

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eleventh  
Legislature***

OF THE

**STATE OF MAINE**

**SECOND REGULAR SESSION**

**January 4, 1984 to April 25, 1984**

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STATE OF MAINE  
One Hundred and Eleventh Legislature  
Second Regular Session  
JOURNAL OF THE SENATE

In Senate Chamber

Tuesday

February 14, 1984

Senate called to Order by the President.

Prayer by the Reverend Brian Reberts of the New Hope Baptist Church of Farmington.

REVEREND REBERTS: Let us pray. Dear heavenly Father we thank you that today is Valentines Day and it reminds us of the love that You shed abroad in our hearts and the love that You manifested when You sent Jesus Christ to die on the cross for our sins.

Father be with these lawmakers today as they do a good job for our great State of Maine and we'll thank you in Jesus' name. Amen.

Reading of the Journal of Yesterday.

Senator HICHENS of York was granted unanimous consent to address the Senate, On the Record.

SENATOR HICHENS: Thank you, Mr. President. On this fourteenth day of February 1984, while valentines are prevalent around the Senate floor

I'd bring to your attention that on this special day

there is much more significance for one amidst us today

who was considerate enough in being born this day

by saving friends and loved ones one card for which to pay

in sending birthday wishes—and valentines as well

their sentiments in fondness to this sweet gal to tell

it's just like this red haired gal to think of other's needs

for she has shown constituents—their wishes she oft heeds.

She has a deep concern for better health for those around

and welfare needs she thrives on—and often she is found

championing for those about—less fortunate than she

whose needs she feels should be supplied—and it is plain to see

she also has concerns for those who by liquor are enslaved or are victims of great drug abuse—acquaintances have craved.

There are some issues that arise on which we don't agree

but she fights hard for what she thinks is right—tis plain to see.

And so I ask that you will join me in a birthday greeting

to this vivacious Senator—and on occasion of your meeting

with her in the halls today—I think it would be fine

if you asked her conscientiously to be your Valentine

to whom I am referring to—you know—at least I'm trustin'

so let's say "HAPPY BIRTHDAY" to Beverly Miner Bustin!

(Off Record Remarks)

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Amend the Statutes Relating to the Approval of Correspondence Schools and Trade and Technical Schools" H. P. 1564 L. D. 2073

Bill "An Act Concerning Local Leeway Under The School Finance Law" H. P. 1565 L. D. 2074

Bill "An Act to Establish Boards of Overseers for the University of Maine" H. P. 1566 L. D. 2075

Come from the House referred to the Committee on EDUCATION and ORDERED PRINTED.

Which were referred to the Committee on EDUCATION and ORDERED PRINTED, in concurrence.

Bill "An Act to Amend the Medical Radiation Health and Safety Act" H. P. 1567 L. D. 2076

Come from the House referred to the Committee on HEALTH AND INSTITUTIONAL SERVICES and ORDERED PRINTED.

Which was referred to the Committee on HEALTH AND INSTITUTIONAL SERVICES and ORDERED PRINTED, in concurrence.

**COMMITTEE REPORTS**

**House**

**Ought To Pass**

The Committee on PUBLIC UTILITIES on Bill "An Act to Clarify the Fair Apportionment of the Cost of Canceled Generating Facilities" H. P. 1408 L. D. 1830

Reported that the same Ought to Pass.

Come from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

**Ought to Pass in New Draft**

The Committee on HEALTH AND INSTITUTIONAL SERVICES on Bill "An Act to Amend the Statutes Governing the Licensing of Children's Homes" H. P. 1448 L. D. 1900

Reported that the same Ought to Pass in New Draft under same title: H. P. 1557 L. D. 2056

Come from the House, the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

**Senate**

**Ought to Pass As Amended**

Senator CLARK for the Committee on EDUCATION on Bill "An Act Relating to Conferring of Degrees by the Yacht Design Institute Schools" S. P. 706 L. D. 1953

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-288)

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-288) was READ and ADOPTED.

The Bill as Amended TOMORROW ASSIGNED FOR SECOND READING.

**SECOND READERS**

The Committee on BILLS IN THE SECOND READING reported the following:

**House—As Amended**

Bill "An Act to Amend the Statute Governing the Licensing of Child Placing Agencies" H. P. 1449 L. D. 1901 (C "A" H-466)

Bill "An Act Relating to Public Guardianship and Disclosure of Information" H. P. 1466 L. D. 1918 (C "A" H-465)

Bill "An Act to Prevent Unfair Charges for Submitting Applications for Work" (Emergency) H. P. 1469 L. D. 1921 (C "A" H-464)

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

**Senate**

Bill "An Act to Clarify the Law Concerning Certain Appeals from Planning Board Decisions" S. P. 663 L. D. 1853

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

**ENACTORS**

The Committee on ENGROSSED BILLS reported as truly and strictly engrossed the following:

AN ACT Relating to Record-keeping Requirements for Retail Licensees Concerning Beer and Soft Drinks S. P. 680 L. D. 1858 (C "A" S-283)

AN ACT to Streamline Procedures for Financial Institution Branch Changes and to Clarify what Constitutes an On-premise Facility S. P. 737 L. D. 2027

AN ACT to Allow One Beano Game to be Played in a 24-Hour Period in a Single Location H. P. 1433 L. D. 1878

AN ACT to Permit School Administrative Units to Acquire Certain Small Parcels of Land without Following the School Construction Project Approval Process H. P. 1447 L. D. 1899

AN ACT to Provide for the Transfer of Radio Common Carrier Franchises H. P. 1454 L. D. 1906

AN ACT to Clarify the Definition of School Construction H. P. 1462 L. D. 1914

Which were PASSED TO BE ENACTED and having been signed by the President, were presented by the Secretary to the Governor for his approval.

**Emergency**

AN ACT to Amend the Law Prohibiting the Expenditure of Funds Raised for Food Stamps in Androscoggin County H. P. 1384 L. D. 1809 (C "A" H-458)

This being an emergency measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

**ORDERS OF THE DAY**

The President laid before the Senate:

Bill "An Act Relating to Signs for Farm Market Sales." S. P. 768

Tabled—February 13, 1984 by Senator PEARSON of Penobscot.

Pending—Reference.

(Committee on BUSINESS LEGISLATION suggested)

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Erwin.

SENATOR ERWIN: Mr. President and Ladies and Gentlemen of the Senate, I move that S. P. 768, "A Bill An Act Relating to Signs for Farm Market Sales" be referenced to the Committee on Agriculture.

THE PRESIDENT: The Senator from Oxford, Senator Erwin, moves that S. P. 768 be referred to the Joint Standing Committee on Agriculture and sent down for concurrence.

The Chair recognizes the Senator from Cumberland, Senator Clark.

SENATOR CLARK: Thank you, Mr. President. Men and Women of the Senate, the Bill that is the topic of discussion before us at this moment is a bill that would amend what we call "Maine's Bill Board Law" and the issue of reference was determined and settled in this Maine Legislature ten (10) years ago. When the original bill dealing with signing on Maine's highways was introduced, it was originally referred to the Committee on Natural Resources, and then the Committee on Agriculture, and then the Committee on Transportation. That was way back in the 106th Maine Legislature.

Since that time and in that session, a compromise was struck because it deals with business practices and the bill was assigned to the Committee on Business Legislation, and since that time every measure that has been introduced into this Maine Legislature dealing with the Bill Board Law has been referred to the Committee on Business Legislation.

The Bill before us, S. P. 768, is another bill that would seek to amend that law, and it is inappropriate that the issue go before the Agri-

cultural Committee, because it is dealing with a practice which affects, yes farm markets.

Interestingly enough it is not my position here this morning to question how a measure of this kind would be introduced into this the special session or the second regular session of the Maine Legislature for indeed a measure of very similar intent was introduced and dealt with and went to the Committee on Business Legislation last session of this 111th Maine Legislature.

Well, there's just a brief glimpse of the background, and while I tend to disagree with my good friend and colleague the Senator from Oxford, Senator Erwin, I would hope this morning we would defeat the pending motion and send it to the Committee to which this Bill was originally, accurately and appropriately referred. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Erwin.

SENATOR ERWIN: Mr. President and Ladies and Gentlemen of the Senate, precedence in the past would indicate exactly what you've been told, but does that mean for the next hundred years we have to do exactly that?

The farmers life is hard, they need all the help that they can get. This Bill is an effort to try to help the farmers, particularly the small farmers, to make a little better income, and certainly that is one of the major purposes of the Committee on Agriculture is to try to help our farmers.

I request a Division.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion to refer S. P. 768 to the Committee on Agriculture, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

19 Senators having voted in the affirmative and 9 Senators having voted in the negative, the Bill was referred to the Committee on Agriculture and Ordered Printed.

Sent down for concurrence.

The President laid before the Senate:

Bill "An Act to Amend the Liquor Laws to Permit the Sale of Beer and Wine at Outdoor Stadiums" S. P. 752 L. D. 2055

Tabled—February 13, 1984, by Senator PEARSON of Penobscot.

Pending—PASSAGE TO BE ENGROSSED.

(In Senate, February 6, 1984 READ A SECOND TIME.)

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

SENATOR BALDACC: Mr. President, I would like to offer Senate Amendment "A" to S. P. 752, L. D. 2055.

THE PRESIDENT: The Senator from Penobscot, Senator Baldacci offers Senate Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-287) was READ.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Twitchell.

SENATOR TWITCHELL: Thank you, Mr. President. I move that this bill and all accompanying papers be Indefinitely Postponed.

I would like to speak to my motion.

Senate at Ease

The Senate called to order by the President.

THE PRESIDENT: The Bill at this time would not be in a position to Indefinitely Postpone, once the Amendment was Adopted or defeated, then the motion to Indefinitely Postpone would be in order.

The Chair recognizes the Senator from Kennebec, Senator Kany.

SENATOR KANY: Mr. President and Members of the Senate, upon reading the amendment I am wondering if this amendment would allow hard liquor in addition to beer and wine being sold? The term "liquor" is what I question,

normally beer and wine are referred to as alcohol but not liquor.

THE PRESIDENT: The Senator from Kennebec, Senator Kany has posed a question through the Chair to any Member of the Senate who may respond if they so desire.

The question before the Senate is Adoption of Senate Amendment "A".

The Chair recognizes the Senator from York, Senator Dutremble.

SENATOR DUTREMBLE: I move that Senate Amendment "A" be Indefinitely Postponed.

THE PRESIDENT: The Senator from York, Senator Dutremble has moved that Senate Amendment "A" be Indefinitely Postponed.

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

SENATOR BALDACC: Mr. President and Members of the Senate, in proposing this amendment as I have in the past there is one thing that we have tried to do here in the Legislature not just on this issue but on many other issues, and that is to add uniformity to the laws that are on the books here in the State of Maine.

The issue of uniformity comes up with the sale of beer that would be sold in a concession area and be able to be taken back to a seat in the stadium that is unlike civic centers, race tracks, tennis clubs, and racquet clubs. The civic centers have a zoned in area where the people would be able to consume beer and not in the seats where it would interrupt the game. I think that in the sense of uniformity, and I don't know any of us that are opposed to that, that we would opt to see that the baseball stadium, that is the only one in the State of Maine, be uniform with other civic centers and race tracks and the like. So it is for that reason that I proposed the amendment to this particular bill and I would ask for a division, Mr. President.

THE PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Bustin.

SENATOR BUSTIN: Thank you, Mr. President. Men and Women of the Senate, I voted against this Bill the last time that it was up before us. I suggested to some people that they put such an amendment on because then I could vote for it. As you all know I've, and as Senator Hichens has so aptly said in his birthday greeting to me, (for which I thank him very much,) that I have been fighting for those who are enslaved by the liquor and drug abuse. As a matter of fact I have been in the forefront during my term here, and welcome that opportunity to do something about the problem that exists.

However I am not in the position of telling people whether they drink or they don't drink. All I want to do is explain to people what they are doing to themselves if they drink too much or when they imbibe the substance, and I am trying to do something about the problems that occur once that substance is used inappropriately.

This is not prohibition. I have no intention of presenting a bill on prohibition in this State and I would gladly vote for such an amendment as Senator Baldacci has presented, however I have some concerns about what Senator Kany has said, and that is the term "liquor" what we were talking about in the original bill is beer and wine and perhaps the good Senator from Penobscot, Senator Baldacci would be willing to amend his amendment to define liquor as beer and wine in the bill.

So with that in mind I ask or move that this bill be tabled 1 Legislative Day.

THE PRESIDENT: The Senator's motion would be out of order having debated the motion.

The Chair recognizes the Senator from Penobscot, Senator Pray.

SENATOR PRAY: Thank you, Mr. President. Mr. President and Ladies and Gentlemen of the Senate, just to clarify the terminology that is in

this amendment that is being offered by the Senator from Penobscot, Senator Baldacci. If we all turned to L. D. 2055, we would find that under subsection 808 the first section deals with the issuing of licenses for malt liquors and wines, and then the remaining section, subsection 2 and 3, the terminology for that point on is liquors. So clearly the issuing of the licensing provision of that law deals only with malt liquors and wines and the rest of the subsection, the terminology of liquor is used. I would suspect to the licensing provision of those two beverages. So it would not require a correction or a further definition in subsection three.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Kany.

SENATOR KANY: Mr. President, I would agree with Senator Bustin of Kennebec, that it should be amended regardless of the reading of the rest of the law just to make it absolutely clear that any time, I do believe that liquor is an inappropriate use of the word for that purpose. I would hope that someone would be willing to table this so that the amendment could be amended.

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

SENATOR DANTON: Mr. President and Members of the Senate, first I want to immediately tell you that I support the motion that the good Senator from York, Senator Dutremble, made to kill this amendment off.

I do not want anyone in here thinking that they and only they are the ones that are against drinking. I think that each and every one of us here are concerned about the welfare of our citizens in this State. But it is something that is here, obviously it has been accepted whether it is in a baseball stadium, or a golf club, at boxing matches, wrestling matches, tennis courts, racquetball clubs, hockey games, basketball games, bowling alleys with an attached restaurant with a Class A license, automobile races, and horse races. And all of those that I just mentioned do not only serve beer and wine, but they can also serve hard liquor, Whiskey!

Now, what are we asking for here? We are asking about being fair. Now as corny as it may sound, when we assumed this office a year or so ago, there was some public trust that was put in us, as State Senators. And the first thing that I like to ask myself on any legislation is, is it fair? Well, this amendment is not fair. If the good Senator and I agree to a certain degree with his amendment, if this Senator wants to be fair, then let's not just take the baseball stadium and say a designated area, let's say all of them that serve liquor at sports events will take and have a designated area, then it is permissible to me.

What we are doing right now is we are picking the baseball stadium and for your information there is a designated area, and for your information the person that owns this stadium is a non-drinker, his wife is Ben Bubar's niece, that's just to give you a little information on the person.

Now you know, is it because it is in York County? Is it because it is in Old Orchard Beach? My local newspaper has some headlines here "First Roadblock in County Passes Police Muster". I think that that is pretty good for York County. Boy, when I am up here, when you mention Old Orchard Beach or York County you think that everybody down there, I guess, is drunk and driving.

Secondly, let's talk about the Stadium Bill, it is hard for me to believe that someone is going to go out of his way on some nice sunny hot afternoon, go to a baseball park to get stiff. I just can't accept that. Now I've heard mention, and that I wasn't here when the debate first took place and I am sorry that I wasn't but I had a doctor's appointment, I hear mention that they were going to be drunk in the stands. Yes, they probably will be, but you know, I've been to church socials and I've seen drunks there.

So, what are we trying to do here? Are we try-

ing to be fair, in that we are saying: Yes it is a baseball stadium, Yes he has a designated area, but let's put it in this law for the baseball stadium to read that you have to have a designated area but let all the others go. Have the booze any where you want it. I don't think that that is fair.

I would accept the good Senator's amendment, if we kill this off and he wants to offer another one and put it specifically naming them all and all future ones, then I'll vote for the amendment, but on that basis alone, on that basis alone I won't take and support this amendment.

On that basis alone, I sponsored this Bill, I told the Committee the day I introduced this Bill that I am not that enthused about introducing liquor bills, and I am really not, but you know whether we like to admit it or not in this State it does provide about \$35,000,000 in revenue, and when you take and consider all the excise taxes, all the real estate taxes, all the sales taxes, all the income taxes, all the beer taxes and all the wine taxes that are collected through this State and the communities in this State of ours, the figure might be close to three to four hundred million dollars. It is an industry in this State. I know that it isn't fashionable or sophisticated to introduce a liquor bill. I am the first to admit that I know that most legislators like to take and support bills that have a little bit more glamor to them than a liquor, wine or beer bill, and I can understand that, but someone has to do it and it just so happens Old Orchard Beach is in my District.

Now let's talk about Old Orchard Beach. Old Orchard Beach, when Gordan Kobritz first decided to go down and build that baseball stadium he made application to the Maine Guarantee Authority. Maine Guarantee Authority for whatever reason, and I am sure it was a valid one, said No, we just don't feel that at this time that we can take a risk on a baseball stadium, and they didn't, with one exception that the Town of Old Orchard Beach cosign with him on the loan. The Town of Old Orchard Beach had a public meeting with 5 councilmen voting, voted to cosign the note with Gordan Kobritz, with the Maine Guarantee Authority. Now that is a note for two million dollars. Don't you think that we should give Gordan Kobritz and the Town of Old Orchard Beach a fair chance at meeting their obligation?

Those of us that have been involved in sports at a high school level and college level, we all know that the stadiums, if you didn't have the coke stand and the hot dog stand to help with your expenses you have a tough time just to make it on tickets sold for the sport. On that basis that Bill is before you today.

I never thought that we would have this much debate on this particular Bill. I've been here when we've allowed the tennis clubs and racquet ball clubs and you name it. Now, on last night's news, (and I think I'll speak for awhile,) on last night's news, I noticed where, and I believe it was in Androscoggin County, some bottle club was contributing, "was contributing" to accidents and danger on the highways. And what's the biggest complaint that we have about bottle clubs? The complaint is that they do not have a license and there can be no liquor enforcement to go in and control the drinking that takes place there. That's what the complaint is and if any of you don't believe me, call up Captain Martin at the Liquor Enforcement.

If any of you are familiar with the location of this stadium, it is fifty yards from the local police department down at Old Orchard Beach. We've taken and amended this Bill, we've amended this Bill that in the event of schoolboy events there'll be no liquor sold. I don't see that in any other law pertaining to these others. Maybe at the Civic Centers they might do it because they have a policy-making group, but I don't know about it being in tennis clubs and racquet clubs in case the high school tennis teams goes to play there, that no liquor will be

sold.

So all I'm asking you today, my fellow Senators, is this, that we're fair. That is all I am asking. Nothing else. If you think it's fair to kill this Bill off, so be it, I'm a big boy, I can accept things. But if you think it isn't, I would hope that you would support the good Senator from York, Senator Dutremble, kill this amendment and pass this Bill. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

SENATOR BALDACCI: Mr. President, and Members of the Senate, I think the good Senator from York has made an excellent case for being able to sell beer in a baseball stadium, especially with all the things that are going on in the State as far as roadblocks and raising the drinking age and a lot of other issues.

The issue that I raised in making this amendment was the issue of uniformity. The uniformity with the civic centers. It is in their policies but they're quasi-public bodies, they're not private agencies. Therefore, they have the public to answer to. They are more susceptible to the public needs than a private enterprise would be.

The baseball stadium in Old Orchard Beach is underwritten by the Maine Guarantee Authority and the new Finance Authority of Maine, it's not just York County's baseball stadium. When my brother was a member of the Maine Guarantee Authority, (now the Finance Authority of Maine), voted for it from Penobscot County he didn't do that because he wanted it in Penobscot County, he voted for it because it was in the best site for the State of Maine. I have nothing against it being located in York County and don't want to discriminate against the people in York County, I do want it. It is a private enterprise, it isn't responsive to the public good, does not have the policy-making board that's responsible or appointed by municipal officials, it's a private enterprise, and it is the only baseball stadium that we have in the State of Maine right now. I think in setting that up, I think, it's very important that it not be any different than civic centers which have a zoned-in area or other facilities that the public, quasi-public agencies that are set up have those types of zoned facilities and it's for that reason that I ask for uniformity on this measure.

I'm amenable to the Senator from York's idea about making it into the law, whether it's policy now, it's not in the law, I would be amenable to putting that into the law so it would be done uniformly, but I think we have to step in that direction and I don't think we have to step backwards. Thank you.

THE PRESIDENT: A division has been requested.

Will all those Senators in favor of the motion by the Senator from York, Senator Dutremble to Indefinitely Postpone Senate Amendment "A", please rise in their places to be counted.

9 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion to INDEFINITELY POSTPONE Senate Amendment "A", FAILED.

Is it now the pleasure of the Senate to Adopt Senate Amendment "A"?

The Chair recognizes the Senator from Kennebec, Senator Kany.

SENATOR KANY: Mr. President and Members of the Senate, I just wanted to make a comment on the Record that I supported the principle of the amendment but I was unwilling to vote for it with that language intact without the specifics of the liquor being included in the amendment.

Senate Amendment "A" was Adopted.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Twitchell.

SENATOR TWITCHELL: I move that this Bill be Indefinitely Postponed and I would like to speak to my motion.

THE PRESIDENT: The Senator from Oxford, Senator Twitchell now moves that this Bill and

all it's accompanying papers be Indefinitely Postponed.

The Senator has the floor.

SENATOR TWITCHELL: Thank you, Mr. President. Members of the Senate, I'll probably regret this probably the rest of the session, but I'm going to do it anyway.

It was just a year ago this week that I had a Bill in to put a discount liquor store in Fryburg, Maine and as you know, my very, very dear friend Senator Danton from York County and his mates and the huge deficit of loss of revenue to the State, killed my Bill. So I didn't get my way on my Bill. So I am coming to you today, and I oppose this Bill and I would like to tell you some of the reasons why.

On last Friday, I met with a group of people in Norway and they told me how pleased they were on: how I voted on the liquor issues, and how I supported the Governor on his tough drinking and driving Bills, and I support the roadblocks and we've got the bill coming up, maybe, on the twenty-one year old age on drinking.

Then on Saturday I met with a group in Bridgton. Now Senator Danton must have just left Bridgton because when I got to Bridgton, I met a group of people and they told me that the amount of money spent to build the stadium, the time and the effort put into it, I should support the Bill and, also, make it satisfactory and support it and help make the project go.

So the next day I talked to Senator Danton, my very, very dear friend from York, and I asked Senator Danton in the hall, I talked to him fifteen minutes. I said: "I was in Norway on Friday and they told me not to vote for the Bill. I was in Bridgton on Saturday and they told me to support the Bill, a lot of money has gone into it and a lot of time and effort have gone into it and they wanted this thing to get off the ground and what should I do? Well, my first mistake was I shouldn't have gone to Senator Danton, that was my first mistake. Senator Danton is a very, very dear friend of mine from York County, and I talked to him for fifteen or twenty minutes in the hall on the pros and cons of this Bill and I can't believe what he told me. He answered my fifteen or twenty minute speech in the hall in two words—"don't drink", that's all he said, "don't drink".

Well, I want to tell you a story about "don't drinking". About three weeks ago, my daughter, on a Saturday afternoon, she wanted me to take her down to the Civic Center and go to the ice hockey, and I said "go ask your mother" and her mother said "go ask your father". Well I hate hockey anyway, but I took 'em down and we sat in the stadium and we watched the hockey game. I sat there for probably twenty minutes, I watched the puck go back and forth, back and forth and I was bored with the whole thing and I met some people down front and they waived at me and before I knew it, I had two cups of beer in my hand, they went downstairs and bought me two cups of beer. Now, I either looked tired, bored or else I looked dry, I don't know which and I drank one cup of beer and then the security man came over to me and says "What have you got in the cup?" and I said "beer". Well, he said "you aren't supposed to drink up here in the stands", I said I didn't know that. He said "can't you read?" Well, can you imagine a security guard down at the Civic Center, Mr. President, he asked me if I could read, a State Senator, and he said "Can't you read?" and that's like, that's like waking up in the middle of the night, Mr. President, and realizing that your waterbed has broke, when you don't even have a waterbed. He took the cup of beer out of my hand and that was the end of that. I didn't want to go to the game to start with, I didn't want any beer to start with but I got some anyway.

I say that if we have to rely on a sale of beer and wine to make this stadium successful, then we should not have voted to guarantee the money to build it in the first place. I talked to a

couple of Senators yesterday, I said how you gonna vote on the Bill, Mr. President, and they told me that they were supporting the Bill but they would have to hold their nose in order to vote for it. Well, I want to tell these Senators who told me that yesterday, why don't you do what my seatmate does, Senator Hichens, he puts both hands on the desk (when he's not trying to put the castor back in his chair which is always falling apart) and vote no on the Bill. Thank you Mr. President.

I would like a roll call, also, Mr. President.

THE PRESIDENT: A Roll Call has been requested.

Under the Constitution, in order for the Chair to order a Roll Call, it requires the affirmative vote of at least one-fifth of those present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The Chair recognizes the Senator from York, Senator Danton.

SENATOR DANTON: Mr. President and Members of the Senate, I guess this is the annual Twitchell-Danton Comedy Hour.

I would hope, though, that the good Senator doesn't have his way on his motion to indefinitely postpone this Bill. It's a Bill that, though we've had a few laughs with it, I have grave concern with it and I think again I'm going to stress one word, just a matter of being fair. If we've allowed them and the good Senator from Oxford, Senator Twitchell's, been here for six terms. He along with me has voted for golf clubs, boxing matches, wrestling matches, tennis, racquetball, hockey, baseball, basketball and all the other sports to have drinks. He was with me, right here, voting for them. I never heard him once get up and express himself, in fact, he served on the old Liquor Control Committee, along with me when we passed tennis clubs and racquetball clubs to allow serving liquor.

So now, if he's changed his mind, that's fine, that's his prerogative but on the other hand, I don't think that we should take and not allow this stadium to be able to sell just beer and wine, as they've amended the Bill for schoolboy events, they have their own security and you know, even with designated areas, even with designated areas, and I'm just repeating what the Senator had to say, you know with designated areas, they're still going to take and bring drinks to the stand but they have an in-house security system there at the stadium, they aren't going to rely just on liquor enforcement and the local police, they're going to have their own security people to police that effort.

THE PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Hichens.

SENATOR HICHENS: Mr. President and Members of the Senate, I'm a little reluctant to stand following these two eloquent speeches, what you have just listened to and the fact that I'll have to read mine but I feel that I must express my views, representing the thousands of people in our State who are concerned with additional sales outlets for beer and wine.

The Governor has gained National recognition for his hardfisted crackdown on drunk drivers in Maine, with roadblocks, license suspensions, jail sentences, and so forth, yet the Legislature and Governor Brennan have continued to open new sources of supply for people to obtain beer, wine, and hard liquor throughout the State.

In Kittery on Route 1, there are two signs less than ½ mile apart: one states "State Liquor Store—Discount Prices", the other: "Maine has a tough drunk driver law". Rather ridiculous many of my constituents have expressed to me. If extended sales isn't similar to throwing gasoline on a fire to put it out, I don't know what

other explanation one can give.

In earlier discussion last week, I have stated that I have attended ball games in Boston where people have indulged in beer consumption to such an extent that they didn't know what was going on and I've often wondered what would happen when they left the field to drive home.

I read an article by Kent Ward in the *Bangor News*, which was printed last weekend, in which he comments on the statements I made last week regarding the Red Sox games. Mr. Ward says: "Hichens cannot be a true Boston Red Sox fan, or he would know that there are times when the only way that the faithful can bear the pain of the middle and late innings of a Red Sox Game is to do some time in the beer booth, and the last thing on their mind in such circumstances is to leave the game sober."

Is it reasonable to ascertain that the baseball team coming to Old Orchard will play so poorly that the fans will react in the way Mr. Ward pictures Red Sox fans? I certainly hope not. The New England Patriots Organization has barred the sale of beer and wine at Patriots ball games because of the small riots resulting from too much consumption and over-enthusiasm at the games.

I noticed the gentleman from Old Orchard, Mr. Plante, has been in the halls lobbying for this Bill. Three years ago I sponsored a bill to help Old Orchard Police cope with drinking problems at his request. Now here he is asking that we grant extended drinking privileges in that area. It just doesn't add up.

I have been told that we should pass this Bill, and you've heard it said several times this morning, because other places such as the civic center, bowling alleys, and so forth allow sale of beer. Does adding another wrong make things right? Let's prohibit sales in all these other facilities and take care of the issue altogether.

The old argument will be presented that such sales will bring more revenue into the State, and it already has been made. Is this increased revenue worth the resulting problems that law enforcement officers will cope with? We have figures from several sources that say we spend \$7 for every \$1 that we take in in liquor revenues, is this consistent and the dangers that Maine drivers will be faced with as they travel on our highways?

I urge you this morning to consider carefully these consequences before you vote, and Mr. President, I go along with the request for a roll call.

THE PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

SENATOR BALDACC: Mr. President and Members of the Senate, I think it's important, it's very difficult sometimes to speak for the Governor or anyone in the Executive Branch, but I think the interest of the Executive Branch and the Governor isn't on drinking, it's on drunk driving. It's on people that are drunk that are driving on the highways that are a danger to everybody. I don't think I've ever heard the Governor say once that he's against anybody having a drink. What he's concerned about is people that are drunk, and that's what we are concerned about here in the State of Maine. I don't think it's a contradiction to allow the ball park to be able to sell beer when it's being done in civic centers, race tracks, golf clubs, and everything else, I think it's a contradiction, and I think we have now amended the Bill in a designated area. I think they have the staff and the security, we're putting pressure under them to see that these things are adhered to, but in no way are we saying that by, we are saying that by passing this law we are encouraging more drunks out on the road. I would hate to think that because you have one drink, or two, all of a sudden you're considered a drunk and I don't think that was what the Governor is interested in.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator BUSTIN.

SENATOR BUSTIN: Mr. President and Men and Women of the Senate, I'll be voting against the Indefinite Postponement because what I said before stands and I may be a little bit uneasy about the word liquor being in the amendment but I would like it a matter of Record that I consider liquor to mean beer and wine sales on the amendment that Senator Baldacci put in.

I would like to clear one misconception, however, and that is that I have been told that the Augusta Civic Center allows the consumption of beer and wine within the confines of the building where you view the games. That is not so, I have just checked. They do have cash bars, they do sell the liquor and the beer and wine upstairs or at the cash bars but they do not allow them in the game events at that stadium.

THE PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the motion of the Senator from Oxford, Senator Twitchell, to Indefinitely Postpone.

A Yes vote will be favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

#### ROLL CALL

Yeas—Collins, Emerson, Gill, Hichens, McBreairty, Pearson, Perkins, Sewall, Shute, Teague, Twitchell.

Nays—Baldacci, Brown, Bustin, Charette, Clark, Danton, Diamond, Dow, Dutremble, Erwin, Hayes, Kany, Minkowsky, Pray, Trafton, Usher, Violette, Wood, The President—Gerard P. Conley.

Absent—Carpenter, Najarian, Redmond.

11 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 3 Senators being absent the motion to INDEFINITELY POSTPONE, FAILED.

The Bill was PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

Senator COLLINS of Knox was granted unanimous consent to address the Senate Off the Record.

Senator PRAY of Penobscot was granted unanimous consent to address the Senate Off the Record.

On motion by Senator PRAY of Penobscot Adjourned until 10 o'clock tomorrow morning.