

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Ninth  
Legislature***

OF THE

**STATE OF MAINE**

**Volume I**

**FIRST REGULAR SESSION**

**January 3, 1979 to May 4, 1979**

**HOUSE**

Tuesday, February 27, 1979

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Reverend Donald Henderson of the First Congregational Church, Camden.

Rev. HENDERSON: O God, creator and sustainer of us all, in whom our fathers and mothers trusted and before whom they held their lives accountable, we give you thanks for the gift of life and for the trust others have placed in us. We claim to trust you and yet often act out of fear. We claim to represent the people and yet often act out of selfishness. We claim to uphold the truth that all people are created equal; yet we often neglect the needs of the poor. Give wisdom, understanding, courage of conviction and compassion to these men and women chosen to lead and to guide. Help them to be truly accountable for the trust placed in them. In the name of God, whom we claim to look to for guidance and direction. Amen.

The journal of yesterday was read and approved.

**Papers from the Senate**

Bill "An Act to Authorize Municipalities of Under 2,500 Inhabitants to Permit Persons other than Arborists to Remove Trees within Municipal Boundaries" (S. P. 219) (L. D. 761)

Came from the Senate referred to the Committee on Agriculture and ordered printed.

In the House, was referred to the Committee on Agriculture in concurrence.

Bill "An Act Concerning the Definition of Criminal Mischief under the Maine Criminal Code" (S. P. 253) (L. D. 762)

Bill "An Act to Make Private Organizations which Receive a State Subsidy Subject to the Maine Freedom of Access Law" (S. P. 257) (L. D. 763)

Came from the Senate referred to the Committee on Judiciary and ordered printed.

In the House, were referred to the Committee on Judiciary in concurrence.

**Reports of Committees  
Ought Not to Pass**

Report of the Committee on Health and Institutional Services reporting "Ought Not to Pass" on Bill "An Act to Permit Waiver of Facilities for the Handicapped in Certain Buildings" (S. P. 135) (L. D. 312)

Was placed in the Legislative Files without further action pursuant to Joint Rule 22 in concurrence

**Leave to Withdraw**

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act Authorizing the Use of Nondeadly Disabling Chemicals for Self-defense and for Property Protection in Certain Circumstances" (S. P. 83) (L. D. 169)

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act Relating to Compensation of the Public Utilities Commissioner" (S. P. 106) (L. D. 205)

Came from the Senate with the Reports read and accepted.

In the House, the Reports were read and accepted in concurrence.

**Petitions, Bills and Resolves  
Requiring Reference**

The following Bills were received and referred to the following Committees:

**Business Legislation**

Bill "An Act to Amend Returnable Beverage Container Statutes to Require Distributor Operation of Redemption Centers and to Require Refillable Containers" (H. P. 639) (Presented by Mr. Soulas of Bangor)

(Ordered Printed)  
Sent up for concurrence.

**Education**

Bill "An Act Giving Local School Committees more Control with Respect to the Setting of School Calendars" (H. P. 640) (Presented by Mr. Connolly of Portland)  
(Ordered Printed)  
Sent up for concurrence.

**Fisheries and Wildlife**

Bill "An Act to Amend the Prohibition of Issuing Fisheries and Wildlife Licenses to Persons Convicted of Certain Offenses" (H. P. 641) (Presented by Mr. Rollins of Dixfield)  
(Ordered Printed)  
Sent up for concurrence.

**Judiciary**

Bill "An Act to Permit Nonprofit Legal Service Organizations" (H. P. 642) (Presented by Mr. Simon of Lewiston) (Cosponsors: Mr. Tarbell of Bangor, Mr. Brenerman of Portland, and Mrs. Sewall of Newcastle)

Bill "An Act to Centralize the Administration of Uniform Reciprocal Enforcement of Support Act Petitions Filed in the State of Maine by the Official Child Support Agency of Another State" (H. P. 643) (Presented by Mr. Hickey of Augusta)

Bill "An Act to Provide Restitution to Innocent Victims of Crime" (H. P. 644) (Presented by Mr. Carter of Winslow)  
(Ordered Printed)  
Sent up for concurrence.

**Local and County Government**

Bill "An Act Concerning the Term of Office of Plantation Assessors" (H. P. 651) (Presented by Mr. Martin of Eagle Lake)

Bill "An Act to Clarify the Requirements for the Adoption of a Development District Program Under the Municipal Developments District Act" (H. P. 645) (Presented by Mr. Pearson of Old Town) (Cosponsor: Mr. Gould of Old Town)

(Ordered Printed)  
Sent up for concurrence.

**Public Utilities**

Bill "An Act to Prohibit the Inclusion in the Rates of Public Utilities of Capitalized Costs for Property not in Use" (H. P. 646) (Presented by Mr. Brenerman of Portland) (Cosponsors: Mr. Laffin of Westbrook, Mr. Wood of Sanford, and Mrs. Reeves of Pittston)  
(Ordered Printed)  
Sent up for concurrence.

**State Government**

Bill "An Act to Establish the Privacy Study Commission" (H. P. 647) (Presented by Mrs. Kany of Waterville) (Cosponsors: Mr. Howe of South Portland, Miss Aloupis of Bangor, and Mr. McMahon of Kennebunk)  
(Ordered Printed)  
Sent up for concurrence.

**Taxation**

Bill "An Act to Permit Municipalities to Levy a Sales Tax on Hotel Room Rental, Restaurants and Amusements" (H. P. 648) (Presented by Mr. Brannigan of Portland) (Cosponsor: Mr. Baker of Portland)

Bill "An Act to Amend the Tree Growth Tax Law" (H. P. 649) (Presented by Mr. Maxwell of Jay)

(Ordered Printed)  
Sent up for concurrence.

**Transportation**

Bill "An Act to Provide Statutory Standards for Motor Vehicle Inspection" (H. P. 650) (Presented by Mr. Carroll of Limerick) (Cosponsors: Mr. Elias of Madison, Mr. Brown of Mexico, and Mr. Jacques of Lewiston)  
(Ordered Printed)  
Sent up for concurrence.

**Orders**

On motion of Mr. Cox of Brewer, it was ORDERED, that Representative Guy Lizotte

of Biddeford be excused February 26, 27, 28 for personal reasons.

**House Reports of Committees  
Ought to Pass in New Draft  
New Draft Printed**

Mr. Drinkwater from the Committee on Local and County Government on Bill "An Act Converting Mount Chase Plantation into the Town of Mount Chase" (Emergency) (H. P. 145) (L. D. 163) reporting "Ought to Pass" in New Draft (H. P. 638) (L. D. 764)

Report was read and accepted, the New Draft read once and assigned for second reading tomorrow.

**Divided Report**

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-41) on Bill "An Act to Require Personnel Files to Include Medical Records and Nurses' Station Notes" (H. P. 139) (L. D. 158)

Report was signed by the following members:

Messrs. SUTTON of Oxford  
LOVELL of York  
PRAY of Penobscot

— of the Senate.

Mr. WYMAN of Pittsfield  
Mrs. BEAULIEU of Portland  
Mrs. MARTIN of Brunswick  
Messrs. DEXTER of Kingfield

TUTTLE of Sanford  
BAKER of Portland  
McHENRY of Madawaska  
FILLMORE of Freeport

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following member:  
Mrs. LEWIS of Auburn

— of the House.

Reports were read.

On motion of Mr. Wyman of Pittsfield, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-41) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

**Consent Calendar  
Second Day**

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

**Tabled and Assigned**

(H. P. 118) (L. D. 128) Bill "An Act to Increase from 3¢ to 5¢ Per Inhabitant the Amount Appropriated Annually for the State Stipend Fund for Agricultural Societies"

On the objection of Mrs. Berube of Lewiston, was removed from the Consent Calendar.

On motion of the same gentlewoman, tabled pending acceptance of the Committee Report and tomorrow assigned.

(H. P. 108) (L. D. 137) Bill "An Act to Increase the Limit on Bonded Indebtedness of the Eastport Port Authority From \$500,000 to \$6,000,000" (Emergency)

On the objection of Mr. McHenry of Madawaska, was removed from the Consent Calendar.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading tomorrow.

(S. P. 57) (L. D. 90) Bill "An Act to Increase Certain Fees for Pharmaceutical Providers" (C. "A" S-15)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was passed to be engrossed in concurrence.

**Orders of the Day**

The Chair laid before the House the first item of Unfinished Business:

Bill, "An Act to Provide for Full Disclosure

of Tax Information on Tax Bills" (H. P. 610) (Committee on Local and County Government suggested)

Tabled—February 23, 1979 by Mr. LaPlante of Sabattus.

Pending—Reference.

On motion of Mrs. Post of Owl's Head, was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

The Chair laid before the House the second item of Unfinished Business:

Bill, "An Act to Provide for Public Notice of Any Municipal Tax Increase" (H. P. 611) (Committee on Local and County Government suggested)

Tabled—February 23, 1979 by Mr. LaPlante of Sabattus.

Pending—Reference.

On motion of Mrs. Post of Owl's Head, was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

The Chair laid before the House the first tabled and today assigned matter:

Bill, "An Act Relating to Payment for Sales in Retail Stores under the Liquor Laws" (H. P. 6) (L. D. 12) (C. A. H-37)

Tabled—February 26, 1979 by Mr. Garsoe of Cumberland.

Pending—Motion of Mr. Kelleher of Bangor to Indefinitely Postpone Bill and all accompanying papers (Roll Call requested)

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Call.

MR. CALL: Mr. Speaker, Ladies and Gentlemen of the House: I was always interested in a passage in the prominent comedy "You Can't Take it With You." They were all sitting at dinner one night and grandpa was addressing God, giving grace, and he opened with "Well, God, here we are again." Well, here we are again on L. D. 12, and I am going to implore this House to vote against the motion of indefinite postponement.

First of all, let us review the bill. It is called "An Act Relating to Payment for Sales in Retail Stores under the Liquor Laws." The Statement of Fact goes like this—"The purpose of this bill is to permit persons who are minors to ring up sales for malt liquor and table wine in supermarket checkout counters providing a supervisor, age 18 or older, is present in the retail store."

Now, 751-A of the bill, payment for sales in retail stores, reads: "For the purpose of receiving payment at the checkout counters for the sale of malt liquor or table wine in retail stores." Now, what has been lined out here is "The age of such employee receiving the payment shall not be under 17 years of age." An amendment to this bill changes the age of 17 to 16. Originally, the bill would have called for even lower ages. The employee receiving the payment may be a minor, provided that in any event an employee who is 18 years of age or older is present in the retail store in a supervisory capacity.

Now, I don't like the unpleasant, and I hope this won't be too unpleasant, but I have to bring forth the fact that my strongest opposition is from what I might call in this House one of my most prominent, fair weather friends, Under ordinary circumstances, this gentleman treats me with a very exuberating "Hello Georgie," but when I present something in this House, it is "Goodbye Georgie." I don't know of a more affable and charming person on occasion than the person from Bangor, Mr. Kelleher. My first week here in the 105th, the legislative conference, he sat with me in the caucus most of the time and he made me feel very much at home. Then he started with this "Hello, Georgie." And after this is over today, he will send me a little note.

Now, I have something else to say. A few years ago, the Maine Municipal Association met in Lewiston and Mrs. Call and I were in the

corridor outside the banquet hall and I saw the gentleman from Bangor, and as I say, outside this House, we are the best of friends. So I paged him and I said, "Eddie, I would like to have you meet Mrs. Call. Did he ever turn on the charm—Oh, my good woman, you have no idea how delighted I am to meet you, mainly because George and I are such dear friends. Well, who knows, that may be, but there are occasions such as this one when the gentleman from Bangor has disappointed me greatly."

Here is something very interesting and enlightening. In a special session of the 105th Legislature, an attempt to grant privileges to 18 year olds, which had failed in the regular session, was successful. On Page 572 of Volume 3, reviewing that session — you see, I have been doing some research — there is a speech by Representative Kelleher in which he offered an amendment to L. D. 2038. In that speech, he offered an amendment which would remove the privilege that those 18 year olds would have to contract loans from banks or loan companies. That was the chief concern of the gentleman from Bangor, who I believe voted for L. D. 2038, An Act to Grant Adult Rights to Persons 18 Years of Age. The amendment was defeated and the bill was passed to be enacted. Apparently, the gentleman from Bangor was more concerned over the possibility that a bank or loan company might victimize an 18 year old than he was concerned over the problems which might bestow an 18-year-old drinker.

Now, unless I find need for a rebuttal, that may be it for now and I thank you.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Gould.

MR. GOULD: Mr. Speaker and Members of the House: The good gentleman from Lewiston, he said, "You can't take it with you." But I understand he ordered a fireproof money belt.

The SPEAKER: The Chair recognizes the gentleman from West Bath, Mr. Stover.

MR. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: I assure you, there is nothing personal in anything that I have in my stand on this bill. I never met Mr. Call before this session. He is on the same committee I am. I think he is a good, solid thinker, but we do have a difference of opinion and I am sure there will be other times when we will and other times when we will agree.

I am sincere in my feelings about this bill. I feel that it is too much pressure, too much responsibility to give to a 16-year-old, I call them children, to stand up there and blow the whistle on his peers.

Last night after I left here — I go into a lot of homes in my business, and I was in a home and there was an 18-year-old girl there who works in a supermarket. I said to her, I want to poll you. I am getting along towards a hundred years old and maybe I am out of thinking with the times. I read the Statement of Fact in the bill and she said, "I feel that is a terrible position to put a 16 year old in. If you want to become unpopular, that is the way to do it, and who wants to be unpopular." That is the whole story.

As I said before, an 18 year old can tell a 16 year old what to do, but a 16 year old isn't going to blow the whistle on an 18 year old. I just feel that is putting them in a position that they shouldn't be in. So I would hope that you would vote to indefinitely postpone this bill and all its accompanying papers.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Hickey.

MR. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I will have to agree with Representative Call on the merits of the very affable Mr. Kelleher, and I would also like to add that he is probably one of the finest cooks of scallops that I have ever met anywhere.

Many of our towns and cities are plagued by unrest among our young people. Much of our problem is created by occupation. With automation and computerization, today's labor

market is very limited in the employment it offers our youngsters. For the federal and state government to develop jobs has proven to be a very costly proposition. Our only recourse in the job opportunities offered is in the private sector. Many stores and supermarkets gladly provide work for our younger people stocking shelves and serving as bag boys at 16 years of age. I feel that we should show our trust in our future citizens and support them with our vote to serve as cashiers.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

MR. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: There is no single individual in this House that I have higher regard for than the good gentleman from Lewiston, Mr. Call, and I have appreciated all the years that I have had an opportunity to be at Seat 121 and to enjoy this very fine gentleman. But on occasion, Mr. Call, like the rest of us, has a weakness, and that is in good judgment. Unfortunately, that falls upon each and every one of us once in awhile.

I listened with interest and enjoyed his remarks concerning my previous positions on legislation that has come before this august body that I have been privileged to serve in, and I can appreciate to some degree the remarks made by Mr. Hickey of Augusta, but this bill isn't about to create jobs, and I don't want myself or any of you to be misled that if in fact we allow 16 year olds to sell malt beverages and wine in the grocery stores it is going to create any more jobs.

I said this last Friday, yesterday, and I will state it again this morning — the most pressing problem in the state with youngsters in school is the availability of beer and wine, among other things.

The argument on supervision of 16 year olds by 18 year olds in an alleged amendment that I have yet to see this morning that was discussed yesterday, to me is just pure poppycock.

If you talk to the parents in this state, you talk to the school teachers and the school superintendents and the principals in your respective communities, they would be echoing my thoughts and the thoughts of many of you here this morning concerning the erosion of 17 year olds to 16 year olds to sell beer and wine in the grocery stores. The supervision argument is a matter of do you ask the storeowner or do you ask the person who is 18 years or older who is present, even when the 17 year olds are up ringing cash registers dealing with this particular product of beer and wine. I think in good judgment, ladies and gentlemen, that you would support my motion and leave the law as it is, at 17 years of age.

We raised the drinking law two years ago to 20, and there was some discussion at that time of raising the age limit at the retail level of allowing youngsters to sell beer and wine and it was settled at 17. I am not so sure that that is a good age limit to have but, nevertheless, it is much better than 16 and I do hope you support my motion this morning.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to speak against the motion for indefinite postponement, really because of one reason, and that is I think the arguments against this bill are spurious and, in fact, red herrings.

The bill was put in to increase the convenience of the consumer as he purchased whatever it was, an alcoholic beverage and, as a matter of fact, last summer one of my own constituents, a 16 year old, who is responsible as I am sure most of them are, asked me if there wasn't something that could be done on the state level to keep the lines from being held up while someone went to get a supervisor to check out the purchase.

I think it is a reasonable bill. I think the arguments that it will make it more accessible are

totally inaccurate and strictly emotional, and I urge you to vote against the motion.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Hughes.

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I have been interested in the question of drinking ages and what the best social policy ought to be in this area for a number of years. I was one of those who thought that raising the drinking age was not a wise move.

My observation in working with young people in my community, which I do to a great degree, is that they are still able to get beer if they want it and most of that purchase of beer comes through stores, through knowing the kind of stores where they can get served.

I think, and I have to agree with speakers before us, that if we are to allow 16 year olds, and there is a real emotional and maturity level difference between a 16 year and a 17 year old, but if we allow 16 year olds to sell beer and wine to other people, then we are just opening this problem up greatly.

If this House means what it said in doing something about the drinking problem, which is a very real one among the teenagers in this state, and if we meant what we said about raising that age two years ago, it seems insane to me to be raising the age of drinking and at the same time you are lowering the age of who can sell it. If a 16 year old is not mature enough to drink, he is not mature to make that decision about whether his peer is 18, 20, 21 or whatever. If you know anything about young people, it is that peer pressure is a terrific pressure, it is probably what gets them drinking and smoking, etc., in the first place. To ask them to turn down their friends, the friends that they have to live with daily, is just too much to expect of the average 16 year old, in my opinion.

So, I hope you will support the gentleman from Bangor, Mr. Kelleher, in voting to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mrs. Wentworth.

Mrs. WENTWORTH: Mr. Speaker and Members of the House: Someone mentioned that we should trust our children, our young people. I do not feel it is a matter of trust, it is a matter of putting unnecessary responsibility on them at this time, especially in the neighborhood grocery stores.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. LaPlante.

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I think we are probably looking at this at a different angle than probably we should, and I think we certainly should indefinitely postpone this bill this morning for other reasons.

It is very easy for a large company to pay 16-year-olds two thirds the rate of minimum wage and take some work away from housewives, family people who need the job as cashier, and pay them minimum wage or above. I think probably what we would be doing by this is giving large chain stores the opportunity to put people into a reasonable job at two thirds of the minimum wage rather than paying, again, people who really need these jobs to raise a family. These are second jobs. They are part-time jobs for a lot of the mothers who can work while their children are in school. What the chains are afraid of doing is paying the minimum wage or above, and this is one way to do it, by pulling on the emotions that we need to give jobs to our younger people, but when you do this, you will also be taking away from families who really need these jobs.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. D. Dutremble.

Mr. D. DUTREMBLE: Mr. Speaker, Ladies and Gentlemen of the House: Like Mr. Kelleher, I, too, am concerned about the improper use of alcohol by our youngsters in the State of Maine, but I don't really think that this bill will affect that problem one way or the other. If

somebody wants to get alcohol, he can get it whether the cashier is 16, 17 or 30 for that matter. I think this point is purely irrelevant.

During the past ten years, I have had the opportunity to work with kids of this age and I find that most of them are of good character. I think what it boils down to is that the storeowners are hiring young people that are responsible and are of good character. I think as parents and as legislators, we expect young people to be responsible, but whenever we get to the point where we can show them how to get some responsibility, we don't think that they can handle it. I think if we showed faith in the young people of this state, they would show faith in us.

I would move that we vote against the motion of indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I have heard just about every expression made today, but there is one expression that goes a long way with me and that is good, old fashion common sense.

The beer industry has no morality and no ethics and no code of any kind. They have littered my fields and my land with their bottles and their cans, they repugn the law and they come in with a referendum. Why? Fast buck, fast buck artist, that is what the beer industry is. I condemn it once and for all for its ethics and now they say, look the other way. Let the youth handle the beer. Put temptation into his hands. Good Lord, have we no morals? Have we no code of ethics? Don't put this law the way it is. Kill this bill—give it the deep six.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jacques.

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: This bill only does one thing, it allows that youngster to punch that cash register. He doesn't have to call another man over 18 years old to punch that register, that is all this bill does. He is able to take it out to the car. What is worse than that? This bill allows that youngster to punch that cash register with supervision, that is all it does.

The SPEAKER: The Chair recognizes the gentleman from New Gloucester, Mr. Cunningham.

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I only want to speak this morning because I used to own a little grocery store and I have raised three youngsters, the youngest of whom is now 16, the oldest is 20.

With the current law, we allow youngsters, age 16, as the previous speaker mentioned, to handle beer, to handle closed containers of beer. I, personally, can't see much difference between a closed container of beer and a can of beans. I don't think either one will create an alcoholic.

We allow our youngsters to work in the back room handling the beer, filling the coolers, and if a customer comes into the store and has a cane or something, that youngster can run to the cooler for the customer and carry the beer over to the counter, handling the beer all the time; yet, we won't even allow the youngster to handle the money, that is the only difference, as the previous speaker said. We are not going to allow him to handle the money on that particular purchase. What is the difference between handling money for that kind of a sale and handling money for buying a newspaper? Don't forget that this is in a supervised situation. What do we allow our youngsters to do in an unsupervised manner?

Just a little over two years ago, we passed a bill to encourage youngsters 6, 7, 8, 9, and 10 years old to run around and scrounge the countryside for open bottles and cans, beer and whatever else, and what do they do? They pick these up. They pick up the slime, the stale smell, they are living with that maybe several hours a day, all the way from the age of 6, so

can you imagine the sweet aroma when they finally become age 20 and can go into the local pub on sleazy street and they smell the familiar odor all of a sudden. This is in an unsupervised situation. These are open bottles and cans that we are encouraging them to pick up to keep our streets clean, but we are not going to allow them to handle money in the store.

I can't see why this bill shouldn't go on its way, so I urge that you vote against the pending motion.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mrs. Lund.

Mrs. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't going to speak today. I, too, have a son at home, an 18 year old. Last night I said to him casually, what do you think about this? He said, you are crazy. He didn't say it quite that simply, he had a few other words, but he said, on the one hand, you are trying to prevent teenage drinking, you are trying to do everything you can to encourage young people to be responsible about their drinking and then you are going to vote, perhaps, to put a young person in the position of making a decision about his friends or maybe someone who is just a little bigger than he is whether they are going to sell him liquor or not.

I agree with the young person from Lewiston who spoke about our double feeling about alcohol. On the one hand, we have on our desks today business about alcohol related highway problems and then we have an encouragement to make it easier for people to buy alcohol.

I do think that we ought to vote today to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: My concern this morning is with the young people. I hope you all listened carefully when the gentleman from Auburn made his remarks. We all know that he has been a long-time advocate for improving the rights and privileges that young people have in this state. He made a very sincere approach to this and pointed out the dangers.

We have had remarks concerning convenience of the customer. Well, I think I would prefer to think in terms of the character of the young people. There is a difference between 16 year olds and 17 year olds. You can't put everything on a chronological basis, but I certainly believe that the pressure on a 16 year old, when that six pack shows up on the counter in front of him and he has an "illegal" 18, 19 year old in front, to ask the questions, to make the stop and say no. That is an awful lot of responsibility, and I certainly believe that we should avoid putting this responsibility on that 16 year old.

I hope you will support the motion to indefinitely postpone.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have expressed desire of one fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Aloupis, Beaulieu, Benoit, Birt, Blodgett, Brodeur, Brown, A. Brown, K. L., Brown, K. C., Bunker, Carroll, Carter, D., Carter, F., Chonko, Churchill, Cloutier, Connolly, Cox, Curtis, Davis, Dexter, Dow, Dudley, Dutremble, L., Fenlason, Fillmore, Garsoe, Gould, Gowen, Gray, Hanson, Higgins, Howe, Hughes, Hunter, Immonen, Jackson, Joyce, Kelleher, Kiesman, Laffin, Lancaster, LaP-

lante, Locke, Lougee, Lund, MacBride, Mahany, Martin, A., Masterman, Matthews, Maxwell, McHenry, McKean, McPherson, Mitchell, Morton, Nelson, A., Nelson, N., Paul, Payne, Pearson, Peltier, Peterson, Prescott, Reeves, J., Rollins, Roope, Sherburne, Silsby, Simon, Smith, Soulas, Sprowl, Stover, Strout, Studley, Tarbell, Theriault, Tierney, Twitchell, Wentworth, Wood, Wyman.

NAY—Austin, Bachrach, Baker, Barry, Berry, Berube, Bordeaux, Boudreau, Bowden, Brannigan, Brennerman, Brown, D., Call, Conary, Cunningham, Damren, Dellert, Diamond, Doukas, Drinkwater, Dutremble, D., Elias, Fowlie, Gavett, Gillis, Gwadosky, Hickey, Hobbins, Huber, Hutchings, Jacques, E., Jacques, P., Jalbert, Kane, Kany, Leighton, Lewis, Lowe, MacEachern, Marshall, Masterton, McMahon, McSweeney, Michael, Nadeau, Nelson, M., Norris, Paradis, Post, Rolde, Sewall, Small, Stetson, Torrey, Tozier, Tuttle, Vincent, Violette, Vose, Whittemore.

ABSENT—Carrier, Davies, Hall, Leonard, Lizotte, Reeves, P.

Yes, 84; No, 60; Absent, 6.

The SPEAKER: Eighty-four having voted in the affirmative and sixty in the negative, with six being absent, the motion does prevail.

The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, having voted on the prevailing side, I move that the House reconsider its action whereby L. D. 12 and all its accompanying papers were indefinitely postponed and hope you all vote against me.

Mr. D. Dutremble of Biddeford requested a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House reconsider its action whereby L. D. 12 was indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Austin, Bachrach, Baker, Barry, Berry, Berube, Bordeaux, Boudreau, Bowden, Brannigan, Brown, D., Call, Conary, Damren, Dellert, Diamond, Doukas, Drinkwater, Dutremble, D., Fowlie, Gillis, Gould, Hickey, Hobbins, Huber, Hutchings, Jacques, E., Jacques, P., Kane, Leighton, Lewis, MacEachern, Marshall, Masterton, McMahon, McSweeney, Michael, Nadeau, Nelson, M., Norris, Paradis, Rolde, Sewall, Simon, Stetson, Torrey, Tozier, Tuttle, Vincent, Violette, Vose, Wentworth, Whittemore.

NAY—Aloupis, Beaulieu, Benoit, Birt, Blodgett, Brennerman, Brodeur, Brown, A., Brown, K. L., Brown, K. C., Bunker, Carroll, Carter, D., Carter, F., Chonko, Churchill, Cloutier, Connolly, Cox, Cunningham, Curtis, Davis, Dexter, Dow, Dudley, Dutremble, L., Elias, Fenlason, Fillmore, Garsoe, Gavett, Gowen, Gray, Gwadosky, Hanson, Higgins, Howe, Hughes, Hunter, Immonen, Jackson, Jalbert, Joyce, Kany, Kelleher, Kiesman, Laffin, Lancaster, LaPlante, Locke, Lougee, Lowe, Lund, MacBride, Mahany, Martin, A., Masterman, Matthews, Maxwell, McHenry, McKean, McPherson, Mitchell, Morton, Nelson, A., Nelson, N., Paul, Payne, Pearson, Peltier, Peterson, Post, Prescott, Reeves, J., Rollins, Roope, Sherburne, Silsby, Smith, Soulas, Sprowl, Stover, Strout, Studley, Tarbell, Theriault, Tierney, Twitchell, Wood, Wyman, and The Speaker.

ABSENT—Carrier, Davies, Hall, Leonard, Lizotte, Reeves, P., Small.

Yes, 53; No, 91; Absent, 7.

The SPEAKER: Fifty-three having voted in the affirmative and ninety-one in the negative, with seven being absent, the motion does not prevail.

Sent up for concurrence.

The Chair laid before the House the second tabled and today assigned matter:

Bill, "An Act to Restrict Access to Allagash Lake in the Allagash Wilderness Waterway" (S. P. 254) (L. D. 728) (House Reconsidered Reference to Committee on Energy and Natural Resources on February 26.)

Tabled—February 26, 1979 by Mr. McKean of Limestone.

Pending—Reference.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. McKean.

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I now move that L. D. 728 be referred to the Committee on Inland Fisheries and Wildlife.

As I took a look at the Statement of Fact of L. D. 728, I was rather shocked. It looked to me as though somebody was groping, reaching out, trying to find rationale for this particular piece of legislation.

For instance, in the Statement of Fact, they mentioned flying services increasingly flying canoes and people into Johnson Pond. Further on down in the Statement of Fact, they come along and say that many canoe parties find, after having made their way up the Allagash Stream, that the campsites are already occupied by parties who have reached the lake by flying services. Well, I kind of figure it this way. If a fellow wants to go by canoe, he can leave the day before and get there ahead of the airplane. You can just go back in time all the way you want to and see who is going to get there first, so I couldn't buy that particular rationale.

Then what really got to me, based on past experiences in other lakes, it is known that large increases in fishing pressure and the harvest of many large fish is quickly followed by decreases in fishing quality.

Ladies and gentlemen, there is no doubt in my mind and in a lot of people's minds, this is a further reachout, encroachment on the powers of Inland Fisheries and Wildlife. The Department of Inland Fisheries and Wildlife has the expertise, they have the biologists and they know what the fishing pressures are. So I see this as a further encroachment upon their particular powers.

The Bureau of Conservation, under Title 12, Section 672, already has all the power that is required to control the entrance and access points into the Allagash Waterway. In fact, it says, "Access points, control stations and water course crossings may be located at such places as may be determined by the Bureau." Back in 1973, they took the Commissioner and the Department to mean the same as the Bureau. So, they have the powers they need. This is strictly an encroachment upon the fishing rights, and believe you me, the guy that suffers on that is the guy that wants to go up and spend a couple of days fishing, not you or I, not the department, not even Inland Fisheries and Wildlife, it is the poor fellow who is caught in the middle.

Let's put this bill where it belongs, in the Department of Inland Fisheries and Wildlife and let's let them make the decisions on what fish are to be fished and what should not be fished.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: It is unfortunate that this issue has generated into discussing the merits of the bill. We know at this stage of the game in the whole process, one is not looking at whether a bill is good or bad but where the bill should be assigned. That is the issue at this time, where the bill should be assigned, what department it has to deal with.

The good gentleman from Limestone has very correctly stated that this deals with the Allagash Wilderness Waterway and it comes under the Department of Conservation, not the Inland Fisheries and Game. In fact, if you look at the beginning of the bill, it refers to Title 12 Section 672, as the good gentleman from Limestone stated, and again, this is dealing with the rules and regulations promulgated by the Department of Conservation, not the Fish and Game Department.

We may argue whether the bill is good or bad at the committee hearing or on the floor of the House, but to have bills assigned to various committees because we like or don't like the bill is going to make a real mish-mash of our whole system. It is inappropriate: it belongs in the Committee on Energy and Natural Resources, and I would urge you to vote against this motion and to have it committed as it was originally assigned.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Men and Women of the House: I guess we could say that what happened this morning is one point that Mr. Blodgett and myself can agree on, and that is the fact that we are discussing where this bill should be heard.

If we could go back in time for just a moment, I hate to say it, but I was a proponent of the Allagash Waterway. I used to go up on the Allagash prior to the Allagash Waterway and had some very fine experiences. Quite a few years lapsed before I went and I took my son and I told him what a wonderful experience we were going to have up on the Allagash. I said that we wouldn't see more than two or three canoes in the 10 days up there. I was absolutely amazed. The first day we counted 29 canoes, and this was caused by the Allagash Waterway system. I think we have gone far enough with it. I don't think we should expand it anymore. I don't think we should allocate any more power than we already have for the Conservation Department.

So today all we are discussing, Mr. Blodgett is absolutely right, later we will discuss the merits of the bill but today we are discussing where it should be assigned or referred, and I would urge you, just from my own experiences with the Allagash Waterway and the expansion thereof, to refer this bill to Fisheries and Wildlife where it belongs.

The SPEAKER: The Chair recognizes the gentleman from Kingfield, Mr. Dexter.

Mr. DEXTER: Mr. Speaker, Men and Women of the House: This thing has gone back and forth worse than a yo-yo. I became involved in this little matter here in the last session, as some of my friends may recall. My good friend from Waldoboro has said it all: let's get behind him and support him.

Mr. Blodgett of Waldoboro requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Limestone, Mr. McKean, that this Bill be referred to the Committee on Fisheries and Wildlife. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Barry, Beaulieu, Birt, Bordeaux, Boudreau, Brown, A., Brown, K. L., Brown, K. C., Bunker, Call, Carroll, Carter, D., Carter, F., Churchill, Conary, Connolly, Curtis, Damren, Davis, Dellert, Dow, Drinkwater, Dudley, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gowen, Gwadosky, Hanson, Higgins, Hunter.

Hutchings, Immonen, Jacques, P., Laffin, Lancaster, Lewis, Lowe, MacEachern, Marshall, Martin, A., Masterman, Matthews, Maxwell, McKean, Nelson, A., Norris, Paradis, Paul, Peterson, Reeves, J., Roope, Sewall, Silsby, Sprowl, Strout, Studley, Theriault, Torrey, Tozier, Twitchell, Violette, Vose, Wentworth, Whittemore.

NAY—Aloupis, Austin, Bachrach, Benoit, Berube, Blodgett, Bowden, Brannigan, Brenerman, Brodeur, Brown, D., Chonko, Cloutier, Cox, Cunningham, Dexter, Diamond, Doukas, Dutremble, D., Dutremble, L., Elias, Fowlie, Gray, Hickey, Hobbins, Howe, Huber, Hughes, Jackson, Jacques, E., Jalbert, Joyce, Kane, Kany, Kelleher, Kiesman, LaPlante, Leighton, Locke, Lougee, Lund, MacBride, Mahany, Masterton, McHenry, McMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M., Nelson, N., Payne, Pearson, Peltier, Post, Prescott, Rolde, Rollins, Sherburne, Simon, Small, Smith, Soulas, Stetson, Stover, Tarbell, Tierney, Tuttle, Vincent, Wood, Wyman, The Speaker.

ABSENT—Baker, Berry, Carrier, Davies, Hall, Leonard, Lizotte, Reeves, P.

Yes, 69; No, 75; Absent, 8.

The SPEAKER: Sixty-eight having voted in the affirmative and seventy-five in the negative, with eight being absent, the motion does not prevail.

Thereupon, the Bill was referred to the Committee on Energy and Natural Resources in concurrence.

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(Off Record Remarks)

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On motion of Mr. Michael of Auburn,

Adjourned until ten o'clock tomorrow morning.