

# 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 23, 1977

Senate called to Order by the President.  
Prayer by the Reverend Douglas H. Robbins, Retired, of Augusta.

REV. ROBBINS: Eternal and Infinite Spirit, in whom we live and move and have our being, we recognize Thee as the author of all good, and pray that we may be worthy of all Thy gifts. As we continue deliberations of this Body, may we learn to respect and courageously defend the rights of all; may we strive to understand those opinions which are different from our own; may we learn to control our tongues when we are tempted to speak unfairly or unkindly of others. We would thus find a deeper comradeship and a truer happiness through learning to know each other better. Bind, we pray, our citizens together by the thrill of common joys and the pride of common possessions. May we ever remember that our State's true wealth consists not in the abundance of the things which we possess, but rather in the justice of her laws and institutions, and in the brotherly way of her citizens. Lift up, O Lord, Thy countenance upon us this day and give us Thy peace. Amen.  
Reading of the Journal of yesterday.

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

**Papers from the House  
House Papers**

Bill, "An Act to Repeal the Uniform Property Tax." (Emergency) (H. P. 889) (L. D. 1023)  
Bill, "An Act to Repeal the Uniform Property Tax." (Emergency) (H. P. 843) (L. D. 1028)  
Bill, "An Act to Establish a State Program for the Support of Education Based on Local Tax Efforts and Local Educational Needs." (Emergency) (H. P. 923) (L. D. 1024)

Come from the House referred to the Committee on Taxation and Ordered Printed.

Which were referred to the Committee on Taxation and ordered Printed in concurrence. Ordered sent forthwith to Committee.

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

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

In the Senate March 9, Passed to be Engrossed as amended by House Amendments "B" (H-52) and "C" (H-53), in concurrence.

Comes from the House, Passed to be Engrossed as amended by House Amendments "C" (H-53) and "D" (H-81) in non-concurrence.

On Motion of Mr. Collins of Knox, The Senate voted to recede and concur.

**Non-concurrent Matter**

Bill, "An Act Relating to Licensing of Theaters and Motion Picture Houses." (S. P. 152) (L. D. 269)

In the House March 16, 1977 Recommended to the Committee on Legal Affairs.

In the Senate March 17, 1977 Passed to be Enacted.

Comes from the House, that Body having adhered.

On Motion of Mr. Curtis of Penobscot, The Senate voted to recede and concur.

**Joint Orders**

Expressions of Legislative Sentiment recognizing that: Edith Smith, a senior at Winthrop High School, has won the State Finals of the 1977 American Legion Oratorical Contest (H. P. 929)

all of the citizens of Maine will ever be grateful to Harold A. Alfond of Waterville for his generous contribution making possible the construction of the Multi-Purpose Arena at the University of Maine at Orono (H. P. 930)

Come from the House, Read and Passed. Which were Read and Passed, in concurrence.

**Joint Resolution**

A Joint Resolution in Memoriam, WHEREAS, the Legislature has learned with deep regret of the death of Mrs. Gertrude M. Hennigar of Springvale (H. P. 931)

Comes from the House, Read and Adopted. Which was Read and Adopted, in concurrence.

**House Papers**

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

Bill, "An Act Concerning the Advertising of Proposed Marine Resources Regulations. (H. P. 831) (L. D. 1004)

Comes from the House referred to the Committee on Marine Resources and Ordered Printed.

On Motion of Mr. Collins of Aroostook, Referred to Committee on State Government and Ordered printed in non-concurrence. Sent down for concurrence.

**Communications**

Department of Human Services

March 21, 1977

Honorable May M. Ross  
Secretary of the Senate  
108th Legislature  
Augusta, Maine 04333  
Dear Mrs. Ross:

Pursuant to Sec. I, 22 MRSA §2095, sub-10, I am pleased to present "The 1976 Annual Report of the Office of Dental Health" to members of the 108th Legislature.

Signed:

Respectfully,

DAVID E. SMITH  
Commissioner

Which was Read and with accompanying papers, Ordered Placed on File.

House of Representatives

March 22, 1977

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

The House voted today to Adhere to its former action whereby it Indefinitely Postponed Bill "An Act to Authorize Use of Emergency Lights and Signals by State Liquor Inspectors" (S. P. 38) (L. D. 64).

Signed:

Respectfully,

EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on File.  
Office of the Governor

March 22, 1977

Honorable Joseph Sewall  
President of the Senate  
Honorable John L. Martin  
Speaker of the House  
Dear Joe and John:

This is to formally notify you that Wilma Additon Bradford was nominated to the Board of Environmental Protection today.

In accordance with M.R.S.A. Title 38, Section 361, as amended, this nomination is subject to review of the Joint Standing Committee on Natural Resources and to confirmation by the Legislature.

Thank you for your assistance.

Signed:

Sincerely,

JAMES B. LONGLEY  
Governor  
(S. P. 334)

Which was Read and Referred to the Committee on Natural Resources.  
Sent down for concurrence.

**Senate Papers**

Mr. Hichens of York presented, Bill, "An Act Concerning Euthanasia of Cats and Dogs." (S. P. 333)

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

Sent down for concurrence.

Mr. Chapman of Sagadahoc presented, Bill, "An Act Relating to Conduct of Examinations." (S. P. 321)

Mr. Speers of Kennebec presented, Bill, "An Act Relating to the Definition of Deed under the Real Estate Transfer Laws." (S. P. 327)

Mr. Conley of Cumberland presented, Bill, "An Act Concerning Ritual Burial by Certain Religious Groups." (S. P. 325)

Mr. Martin of Aroostook (Cosponsors: Mr. Carpenter of Aroostook and Mr. Levine of Kennebec) present, Bill, "An Act Concerning Confidential Financial Records." (S. P. 324)

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

Sent down for concurrence.

Mr. Speers of Kennebec presented, Bill, "An Act Relating to Negotiability of Teacher Employment." (S. P. 330)

The same Senator, (Cosponsor: Mr. Danton of York) present, Bill, "An Act Concerning Post-graduate Training in the Field of Osteopathic Medicine." (S. P. 318)

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

Sent down for concurrence.

Mr. McNally of Hancock presented, Bill, "An Act to Prohibit Voter Registration after 12 Noon on Election Day." (S. P. 323)

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

Sent down for concurrence.

Mr. Collins of Aroostook presented, Resolve, "Authorizing Alban E. Cyr Sr., and Cyr Brothers Meatpacking Inc., and Cyr Foods Inc., of Caribou to Bring Civil Action Against an Agency of the State of Maine." (Emergency) (S. P. 328)

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

Sent down for concurrence.

Mr. Speers of Kennebec presented, Bill, "An Act Relating to Workmen's Compensation for State Law Enforcement and Institution Personnel." (S. P. 331)

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

Sent down for concurrence.

Mr. Hichens of York presented, Bill, "An Act Permitting 10 Traps to a Trawl in Waters Adjacent to Kittery." (S. P. 332)

Mr. Chapman of Sagadahoc presented, Bill, "An Act to Impose a 4-Quart Limit on the Taking of Smelts Throughout the Entire Smelting Season." (S. P. 320)

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

Sent down for concurrence.

Mr. Chapman of Sagadahoc presented, Bill, "An Act to Exempt Antiques from the Personal Property Tax." (S. P. 322)

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

Sent down for concurrence.

Mr. Speers of Kennebec presented, Bill, "An Act Concerning the Expiration of Motor Vehicle Inspection Stickers." (S. P. 329)

The same Senator presented, Bill, "An Act Requiring the Secretary of State to Give Notification Without Cost when the Renewal of Motor Vehicle Registrations are Due." (S. P. 326)

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

Sent down for concurrence.

Mr. Speers of Kennebec (Cosponsors: Mrs. Snowe of Androscoggin and Mr. Conley of Cumberland) present, Bill, "An Act to Base Adjustments of Teacher and State Employee Retirement Allowances on the Consumer Price Index." (S. P. 317)

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

#### Orders

An Expression of Legislative Sentiment recognizing that the Boys' basketball team of Hampden, coached by Clinton Van Aken, has won the Eastern Maine Class "B" Championship for the Academic Year 1977 (S. P. 319) (Presented by Senator Cummings of Penobscot) (Cosponsor: Representative Prescott of Hampden)

Which was Read and Passed.  
Sent down for concurrence.

#### Committee Reports

##### House

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

Resolution, Proposing an Amendment to the Constitution to Limit the Governor to a Single Four-Year Term. (H. P. 303) (L. D. 358)

Bill, "An Act Relating to Examination of Motor Vehicles by Law Enforcement Officers." (H. P. 432) (L. D. 539)

##### Ought to Pass

The Committee on Judiciary on, Bill, "An Act to Clarify Authorization for Payment of Witness Fees for State Witnesses in Criminal Prosecutions." (H. P. 326) (L. D. 417)

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 Update Validation of Street Installations of Certain Utility Structures." (H. P. 438) (L. D. 545)

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.

#### Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act Pertaining to Birth Records." (H. P. 380) (L. D. 469)

Reported that the same Ought to Pass.

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

GOULD of Old Town

DURGIN of Kittery

COTE of Lewiston

MOODY of Richmond

JOYCE of Portland

CARRIER of Westbrook

SHUTE of Stockton Springs

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Sensors:

HEWES of Cumberland

CUMMINGS of Penobscot

Representatives:

BURNS of Anson

BIRON of Lewiston

DUDLEY of Enfield

Comes from the House, Bill and accompanying papers, Indefinitely Postponed.

Which Reports were Read.

On Motion of Mrs. Cummings of Penobscot, Minority Ought Not to Pass Reported Accepted.

#### Divided Report

The Majority of the Committee on Veterans and Retirement on, Bill, "An Act Establishing Retirement Age for State Fire Inspectors at 55 Years." (H. P. 284) (L. D. 367)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

COLLINS of Knox

LOVELL of York

O'LEARY of Oxford

Representatives:

THERIAULT of Rumford

BUNKER of Gouldsboro

AUSTIN of Bingham

CLARK of Freeport

NELSON of Roque Bluffs

HICKEY of Augusta

LOUGEE of Island Falls

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

Signed:

Representatives:

LAFFIN of Westbrook

MACEachern of Lincoln

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

Which Reports were Read.

Majority Ought Not to Pass Report Accepted in concurrence.

#### Senate

##### Divided Report

The Majority of the Committee on Local and County Government on, Bill, "An Act to Remove Restrictions on the Salary of County Commissioners who Hire Full-time County Administrators." (S. P. 154) (L. D. 394)

Reported that the same Ought to Pass.

Signed:

Sensors:

JACKSON of Cumberland

O'LEARY of Oxford

Representatives:

HICKEY of Augusta

DRINKWATER of Belfast

GRAY of Rockland

McPHERSON of Eliot

HENDERSON of Bangor

STOVER of Bath

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Sensor:

HICHENS of York

Representatives:

MARTIN of Brunswick

BERUBE of Lewiston

LaPLANTE of Sabattus

TRUMAN of Biddeford

Which Reports were Read.

On Motion of Mr. Jackson of Cumberland, Majority Ought to Pass Report Accepted and the Bill Read Once and Tomorrow Assigned for Second Reading.

##### Second Readers

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

##### House

Bill, "An Act Providing for the Revocation and Nonrenewal of Liquor Licenses for Nonpayment of State Taxes." (H. P. 383) (L. D. 474)  
(See Action later today.)

Bill, "An Act to Provide for the Purchase of Certain Town Histories." (H. P. 876) (L. D. 899)  
Which were Read a Second Time and Passed to be Engrossed, in concurrence.

Bill, "An Act to Provide an Excise Tax Credit for Construction and Operation of Breweries within the State." (H. P. 340) (L. D. 431)  
Which was Read a second time.

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

Mr. MERRILL: Mr. President, I would like to pose a question through the Chair to any Senator who may care to answer. There was a Bill with a similar title to this two years ago which was rejected by this Body. I wondered if the provisions of this Bill could be explained to the Senate, and to point out what its revenue implications would be for the next biennium.

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

Is it now the pleasure of the Senate that this Bill be passed to be engrossed in concurrence?

On Motion of Mr. Merrill of Cumberland, Tabled for one Legislative Day pending passage to be engrossed.

#### House — As Amended

Bill, "An Act Relating to Notification of Results of Election Contests by the Commission on Governmental Ethics and Election Practices." (H. P. 318) (L. D. 409)

Bill, "An Act Amending the Aggravated Unlawful Gambling Statute." (H. P. 149) (L. D. 179)

Bill, "An Act to Adjust Allocation of Funds from Certain Public Lands." (H. P. 168) (L. D. 206)

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

Bill, "An Act to Provide for the On-premises Sale of Alcoholic Beverages by Indoor Racquet Sport Clubs." (H. P. 436) (L. D. 543)

Which was Read a Second Time.

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

Mr. KATZ: Mr. President, may I ask through the Chair whether or not this Bill contains the same safeguards with regard to the need to serve food as the Bill pertaining to the tennis clubs.

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed a question through the Chair. The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Yes. This Bill, Mr. President and Members of the Senate, is simply to go along with the Bill that we had three years ago for tennis and golf clubs and hockey rinks, and this adds to it racket clubs, and it states that if their in-door place has two tennis courts and two racket courts, a total of four, or four tennis courts, liquor can be served providing there is food served there. This was a unanimous report.

Passed to be Engrossed, as amended, in concurrence.

#### Senate

Bill, "An Act to Require Notice and Hearing to Counties When Ordered to Pay Surveyor's Fee." (S. P. 184) (L. D. 584)

Bill, "An Act Relating to Vehicle Sizes and Weights." (Emergency) (S. P. 90) (L. D. 214)

Bill, "An Act to Require that Newly-constructed or Reconstructed Public Buildings be Made Accessible to the Physically Handicapped." (S. P. 307) (L. D. 969)

Bill, "An Act to Empower Liquor Inspectors with Limited Powers of Arrest." (S. P. 308) (L. D. 970)

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

Sent down for concurrence.

#### Senate — As Amended

Bill, "An Act Relating to the Purchase of Insurance by the Maine Advisory Board." (S. P. 89) (L. D. 213)

Bill, "An Act to Authorize the State Librarian to Purchase Town Histories and other Maine Histories for Distribution to Public Libraries and Schools." (S. P. 182) (L. D. 496)

Bill, "An Act to Amend the Charter of the Belfast and Moosehead Lake Railway." (Emergency) (S. P. 169) (L. D. 486)

Which were Read a Second Time and Passed to be Engrossed, as Amended.  
Sent down for concurrence.

#### Reconsidered Matter

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

Mr. CONLEY: Mr. President, with reference to Item 7-2, "An Act Providing for the Revocation and Non-renewal of Liquor Licenses for Nonpayment of State Taxes", (H. P. 383) (L. D. 474), I move the Senate reconsider its action whereby this Bill was passed to be engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves the Senate reconsider its action whereby L. D. 474 was passed to be engrossed. Is this the pleasure of the Senate? It is a vote.

On Motion of Mr. Conley of Cumberland, Tabled for One Legislative Day pending Passage to be Engrossed.

#### Enactors

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

"An Act Relating to Abatements by Municipal Tax Assessors." (S. P. 36) (L. D. 44)

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

"An Act Eliminating the Requirement of January Annual Meetings by the Parishes of the Protestant Episcopal Churches of the Diocese of Maine." (H. P. 331) (L. D. 422)

"An Act Relating to Incorporation of the Officers and Members of the Grand Royal Arch Chapter of Maine." (S. P. 138) (L. D. 379)

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

"An Act to Provide Accessible Polling Places for the Physically Handicapped and the Elderly." (H. P. 68) (L. D. 98)

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

Mr. MANGAN: Mr. President, I move that L. D. 98 be tabled for two Legislative days.

On Motion of Mr. Speers of Kennebec, Tabled for one Legislative Day pending Enactment.

#### Emergency

"An Act to Allocate Money from Title II of the Public Works Employment Act of 1976 for the Expenditures of State Government for the Fiscal Year Ending June 30, 1977, and for the Fiscal Year Ending June 30, 1978." (S. P. 275) (L. D. 757)

This being an emergency measure and having received the affirmative votes of 31 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.

#### Emergency

"An Act to Make Allocations from the Maine Coastal Protection Fund for the Fiscal Years Ending June 30, 1978 and June 30, 1979." (S. P. 105) (L. D. 234)

Comes from the House, Recommended to the Committee on Marine Resources.

On Motion of Mr. Huber of Cumberland, Committed to the Committee on Marine Resources in concurrence.

#### Orders of the Day

The President laid before the Senate:

House Reports — from the Committee on Liquor Control — Bill, "An Act Concerning Open Alcoholic Beverage Containers in Motor Vehicles." (H. P. 83) (L. D. 103) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass as Amended by Committee Amendment "A" (H-69)

Tabled — March 22, 1977 by Senator Conley of Cumberland

Pending — Motion of Senator Lovell of York to Accept Minority Report

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

Mr. LEVINE: Mr. President, I rise today to speak to the Members of the Senate. I am in opposition to the good Senator from York, Senator Lovell's Motion to Accept the Minority Ought to Pass Report on this Bill.

The title of the Bill sounds very good to everyone concerned, "An Act Concerning Open Alcoholic Beverage Containers in Motor Vehicles"; however, I see a great many problems in this if we should enact this Bill. I will read just one short section. They speak of the definition of an open bottle and so on, and then one section reads "unless that bottle, can or other receptacle is kept in the trunk of the vehicle, if that vehicle is equipped with a trunk, or kept behind the rear seat of the vehicle, if the vehicle is not equipped with a trunk. In other words, if you drive a station wagon or a pick up truck, or some form of four wheel drive motor vehicle, all you have to do is dump that bottle behind the seat, and you are in compliance with the law.

Also there is an Amendment on this Bill which defines open containers, and part of that definition reads "Liquor bottles or other receptacles with the top secured shall not be considered as open." In other words, if someone wants to drink beer and drive down the road, they will simply stop drinking from cans and start drinking from bottles and secure that cap.

These are just a few of the problems that I foresee here. Because of that, I do not think this law would be very effective.

Also, I would like to propose to the Senate a couple of other small problems that might arise. For instance, some person, I will say myself — I go to a club or bottle club or a night club or party at a private dwelling, whatever, and there is someone there that is really in no condition to drive himself home. Well, not wishing to see anyone die on the highway, I would give that person a ride home. Now if my car is stopped by an officer to check for anything, and this person I am giving a ride to has a pint in his pocket, or a bottle on him, and it is not securely fastened, then I am responsible for that. I can be fined for it.

Also there is a slight problem here, and I have heard that this problem can be taken care of by the discretion of the police officers. I am not at all sure we should pass laws that are left to the discretion of a police officer. I do not feel we should have very much discretionary lee-way, because if the law is on the books, it should be enforced. What, for instance, if my wife is taking some bottles back to the store, and there is a bottle in the back seat half full of beer. In that case, if a police officer wished to, he could issue her a summons for being in violation of the law. These are a few of the small problems here.

I really want to speak today on something that has been bothering me a good deal in the last few weeks. We have done a lot of talking in here about how all of us are agreed that we want to do something about the problem of abuse of alcoholic beverages in and out of motor vehicles. But let us be very careful that we do not jump the gun on this. We have to be very careful that we do not vote for just any Bill that comes along that sounds like it might do the job. We are going to be emotionally involved in these Bills necessarily. We have made a promise to the people of the State of Maine that we are going to try to do something legislatively, if possible, to help solve these problems.

I think this piece of Legislation should not be passed. I agree, I signed the Majority Ought Not to Pass Report on it in the Liquor Committee. I have serious doubts about how germane this actually is, how it might be enforced, if at all, and I would move to defeat the Motion.

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

Mr. HICHENS: Mr. President and Members of the Senate: In due respect to the remarks just made by the Senator from Kennebec, I do think that we should proceed slowly and not jump at every straw that seems to blow before us for the protection of the young people especially in our State, but I do think that with the arguments presented two or three weeks ago on L. D. 4, and the papers that came along with it, that many of our young people would go over into New Hampshire and bring back beer, and would not wait until they got all the way home, they would be drinking it on the way back. I think this is one of those safety precautions which this Bill provides, which would prevent some of the violations of the law which might result from their bringing the beer back into the State.

Last week I was discussing this Bill with a member of the State Police force, and he told me that 90 percent of Maine people think that the law prohibits open bottles in the cars right now, and he said it was a sad thing that this Bill was ever presented because it brings this out to the public, that it is not a law, and it was his opinion, and it is my opinion also, that we have to pass this law now, because there would be so many flagrant violations if it were not passed.

I support the Motion of the Senator from York, Senator Lovell.

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

Mr. MERRILL: Mr. President and Members of the Senate: You know, yesterday the Presiding Officer of this Body recognized a former Senator from Androscoggin, Senator Clifford, and Senator Clifford, one of the Bills he was always in favor of every two years when he was here, was the Bill to create a unicameral Legislature, and I was always against it, because I thought that there was a good need to have one Body to be a check on the other, and I thought that the primary check that was always needed was for a Body to take a look at well motivated Bills to make sure that there would be some relation between the accomplishment and the motivation. If ever I have seen a broad disparity between good motivation and what would be accomplished, it is in this Bill.

It is presently against the law, obviously, to operate a motor vehicle while intoxicated. It is presently against the law to consume alcoholic beverages while in an automobile, and that law itself sometimes is enforced to the absurdity. Two years ago I was involved with a case, not, I can assure you, as the accused — but I was involved in a case in which a man drove up from Massachusetts to enjoy the Maine scenery, went to the store and bought himself an Italian sandwich and a beer, drove down the road and drove off onto a wide shoulder, sort of a scenic look-out point, unrolled the wrapper from the Italian sandwich, took the top off the beer and took one drink and was arrested for drinking while in a motor vehicle, and was prosecuted to the full extent of the law. He was a law abiding citizen, so he did not force the state to extradite him from Massachusetts, but came up here and took a day off from work.

I think that the law we have presently, if it is enforced, is strict enough. There are major problems, of course, in any enforcement of this kind, and by taking away the requirement that the person be seen drinking, you do not overcome some of those problems, which involve proving the contents of the container, which involves some expense. I think when you look at the absurd length that you have to go to in definition to have a Bill of this kind, what is revealed, in fact, is the fact that you are going a little too far. To stop somebody from drinking or to stop somebody from being drunk in an automobile, you are making a law that he can-

not drink in an automobile. To stop him from drinking in the automobile, you are making a law that he cannot have an open container in an automobile. How much beverage has to be in the container before he has violated the law. That question was touched on by the Senator from Kennebec, Senator Levine. It could be a very legitimate concern in the future.

I think if ever there was a Bill that there was a need for the other Body to, by unicameral responsibility, to exercise as it passes through the books, it is this one.

I move Indefinite Postponement of this Bill and all its accompanying papers.

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

Mr. LOVELL: Mr. President, this Bill had a good hearing in front of the Liquor Control Committee, and the Liquor Control Committee felt that the Bill was out of line due to the extent, as the good Senator from Kennebec has stated, that you can throw the bottle in the back in your trunk or in back of the back seat, so actually the Bill was re-written under Committee Amendment "A". In so rewriting the Bill, we made it to the extent that the container had to be open in the car, and cut it down to a good Bill to the extent that if a person was caught drinking while driving, it is not against the law now unless their blood count is .10 or over, so consequently we felt that they should not be allowed to drink while driving. We have many people in my area drinking beer from containers or cans while driving their car to and from, or around the Town. The Police do not seem to do much about it.

This law is not a very great law to that extent. It would probably be hard to enforce. But it will give a little leverage to police departments to stop the younger people in particular from drinking in parking lots with their girl friends, in front of shopping centers, and screeching out onto the streets, and at the same time it will stop the person from drinking and having an open container in his car, and drinking from that bottle. But, on the other hand, he can put the cap on the bottle, if he is quick enough, and he is watching for the police, as most everybody is watching for the police if they are drinking — if he can put the cap on the bottle quick enough, then it is perfectly legal. All he has got to do is get the cap on the bottle.

Now the good Senator from Kennebec, Senator Pierce, has an Amendment that he wants to put on it to make it a little more strict.

I would hope that you would vote against Indefinitely Postponing this Bill, and let Mr. Pierce put on his Amendment. Thank you.

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

Mr. MERRILL: Mr. President and Members of the Senate: With all due respect, I think that the arguments of the Senator from York outline the absurd effect of this well-intentioned Bill, unless there is a feeling on the part of the Senate that the ability to put a cap on a liquor bottle fast enough to avoid the policeman getting to your car is in some way a substitute for the sobriety test.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Merrill, that the Senate Indefinitely Postpone L. D. 103 and all of its accompanying papers.

The Chair will order a Division.

Will all those Senators in favor of Indefinite Postponement please rise in their places to be counted.

Will all those Senators opposing Indefinite Postponement please rise in their places to be counted.

21 Senators having voted in the affirmative, and 10 Senators in the negative, the Motion to Indefinitely Postpone does prevail.

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

Mr. MERRILL: Mr. President, having voted on the prevailing side, I would move reconsideration of that Senate Vote.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, now moves the Senate reconsider its action whereby it voted to Indefinitely Postpone this Bill. Will all those Senators in favor of reconsideration please say "yes". Those opposed will please say "no."

A viva voce vote being had,

The Motion to Reconsider does not prevail.

The President laid before the Senate:

Bill, "An Act to Remove Service Facilities from Tax Exemption Granted to the Maine Turnpike Authority." (H. P. 42) (L. D. 59)

Tabled — March 22, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

Which Bill was Passed to be Engrossed, as amended, in concurrence.

Out of Order and under Suspension of the Rules, the Senate voted to consider the following additional paper from the House:

**Paper From the House**

**Committee Report**

**Ought to Pass in New Draft**

The Committee on Marine Resources on, Bill, "An Act to Revise the Esatport Public Landing Authority Law." (H. P. 29) (L. D. 37)

Reported that the same Ought to Pass in New Draft under New Title: Bill, "An Act to Create the Eastport Port Authority" (Emergency) (H. P. 925) (L. D. 966)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed.

Which Report was Read and accepted in concurrence.

Under Suspension of the Rules, the Bill in New Draft Read Twice and Passed to be Engrossed in concurrence.

**(Off Record Remarks)**

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