.

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

Mr. PRAY: Mr. President and Members of the Senate: I am sure that no votes are going to be changed today, and that the action in this Body will definitely raise the drinking age. As an individual who is going to vote against this action, I would like to make my point clear. I realize that there is a problem in our school system, a very sincere problem of great concern by all individuals.

I have in my own District sent studies to a number of my high schools, and I have received some of them back — all of them I have not. It is interesting to look to see where the students basically receive their alcohol, and the main attempt of this legislation is to remove alcohol from the lower grades, those people who are considered minors.

To address this issue, I myself would put legislation in which would stiffen the penalty for an individual that purchased for a minor — very hard line penalties of mandatory jail sentences, something that most attorneys and most court systems oppose. But I am serious about trying to solve the problem.

The issue at hand, and as we try to address the problem of solving that problem of young people in our society today turning to alcohol, for whatever reasons, problems in the home, problems in school, or just the social activities of their peers, is a true problem that we should all address.

I have my own feelings that within two years from now, or perhaps maybe three, or four at

the most, there will be a number of Bills before this Legislature to address the problem because of the increased automobile accidents, which we hear on this side of the issue, because I think a lot of the students now 18 and 19 are going to return, as I remember it, to the automobiles and the back roads to drink what they perceive illegally and what they receive illegally anyway.

The questionnaire that was sent out asked a number of questions as to those that drink and those that do not, and where they receive it, either at home, or they have another individual purchase it for them, or they purchase it for themselves. As you go through the age limits, I am just going to take one school in comparison, and I will start with the 17 year olds since this is the first year presently that an individual going back down the age is a minor. Just in one school I find that 68 percent of the 17 year olds are drinking. 21 percent of the 17 year olds buy it themselves; 6 percent get it at home; 83 percent have somebody else buy it for them. This is the issue basically that we are addressing. Of that 83 percent that have somebody else buy it for them, 10 percent of them have another minor purchase it for them — another minor. We have laws on the books which say it is illegal for these individuals to buy. They have to have a State Liquor ID card. I think there is a problem of enforcement of another one of our Statutes, and it is not the age that is the issue. Of those that do purchase from an adult, have another adult buy for them, 29 percent of those are in school. 68 percent are people who are not in the school system, and they are older than 18.

Drop down to the 16 year olds, we have 63 percent of the kids drinking. 13 percent get it at home; 91 percent have somebody else buy it for them; 39 percent of those are students, and 59 percent are people who are out of school.

The issue that we are trying to address today basically is are we going to penalize the law abiding 18 and 19 year old students who obey the law, and take this privilege away from them, because of what a minority does.

The answer to the problem, as I see it, is to strengthen up our other laws where Liquor ID cards are required, stronger enforcement through the store owners who are selling to minors, perhaps unknowingly, to strengthen the penalties because I do believe that strong penalties are a deterrent. I believe that would solve the problem greater. I believe that our actions today will only create a greater problem in this State.

Thank you.

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

Mr. HICHENS: Mr. President and Members of the Senate, there is no doubt in the minds of the Senate or the people of the State of Maine how Senator Hichens stands regarding raising the drinking age, having been the sponsor of LD 4 two years ago, and one of the co-sponsors of LD 4 in this present 108th Session.

I am not standing here this morning to ask you to go along with me because of my views. I am asking you to support the 20 year old drinking age because the people of the State of Maine have asked you to do it, beginning at the hearing we heard, along with the phone calls which many of you have received, and along with the people who have spoken to you on the street and in your homes, most of them, probably 90 percent of them, have been in favor of raising the drinking age to 20 at least, some of them to 21. So you are keeping faith of the people of the State of Maine today when you vote to raise the drinking age to 20. As I have said once before, it is not going to solve all of the problems. It may solve just a few. But if we solve a few, we are going in the right direction.

We have heard about the enforcement problems, the law not being enforced now, and

in our recent caucus that was held a few moments ago there was several if's brought up — if we did this and if we did that. I heard those same arguments four years ago. I heard those same arguments two years ago. And those if's have not been taken care of. I think we need to take care of those if's, — that we should have stronger enforcement. We should have more enforcement officers looking out for these things.

I read in today's paper, in yesterday's paper and the day before, the articles relating to the liquor problems with our young people. I draw your attention to the fifth page of the Portland Press Herald, I think it is on different pages in the other daily papers, but it states here, with a picture of a body on the highway, that the needless death of teenagers and highway accidents is one of the strongest arguments police use in seeking to have the legal drinking age raised. In New Hampshire, 281 persons between the ages of 16 and 18 were arrested for driving while under the influence in 1972. In 1974 there were 812 arrests from the same age group. In Vermont 156 persons between the ages of 16 and 21 were arrested for driving while under the influence in 1971, compared to 412 for the same age group in 1974, after the drinking age was lowered.

In Maine in the first part of 1976 the age group between 16 and 20 logged 661 arrests for driving while under the influence, or nearly 20 percent of the arrests made. Maine officials say they have no accurate records for 1971.

I think that is conclusive argument in favor of raising the drinking age. I have faith that the Members of this Body today are going to vote for the people they represent, and are going to vote their own conscience in voting to raise the age to 20, and when the vote is taken I ask for a roll call.

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

Mr. MERRILL: Mr. President and Members of the Senate: I think that if all of the Members of this Body were convinced in the power of criminal law to be effective in matters like this, there would be very little division here, and I think if most of the Members of this Body were convinced that the premise of the argument in favor of raising the drinking age that the criminal law could make a major difference, that if we passed it there would be very few or no people in the age group we are talking about consuming alcoholic beverages, I think we would have close to a unanimous vote here.

As a matter of fact, if we were so convinced of the power of the criminal law, there may be many of us who would support prohibition completely, because if it was that easy to end the scourge of alcohol and the problems that it makes for our families and for our society, who among us would not vote to do it. The attempt was made once before, of course, in the famous Maine law that passed before the Civil War. Unfortunately it was not successful. The reason it was not successful is because there is a limit as to what we can do with the criminal law. I think most of the people in this Chamber know it, but it is always a very simple solution to turn to when we face a social problem, and so here we are today, and my good friend and colleague from York, Senator Hichens, points out in his argument the number of people who were arrested for driving under the influence in the age group that we are concerned with here, 16 to 18 year olds, I think. Two observations, I think, were of interest in analyzing his own evidence. First of all, it was against the law for those 16 and 17 year olds to have it in the first place. If the criminal law is so effective, why did they have it. Secondly, it was against the law for anybody, including people in that age group, to drive an automobile while under the influence. If the criminal law was so effective, why were they driving the automobile.

Now we can make another criminal law, and I hope that it has some effect. I know that I agree with the Senator from York, Senator Hichens, that most of the people do want a change in the drinking law, and I think that we have an obligation to reflect that here.

I don't think there is anything wrong in moving in steps in these matters, and I think one of the functions of a representative body in a democracy is probably to avoid the extremes of the pendulum as public opinion springs back and forth. Probably we would have been a lot better off if in previous Legislatures they had been able to avoid the extremes of the pendulum that swung toward 18 and maybe stop at 19. I think we might be better off today if we moved deliberately step by step, and I think that is all that is in question here, if anything is in question here, and I think that is where there is some debate among the people in this body. I think we all know that the people want to see some change, and all of us know that it is our job, although we have some doubts about what it will accomplish, to move in that direction.

It has troubled me somewhat that we seem to have such major swings in a question like this. And the real reason that it troubles me is because I, obviously from the way I have made my life and from the way I make my living, I have a great belief in the law, and have a great desire that young people come to share that belief, because I believe that a system of laws and faith in the laws is the only thing that allows us to conduct our activities in a sufficiently civilized way so that we can give vent to the more creative aspects of the human nature. I am concerned that such erratic swinging of the pendulum, when it affects the young people, is going to have the effect of undermining and eroding that faith in the law, and that what we will end up with is accomplishing none of the goals that are so important to the Senator from York, Senator Hichens, and the people he speaks for, the majority of the people of Maine, and we will end up doing something far worse, and that is creating a whole class, age group of Maine citizens who have no respect in what we do here in the laws we make.

I would urge the Senate to take one last moment of thought and try and moderate this Bill and take the only step we have available, if what we wish is to see an 18, 19 or 20 compromise, and that is to have this Bill fail in final enactment for that purpose.

I have talked with a great many people about this, and I know people feel very strongly about it, but we should not always have the luxury, as public servants, of taking the most popular point of view. At times something more is called for, and I think this is one of those times.

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

Mr. LOVELL: Mr. President and Members of the Senate, not to prolong the debate, I simply want to apologize for debating the reconsideration motion. Yesterday I went along with the Bill that the gentleman on the second floor had, to please him, and there was only four votes besides my own going along with the gentleman on the second floor on the Bill that he vetoed. Consequently, if I went along with him today, why the Bill would probably lose, so I am not going along with him today. I am going along with the present motion for enactment, but I will say, as Chairman of the Liquor Control Committee, I will and intend to get in contact — if it is within my power to do it, with the Chief of the State Police, with the Sheriff's Department and possibly get my secretary to get letters out to various Police Departments in the State, when we have this Bill up for enactment in printed form, after signed by the Governor, and send it to them and ask them to enforce this law and not just leave it to the officers of the Liquor Control or the Liquor Commission. Thank you.

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

Mr. LEVINE: Mr. President and Members of the Senate, I have spoken a number of times before on this Bill. I would like it clearly understood here that I, too, am in favor of raising the drinking age. I did, after all, sign a Bill out of Committee, the Liquor Control Committee, to raise that age to 19. I considered that a moderate stance. It is not a personal compromise of mine: It was simply a moderate stance of mine. There is a slight semantic difference, there.

I would like to be very certain that everyone out there in those communities understands what this particular piece of legislation does. I am very much opposed to this particular piece of legislation for a number of reasons. One of the specifics is that this, unlike Senator Hichens' Bill as amended, which we voted on in this august body — and at one point we voted to accept — this does not have any so-called grandfather clause. That is, what we are going to be telling 18 and 19 year olds out in the Committee when this Bill passes finally as signed by the Governor, and becomes law, is that you can drink today, you 18 and 19 year olds, but you cannot drink tomorrow. I think that is a major consideration we have to take here.

I know that there has been some uncertainty as to whether this grandfather clause was here or not. I am sure that by today everyone in this body understands it. I am simply speaking for the record so that the people out in our communities can understand that there is no grandfather clause in this particular piece of legislation.

Those 18 and 19 year olds, I suspect, will continue to drink, but will do so illegally. It is very difficult to take something away from someone once you have given it to them. They can do it legally now; I am very much afraid they are going to do it illegally after it passes, and, therefore, although I am in favor of raising the legal age of procurement of alcoholic beverages in the State of Maine, I am very displeased with this Bill, and, therefore, will vote against it.

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

Mr. CURTIS: Mr. President, this is not an easy decision for me to make on how to vote on this particular piece of legislation. Earlier I voted to suspend the rules so that we could more carefully consider our actions. I certainly am not in favor of alcoholic beverages in the elementary and secondary schools of the State.

My inquiry into the question of whether or not we presently have a statute on the books, criminal or otherwise, which prohibits the use of alcoholic beverages in such elementary and secondary schools did not result in an affirmative answer. Maybe we have such a law, but I would think if not, that certainly would be one direction we could take.

The Senator from York, Senator Hichens, who has worked so diligently over several years to produce this piece of legislation and bring it near fruition, pointed out that perhaps we should vote the way our constituents want us to. For some of us that is not an easy thing, even if we were so moved to make our decisions based upon constituent input. For example, I have heard from a very fine gentleman with carefully reasoned arguments, Andrew Whitman, from the Orono High School Student Council as to why the 20-year-old age limit would not be realistic or reasonable. I have heard just as impassioned pleas from parents and superintendents and principals and police chiefs, and other people who are concerned with helping young people and want some assistance from the Legislature and believe that 20 or 21, or something perhaps even higher, at any rate a higher age than we have right now, would provide the solution. And I have received, as you have, telephone calls

and letters from parents and other people very concerned in this direction.

I face a problem that perhaps some of you do not in that I probably have as high a percentage of my constituency as any member of this body who will have a right taken away from them 90 days after the Legislature adjourns. And those 18 or 19 year olds, who happen to reside in my constituency, and who have not abused the privilege of using alcoholic beverages, will, I am sure, ask with some dismay what the Maine Legislature was doing when a right, not abused by them, was to be taken away. It seems to me that this perhaps is a Legislative shotgun approach to legislation, and perhaps what is needed, as has been discussed earlier, is a more specific rifling or bullet approach to solving the problems that do exist.

We have a situation right now where 18 year olds and 19 year olds have all adult rights. The change that would be contemplated by enactment of this law would result in 18 and 19 year olds being able to marry, raise children, write wills, become guardians for minors, do many of the other things to which they are entitled, and not be able to purchase or consume alcoholic beverages. It is an interesting inequity, and I suspect we are likely to enact it. I am not without sympathy for the people who face the problem of those 18 or 19 year olds, particularly in the secondary schools of the State, who abuse the privilege that is presently theirs, but I wonder if this is the proper approach for the Maine Legislature to take.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, I won't take a great deal of your time this morning. I have much the same problem as Senator Levine has in that I came down here this year with promise to my constituents to attempt to vote to raise the legal drinking age because I felt there was a problem.

Two years ago I helped to defeat similar legislation. I agree with Senator Levine that of the radicalness of this approach and I have a couple of questions, or a couple of problems I would just like to pose — I do not expect it to change any votes.

Although I do favor a higher legal drinking age and did vote for the 20-year-old Bill three weeks ago here in all sincerity, one that had a grandfather provision, I cannot and will not vote for this version this morning. I hope that the persons who are here this morning in the back of the Chamber, and also the other persons that are here within this Chamber, who feel so strongly about this problem, I hope we all take note of who votes where, and I am sure it will be taken note: We have Bills coming in to deal with other substances that we all agree are being abused.

Two years ago I stood in the Maine House of Representatives and I fought very hard against decriminalization of marijuana. We have legislation on this issue coming back in. I want everybody here to be present again in this Chamber when that issue comes up. We are dealing with two different substances. We are making one a little bit more difficult to receive perhaps this morning by raising the legal drinking age to 20. Two years ago we made another substance very easy to receive. Last evening Senator Martin and I had a very good, long, informed discussion with a group of Seniors from Van Buren High School, most of whom are sitting in the back of the Chamber right now: All of you who are voting this morning to raise this age to 20, I would like to have you go talk with them afterwards. Although they are split fairly evenly, surprisingly, on raising the age or not raising the age, they say the problem is marijuana, not alcohol. I want you to be aware of this, and I want you to think about this.

We are voting for a Bill this morning that

three weeks ago in this Body did not have one vote, that was Report "E" of the Liquor Control Committee. I find it impossible to vote for this Bill, mainly because of what Senator Levine mentioned about the grandfather provision. I want to raise the drinking age, have no doubt in your mind about that, but I object to radically tearing away of a right that was here today and will be gone probably about mid-October, depending on when we adjourn. I do not think this is fair, I do not think this is right. There was some problems and questions about the constitutionality of the grandfather provision: While I would like to attempt to see what we could have gotten out of that version, perhaps the 19-year-old version, most of the debate in this Body has been on the school and on the very young minors, the 14 to 15 years old group. I felt the 20 year old version with a grandfather provision or 19-year-old version would get at that. Apparently we have now changed our mind. That vote was, I believe, 15 to 14 here three weeks ago for a version with a grandfather clause.

I would ask that you very seriously consider these questions that I have raised when you vote for final enactment of this Bill, and I would once again say that we are not finished with the subject of alcohol or harmful substances in this Body. We will have many more issues and I hope that the same 20 or 21 or 22 — or however many the vote comes out to be — Senators in this body who vote to enact this Bill, will also go on line when the marijuana Bill comes out in a couple of weeks. Thank you.

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

Mr. MARTIN: Mr. President and Members of the Senate: I am glad that Senator Carpenter, the Senator from Aroostook, mentioned the fact that we did have supper and we also had a little question and answer period with various students from Van Buren last evening. I just want to bring out one point. I just want to tell you what a 17-year-old student told me last night. I quote and this is exactly what he said, "You people in the Maine House and the Maine Senate have debated this issue for four or five weeks now. Why couldn't you have come up with one idea and that is to educate the 17 year olds, to educate the 18, 19 and 20 year old adults." And he came out with this one suggestion which I could not answer, I could not think of, but it is very good. I think we should consider it in the future. And that was he felt that students or young 18 year old adults should be educated about the use of alcohol in a way similar to driver education. He stated he felt that every young adult should be issued an education card, something again similar to driver education. Abuses of this, the education card would be thrown away, taken away from him. Consider this, this is far fetched I remind you, but it is in the future, something we should really be considering.

I am convinced that no one here has changed any votes this morning. This Bill will get enacted. I am still convinced, however, that it is a cop-out.

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

Mr. DANTON: Mr. President and Members of the Senate: I find it strange today that the Senate is getting ready to enact a 20-year-old drinking Bill. Three years ago we had the same Bill to raise the drinking age to 20. I think after the Bill bounced back and forth, then as it did this Session, we had come to a compromise for 19. If I remember correctly, at that time the good Senator from York, Senator Hichens, moved to kill the entire Bill, simply because we did not want to compromise and give the youth in this State an opportunity to prove that at the age of 19 the problem would no longer exist in the high schools.

This Session, again the Bill has been bouncing back and forth, and there are many Senators in this Senate Chamber that I think really and truly thought that they would not find themselves in the position of enacting a 20-year-old Bill today. You know, there is a nice way of killing Bills once in a while. You vote for a higher age and send it to the other Body. The other Body does the same thing and they send it to us, and we get into a Committee of conference and we end up with nothing. It is a matter of record. Three years ago I voted in Committee to raise the drinking age to 19. It is a matter of record, I voted in Committee this year, again to raise the drinking age to 19. Today I am sure the Senate will enact a 20-year-old Bill. I feel it is a shame in that we did not compromise and go to the 19 and try it, and see if it would take care of the problem. Obviously we drew the fatter lines: The pressure came from parents, and I hope the parents tonight after the Bill is enacted, they can go to bed and not worry about a thing, the drinking age is going to be 20. Mamas up here in Augusta took care of the situation for them. But that just is not going to be the case.

I am sure that many of our fathers and grandfathers would be laughing at us today to spend all this money debating a drinking bill. And as the good Senator from Kennebec, Senator Katz, mentioned earlier, it is a problem that goes a little bit further than the Maine Legislature, it goes into schools, it goes into homes. But obviously we have to step forward up here and raise the drinking age, and I am sure that is what we are going to do today. Thank you.

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

Mr. PIERCE: Mr. President and Members of the Senate, I think I have rarely heard a Bill debated that obviously has so many unanswered questions and so many problems surrounding it. This has been true from the very inception of this Bill when it came out with what I thought was really an unbelievable 5 separate reports, which shows right from the beginning that there was an awful lot of problems with it and I think that has continued along in the length of time we have taken in debating this Bill, several weeks. It is an unusual period of time, certainly.

We find ourselves now in a parliamentary bind. Probably a majority do not want to raise it to 20, but certainly we do want to raise the drinking age. I think there is one other option which we could take to compromise this and come up with a Bill which would raise the drinking age, but not raise it all the way to 20. At this time I would now move that this Bill be recommitted to the Committee on Liquor Control.

The PRESIDENT: The Senator from Kennebec, Senator Pierce has now moved that the Senate recommit L. D. 577 to the Committee on Liquor Control.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: I ask for a division.

The PRESIDENT: A Division has been requested on the motion of the Senator from Kennebec, Senator Pierce.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: I request a roll call.

The PRESIDENT: 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 those Senators present and voting. Will all those Senators in favor of a roll call on Recommendation please rise in their places to be counted.

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

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

Mr. LOVELL: Would I be out of order to say a few words on this recommitment?

The PRESIDENT: The motion is debatable. The Senator has the floor.

Mr. LOVELL: Mr. President and Members of the Senate, as Chairman of the Liquor Control Committee, we had a hearing on the five different Bills for six solid hours at the Civic Center, and we have debated this at length in the House and the Senate, and now to turn this back to the Liquor Control Committee, we are going to be the laughing stock of the newsprint and television in the State of Maine. Now I do not mind working or having another hearing if a majority feel that we should have another hearing on this Bill, but we have had a good hearing.

I did like the grandfather clause on it. I will admit I think Senator Hichens' Bill was best with the grandfather clause that 18 and 19 year olds could drink. But on the other hand, if we send this Bill back to the other Body for Amendment, it will go back to 18 probably and we will have accomplished nothing. So I certainly hope that the Liquor Control Committee does not have to have another six or seven hour hearing at the Civic Center on this Bill.

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

Mr. FARLEY: Mr. President and Members of the Senate: Every piece of legislation entered here, either in the other Body or this Body, obviously is an answer to a social problem, a business problem or a legal problem or a consumer problem. The success or failure of that piece of legislation, in the eyes of the sponsor is a solution of the problem, lays somewhere in the middle between the art of compromise, I suppose. Now I admired here for the last two or three weeks the craft of those who in all fairness tried to defeat this measure, and I watched them apply it to this Body and the other Body. That is the best shot they had and they took it. I admired their chances. But I really do not want to hear the cries of compromise now. Two weeks ago many of us were willing to compromise and the games continued. Now I have to quote an old cliché, those people played with fire and they got burned, and I am not moving.

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

Mr. LEVINE: Mr. President, as a member of the Liquor Control Committee, I feel I should say a few words here. I am not opposed to recommitting this to the Committee. As a matter of fact, I am in favor of that. I think I made quite clear what my stand on the issue has been right along, and I will continue to stand on that. I think it must be understood here that many of the facts and figures that we on the Committee and others amongst this Body and the other Body at the other end of the hall have received, have come to us after this was signed out of Committee.

I believe Senator Lovell has already raised the point that we were rushed to sign this out, to get it out on the floor, to get discussion going on it. I think that perhaps we may be in a position now to step back and take another good long, hard look at this issue.

There is not any question in my mind that if this goes back to Committee this Bill is going to die. We are not going to have any change in the age. I do not believe that is true. I think that by far the majority of the Members of the Maine State Senate and a majority of the members of the Maine State House are going to push very hard to raise the legal drinking age and will continue to do so. I do not think that in any way we are going to see this Bill killed because it goes back to the Committee. I am in favor of bringing it back to the Committee. I know there are other facts and figures I have yet to receive on this from both sides, and I would like another chance at this; I would like another chance to read these. Perhaps my opinion will be changed then during Committee.



There has been a lot of talk about parliamentary procedures and games, "games that were played." Perhaps games were played. This is a very serious question for us gathered here today, and for all the people in the State of Maine, and if it takes us a little bit longer to work out the problem and come up with a truly good solution to that problem, then I am all in favor of it.

I am very much fearful that people in this Body today may vote against recommitting this to the Committee because they are afraid that we are not going to come out with anything, there will be no change. I am assured in my own mind, and I think if they thought about it for very long, or thought about it very hard, that they would realize there is going to be a raise in the legal age for procuring alcoholic beverages in this State. We are going to raise that age. The question now seems to be how do we go about it. In order to go about it in the best possible manner for all concerned, I think perhaps it should be recommitted to Committee. Thank you.

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

Mr. CONLEY: Mr. President and Members of the Senate: I can hardly believe my ears. A few moments on the motion of the good Senator from Kennebec, Senator Pierce, everyone has spoken out for 18, 19, 20. No one mentions the fact the initial Bill that was put into the Liquor Control Committee, at least one Bill was for the age 21, the Bill that the good Senator from York, Senator Hichens and good Senator from Penobscot, Senator Cummings and I all co-sponsored. To recommit this Bill at this time, I could only suggest that we take advantage of the hour of free time that Dr. Schumacher has this afternoon, go over there and get a little therapy from him.

I would also suggest that at the Democratic caucus that was held a little while ago, that I felt about as popular as a skunk at a lawn party and, therefore, sat there with my mouth shut and listened to some of the wisdom that was being tossed around by other Members of the Senate, the Democratic Senate anyway. And I respect their views, each and every one of them. Obviously, I am not speaking as the Minority Floor Leader here. I am convinced whether we send this Bill back to Committee or whether we bite the bullet right now, it is not going to change one vote in this Senate. Really, sometimes I wonder, you know, the people say the greatest show on earth is the Portland City Council, but I sometimes wonder when I sit in the Maine Senate, I sometimes think you are an equal match for us, that some sort of award ought to be put up and just allow some of the spectators that view the occasional sessions of the Senate and the Portland City Council make that determination.

But to be playing further games at this late moment, to me is certainly not explainable to the people that I represent back home. Now I suggest that we bite the bullet. We have the enactment before us. We either vote yes or we vote no. Now we can all go home — as I say I respect everyone's opinion here, and I am sure they are convinced that the way they vote they are doing right in representing their constituents. The good Senator from Kennebec, Senator Katz mentioned that this will mean probably additional revenue to New Hampshire. Well, I would only submit that the State of New Hampshire, the State of Vermont, and I am sure there will be many other States to follow, are today debating raising the drinking age to 21, et cetera. We speak of the most liberal state in the Union when it comes to laws, California. It is not just somewhat shocking that the State of California has on its statutes for the legal drinking age, age 21. That should give you something to think about.

Now I have ten sons and two daughters, one grandchild, and I am concerned, not as the

Minority Floor Leader, but I am concerned as a parent and as a father, and I agree most emphatically with everyone who states this problem is really not a statutory problem: It is a problem that must be worked on and it must be worked on very hard in the homes, and I think when this Bill first came to the Senate some months ago, that was one of the areas that I pointed out that I thought more concern must be given to.

I urge the Senate to use its wisdom, to exercise its judgment and not recommit this Bill. Defeat the motion and either vote to enact or not. And I think that is the question before us.

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

Mr. MARTIN: Mr. President and Members of the Senate, I would just like to remind you that a Motion to Recommit would not require a public hearing. Face it — two wrongs do not make a right. Maybe we can come out with a better deal, a better compromise, but lets give it a chance.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, very briefly, my good friend from Cumberland, Senator Conley, talks about biting the bullet. I would love to bite the bullet if I could just find one that was palatable enough.

There are several members of this Body that have told me that they feel the way I do. I did not play any games with this Bill. I want the age to go up. I cannot vote for enactment of this version of it.

The good Senator from York, Senator Lovell, mentioned that we would be the laughing stock of the press. Well, that has happened before and we are still here. I do not worry too much about that, because they very rarely say anything nice about me anyway.

I would submit to you that what Senator Pierce mentioned when he made the motion is exactly what has happened in this body. There are among us people who do not want this version who will vote for enactment. Why — because we have backed ourselves into a parliamentary corner that we cannot get out of. It is either this or nothing. This is all I have heard the last two days, we have no choice, we have to vote for this or the whole thing goes down the tube. Well, we now have an opportunity to go back to the Committee on Liquor Control, and I am sure the Members of this Body that are on that Committee do not object to that, do not feel that they are over-worked if we send this Bill back to them. I am sure that the Senator from York will gladly spend another six hours or seven hours, or whatever it takes, working on this Bill. Perhaps he would rather not because of his position on the Bill, but I am sure that he would gladly do it, and not ask the State for time and a half.

I would like to have a version of a higher drinking age that I can in all honesty and in all good conscience vote for, and this morning I do not have that version. I do not think we are playing games with it. There is no doubt in my mind, regardless of whether we vote on this issue now, or whether we send it back to Committee, that the drinking age in the State of Maine, come mid-October of this year, will be higher than 18 years of age. I would like to do it gradually, but lets not be reactionary. Lets not move the pendulum drastically back to the other side.

I would ask your support on the Motion of Senator Pierce to Recommit.

Thank you.

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

Mr. HICHENS: Mr. President and Members of the Senate: I would strongly object to Recommitting this to the Liquor Control Com-

mittee. There were some 500 people at that hearing, 263 of them signed that they were in favor of raising the age to 21 at least, and the compromise was made, and I have been criticized by many of these people because I even compromised to 20. But after a straw vote in the Republican caucus, I realized that raising it to 21 would not go through, and so I and the other sponsors were willing to make that compromise to 20.

In answer to the good Senator from Kennebec, Senator Levine we do not have to make public hearings to dig out the facts on all of these things. It has been some four weeks at least since we had that hearing, and we have had plenty of opportunity to dig out the facts that we need without regard to people coming to the hearing and explaining them all to us. I have had facts presented to me, and I am sure he has had other facts presented to him. To me, this is a lame excuse to keep the Bill in front of us, and to prolong the agony, so-to-speak.

While I am on my feet, I would like to answer a couple of assertions that have been made. I did not make the motion two years ago to kill the 19 year old bill. I did not support it because I felt very strongly that we should go on 20, and as you who were in the Senate two years ago will remember, when it came back from the House, having been defeated at 20, the Senators, a majority, voted to go along with the House, and L. D. 4 was a dead issue.

In regard to the statements made by the good Senator from Houlton regarding us turning down the L. D. 577 which is before us right now, we never had an opportunity to vote on that, because by one vote we voted to accept the majority Committee Report, and so the other one was never presented to us. Perhaps if we had had an opportunity to vote on that, that would be the Bill which we would have sent over to the House in the first place. No one knows, because I do not think we can go back on former deliberations which we have made.

I do strongly object to sending this back to Committee, and I hope that we will again take this issue right at hand and make a vote on it today.

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

Mr. SPEERS: Mr. President and Members of the Senate: I certainly would not want the implication to stand that those who oppose the particular Bill that we have before us at this time were not able to present their point of view and to vote on their point of view, because that simply has not been the case. This Bill has been before us, the Legislature, in one form or another for several weeks, and as the good Senator from Kennebec, Senator Pierce, pointed out, there were five separate Reports that came out accompanying this particular Bill; each one presenting a different point of view, and the Bill as it has been going back and forth between the two branches, has been susceptible to Amendments, and indeed Amendments have been presented, and Amendments have been defeated. The simple fact of the matter is that those who oppose the Bill in its present form have simply not been able to prevail in their point of view. But it is not the case that they have not been able to present that point of view.

Mr. President, I think that if this Senate has ever been ready to vote on this particular Bill, either yes or no, that time is now.

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

Mr. PIERCE: Mr. President, I am sure that there is not one among us who would not like to dispose of this matter today. Certainly I would. That is probably the easiest route for us to take. But I wonder if that is the bottom line for us. Is not our obligation here to try to come up with the very best piece of legislation that we can. If

it is a little more agonizing, if it takes a little bit longer on something as important as this, isn't it worth a little bit more time.

I feel that things have jelled. It is a lot different than when we started. People now who felt before that we might not raise the age, are convinced that it is going to go up. We start with a completely different bottom line there, and I really think that we can get a better Bill, one which in the end we will all support by sending this back to Committee.

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

Mr. MERRILL: Mr. President and Members of the Senate: One brief observation. You know sometimes the Democratic leader of the Senate from Cumberland, Senator Conley, who has been in the Legislature for a long time, and I think he knows that the characterization of who is playing games is often in the eyes of the beholder, and I might say someone who votes against the Motion to Reconsider so as to put us in the position that the Majority can do their will is in essence playing games with the will of the Majority of this Body.

I think the important thing here is trying to get ourselves into a posture where we can do what we think is the very best thing. If we think that the Bill before us is the very best response, it is the best that can be fashioned, it is the fairest, the one that will lead to the greatest respect for the law, then by all means vote against sending this to Committee. But if we think that we can do better, and if we think it is worth spending just a little bit of our precious time to try to do better than this specific Bill, lets send it back to Committee. To do otherwise would be to shrink from our responsibility or to play games.

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

Mr. PRAY: Mr. President and Members of the Senate, first of all I would like to point out that I did not consider political action as games. As an individual who has been on both sides of the issues for political reasons, or what I would call political positioning, do not consider the actions of either Body at different times as a game. I take it very seriously.

I believe that a number of points have been raised today that this is piece-meal legislation, that we need stronger enforcement, we need more enforcement officials and what not. All of these points have been brought out by both individuals who are going to vote on both sides of the issue. Everybody has stated that they favor something to be done, they favor some type of increase in the age.

I think the Motion by the good Senator from Kennebec, Senator Pierce, is an attempt to put the matter back before the Committee so that they can address the total problem. If we are going to take on an issue of this magnitude, I wish that we would address the total problem, and try to come up with the best legislation as has been mentioned by a number of speakers.

I think that Members of the Committee did a commendable job in sitting through the long hours of testimony at the hearing. I was there and I stayed through the entire hearing myself. For an hour and a half the sponsor spoke, and then an hour of proponents, and then we got on to the opponents. I had a couple of high school students from my District that were down on a day to testify. They wanted to testify before a Legislative Committee relating to this issue, but because of the time it did not permit them to do so. They had to go back to Millinocket, and they were not able to do that.

I understand from some of the Members of the Committee that the action taken by the Committee to sign the Bill out was very rushed. Senator Levine has pointed out that there is some information that he has not yet received, and he wished that he could view prior to mak-

ing his decision. A number of people told me that when they went down that day to that Committee session, work session, that they were told "no discussion", either sign out this Report, listing one of the five Reports below, thus the decision was made.

I have heard a number of people say, don't we have anything better to do than go down here and debate this thing day after day after day. This Bill here is not going to lengthen this Session or cost the taxpayers one additional dollar while we debate it now. We are going to be here until, — the good Senator from York, Senator Danton has told me August — and the way we are going I think it might be true.

I think consideration of the legislation has taken a multiple fold effect, — Constituency response, information that is made available to us: We are asked to deal with the emotions of our constituency as to how they feel on issues that are before us, and we take the facts and the information that are presented to us, and between the two we make a logical decision. I wish today that we would send this Bill back to Committee so that all considerations can be rendered to this, to address the total problem.

In the Portland Press Herald on March 10th, on Page 11, there was an article, and the title of the article was "Early Adolescents, Neglected Group of Minors", and I have saved that article and read it a number of times. It deals not only with the alcohol problem, but the drug problem, suicide attempts among young people, criminal increases and what not. It talks basically about the fact that we, the older people of this society in relationship to our teenagers, the parents and the law makers, have neglected this age group for numerous reasons.

Our attempt here is not to neglect them, but to help them, and I think we can best serve that purpose on this issue if this Bill was sent back to Committee.

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

Mr. MANGAN: Mr. President, I am in a dilemma as far as this Bill is concerned for a couple of reasons. I have always favored very strongly, I think, the 20 year old drinking age. The problem that bothers me is that we are going to be depriving those kids and young adults who are 18 and 19, who presently have the right to purchase liquor, from exercising that right until the age of 20. It bothers me that we have today a 20 year old drinking Bill that we can vote for. However, if that Bill should be recommitted to Committee, we will never come back out with as strong a Report as we have currently on the floor today — that if that Bill is recommitted, that the age will come back as being age 19, and, therefore, I would urge my Brother Senators today that in order to avoid another series of five or six reports coming out of Committee, that they vote the age 20 and hopefully maybe some day before the Session is out we will probably Grandfather those who already have the liquor purchasing cards.

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

Mr. JACKSON: Mr. President and Members of the Senate, I would like to support the Motion by the good Senator from Kennebec, Senator Pierce, to recommit this Bill to the Liquor Control Committee. The debate has continued on through this Body for the last three weeks plus, and there have been many problems which have been addressed, — well, the questions have been asked and the answers have not been given, particularly in the area of enforcement, licensees, off-premise consumption, whatever the case may be.

In regard to the recommitment to the Committee, I am sure every member of this Body is aware that three members from this Body all signed Reports out to increase the drinking age. So I am not concerned that it is not going to

receive a fair and equitable look at the whole entire package, the whole entire piece of legislation and make the appropriate changes as they see.

I am sure that if it is recommitted to Committee, that it is going to come back out of Committee with a favorable Majority Ought to Pass. I cannot say what age it will come out. It might come out at 19. It might come out at 20. It might come out at 21. But I am not concerned that it is not going to come out Ought Not to Pass.

I think the two Bodies of this Legislature have taken a position to increase it, and I am sure it is going to be increased. I would urge the Members of this Senate to vote to Recommit it to Committee, so that the thing can have a complete and thorough looking over, and make the appropriate changes as the Committee sees necessary. Now we have talked about, as I mentioned earlier, the enforcement provisions, and change in penalties, and I think this is a must. I think if we take this position today and enact this piece of Legislation, we are reacting to a problem. We are not acting to solve that problem. I would urge the members of this Body to support the Motion of the good Senator from Kennebec on the Recommitment of the Bill.

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

Mr. LOVELL: Mr. President and Members of the Senate, as Chairman of the Liquor Control Committee, I understand that if the Bill is Recommitted, we do not have to have a public hearing, which would save us a great deal of time, because we have seven Bills coming out next week, and several other Bills.

I do feel that the original Bill that we passed, L.D. 4, with the Grandfather clause on it, the Amendment, for the people of 18 and 19 to use their cards, was the proper Bill. I feel that jumping it to the age of 20 all of a sudden is going to cause a great hardship, not only for the police departments, but for everybody involved.

In this Senate we wanted a Bill that would Grandfather the 18 and 19 years old, and then stop them at 20. That is what the Majority of the Liquor Control Committee signed. I feel confident that if the Bill does come back to the Committee, if you so vote and the Bill comes back to the Committee, that we will come out, not possibly with quite what the gentleman on the second floor wants, but we will come out with a change in the Bill.

Thank you.

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

Mr. MERRILL: Mr. President, I would like to pose a parliamentary inquiry to the Chair. Isn't it true that if we enact this Bill today, without a Grandfather clause, and in accepting this report as opposed to the one that has a Grandfather clause, that it would be against our rules to further entertain any Legislation which would have the effect of grandfathering the 18 and 19 year olds?

The PRESIDENT: The Chair would rule that when the hypothetical Bill that the Senator from Cumberland, Senator Merrill refers to, comes before the Body, at that time the Chair will rule on its admissibility.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate, it is unfortunate that our State Supreme Court is given the authority to make advisory opinions and the Presiding Officer of this Body isn't.

It is our belief that, in the absence of other authority, we refer to the Legislative Handbook which is not yet printed, we will find that it is stated in our rules that it requires a two-thirds vote of both Bodies to introduce such a measure in this Session, or in the second annual session.

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

Mr. SPEERS: Mr. President, I would pose an inquiry through the Chair. Does the Senator from Cumberland intend to challenge the ruling of the Chair?

The PRESIDENT: The Senator from Kennebec, Senator Speers, poses a question through the Chair to the Senator from Cumberland, Senator Merrill. The Chair recognizes that Senator.

Mr. MERRILL: Mr. President, In response to the question from the good Senator from Kennebec, I do not believe there is a ruling under challenge.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Pierce, that the Senate Recommend L.D. 577 to the Committee on Liquor Control. A roll call has been ordered. A yes vote will be in favor of recommendal. A nay vote will be opposed. The Secretary will call the roll.

YEAS — Carpenter, Curtis, Danton, Huber, Jackson, Katz, Levine, Martin, Merrill, Minkowsky, Pierce, Pray, Redmond, Usher.

NAYS — Chapman, Collins, D.; Collins, S.; Conley, Cummings, Farley, Greeley, Hewes, Hichens, Lovell, Mangan, McNally, Morrell, O'Leary, Snowe, Speers, Trotzky, Wyman.

A roll call was had. 14 Senators having voted in the affirmative and 18 in the negative, the Motion to Recommend does not prevail.

The PRESIDENT: The pending question before the Senate is enactment of L.D. 577. 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 those Senators present and voting. Will all of those Senators in favor of a roll call on Enactment please rise in their places to be counted. Obviously more than one-fifth having arisen, a roll call is ordered.

The pending question is the enactment of L.D. 577. This Bill, having had its two several readings in the House, and two several readings in the Senate, having been passed to be engrossed, having been reported by the Committee on engrossed Bills as truly and strictly engrossed, having been finally passed in the House and signed by the Speaker, is it now the pleasure of the Senate that this Bill be passed to be enacted? The Secretary will call the roll.

YEAS — Chapman, Collins, D.; Collins, S.; Conley, Cummings, Danton, Farley, Greeley, Hewes, Hichens, Katz, Lovell, Mangan, McNally, Morrell, O'Leary, Speers, Trotzky, Usher, Wyman, Sewall.

NAYS — Carpenter, Curtis, Huber, Jackson, Levine, Martin, Merrill, Minkowsky, Pierce, Pray, Redmond, Snowe.

A roll call was had. 21 Senators having voted in the affirmative and 12 in the negative, this Bill is passed to be enacted.

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

(Off record remarks.)

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

Mr. HICHENS: Mr. President, having voted on the prevailing side on the previous question, I would ask that we reconsider our vote, and hope that you will vote against it.

The PRESIDENT: The Senator from York, Senator Hichens, now moves the Senate reconsider its action whereby this Bill was passed to be enacted.

A viva voce vote having been had,  
The Motion to Reconsider failed.

(Off record remarks.)

#### Emergency

An Act to Clarify the Right of Trust Companies to Invest Funds Held as Trustee Under Certain Retirement Plans. (H. P. 71) (L. D. 99)

This being an emergency measure and having received the affirmative votes of 24 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.

Senator Hichens of York was granted unanimous consent to address the Senate on the record.

Mr. HICHENS: Mr. President and Members of the Senate, it is no secret that most of us are marked men. Ever since I was born, I believed that I was marked. As I grew older and accepted Christianity as a way of life, I certainly became a marked man. As I came into the Legislature, I was very definitely marked as an ultra-conservative, and later on as an ultra-dry, so-to-speak, and it has never bothered me to be so marked.

But after it was drawn to my attention yesterday by a Member of the Attorney General's Office that I had been marked in a very distinctive way, it does sort of put a sobering effect on the whole thing. I would like to share with you a portion of an article which was in yesterday's papers in reference to the case which is being held in Portland against Mr. Aceto, one of the alleged bombers in our State. It says that Mr. Gus Heald of the Maine State Prison, a renowned prisoner of our State, in testifying stated that Aceto, who became a State's witness in exchange for a new identity and a recommendation for a light sentence, has drawn up a list of Maine officials marked for assassination. On the list was State Representative Stanley E. Laffin, Republican from Westbrook, an advocate of the death penalty; State Senator Walter W. Hichens, Republican of Elliott; Portland Police Chief William B. McClaran; Superior Court Justices Lincoln Spencer and Harold J. Rubin.

I am very pleased this morning that I can read that account, and not having had other people read it about the assassination.

#### Orders of the Day

The President laid before the Senate:

Bill, "An Act to Amend the School Lunch and Milk Program." (H. P. 467) (L. D. 484)

Tabled — March 15, 1977 by Senator Katz of Kennebec

Pending — Passage to be Engrossed  
On Motion of Mr. Speers of Kennebec,  
Retabled until Tuesday next.

(Off Record Remarks.)

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