

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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FOURTH CONFIRMATION SESSION

(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

May 31, 1984

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FIFTH CONFIRMATION SESSION

(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)

July 11, 1984

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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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HOUSE

Wednesday, February 15, 1984

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

Prayer by Reverend Anita White, Poland Community Church, United Church of Christ.

The Journal of Tuesday, February 14, 1984, was read and approved.

**Papers from the Senate
Divided Report**

Later Today Assigned

Majority Report of the Committee on Legal Affairs on Bill "An Act to Amend the Liquor Laws to Permit the Sale of Beer and Wine at Outdoor Stadiums" (S. P. 662) (L. D. 1852) reporting "Ought to Pass" in New Draft (Emergency) (S. P. 752) (L. D. 2055)

Signed:

Senators:

CHARETTE of Androscoggin

SHUTE of Waldo

DANTON of York

Representatives:

HANDY of Lewiston

SWAZEY of Bucksport

MURPHY of Berwick

PERRY of Mexico

DILLENBACK of Cumberland

COTE of Auburn

McSWEENEY of Old Orchard Beach

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

Signed:

Representatives:

COX of Brewer

STOVER of West Bath

DUDLEY of Enfield

Came from the Senate with the Majority "Ought to Pass" in New Draft read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "A" (S-287).

In the House: Reports were read.

On motion of Representative Diamond of Bangor, tabled pending acceptance of either report and later today assigned.

Communications

The following Communication:

UNIVERSITY OF MAINE at Orono

Bureau of Public Administration

162 College Avenue

Orono, Maine 04469

January 10, 1984

Mr. Ed Pert

Clerk of the House

State House Station #2

Augusta, ME 04333

Dear Mr. Pert:

We are mailing to you under separate cover 160 copies of the annual report on the administration of the State Government Internship Program as required by the Maine State Statutes, Chapter 14, paragraph 294, for distribution to the Representatives.

Sincerely,

S/KATHRYN H. GODWIN, Director

Bureau of Public Administration

Was read and with accompanying report ordered placed on file.

**Petitions, Bills and Resolves
Requiring Reference**

The following Bills were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Passed to Be Engrossed

Bill "An Act Relating to Eligibility for Inter-scholastic Secondary School Athletics" (Emergency) (H. P. 1573) (L. D. 2083) (Presented by Representative Davis of Monmouth) (Cosponsors: Speaker Martin of Eagle Lake, Senators Conley of Cumberland and Dow of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule

27)

Committee on Education was suggested.

Under suspension of the rules, the Bill was read twice, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Bill "An Act to Amend the Delay in Employers' Filing Deadlines under the Chemical Substance Identification Law" (Emergency) (H. P. 1574) (L. D. 2084) (Presented by Representative Hall of Sangerville) (Cosponsors: Representatives Cashman of Old Town, Gauvreau of Lewiston and Michael of Auburn) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Committee on Energy and Natural Resources was suggested.

Under suspension of the rules the Bill was read twice, passed to be engrossed without reference to any committee and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Study Report

Committee on State Government

Representative Gwadosky from the Committee on State Government to which was referred by the Legislative Council the Study Relative to Compensation of Members of Boards and Commissions have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Establish Standards and a Policy for the Compensation of Members of Boards, Commissions and Similar Organizations" (H. P. 1571) (L. D. 2081) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Report was read and accepted, and the bill referred to the Committee on State Government, ordered printed and sent up for concurrence.

Orders

On motion of Representative McSweeney of Old Orchard Beach, the following Order:

ORDERED, that Representative Louis Jalbirt of Lewiston be excused February 14 through the duration of his illness.

Was read and passed.

On motion of Representative McHenry of Madawaska, the following Joint Order: (H. P. 1572)

ORDERED, the Senate concurring, that the Joint Standing Committee on Local and County Government report out such legislation to the House as they see fit to revise the salaries of county officers and lay the county taxes for the year 1984.

Was read and passed and sent up for concurrence.

**House Reports of Committees
Unanimous Leave to Withdraw**

Representative Hall from the Committee on Energy and Natural Resources on Bill "An Act Relating to Camps on Leasehold Land Owned by the State" (H. P. 976) (L. D. 1277) reporting "Leave to Withdraw"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

**Consent Calendar
First Day**

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

(S. P. 663) (L. D. 1853) Bill "An Act to Clarify the Law Concerning Certain Appeals from Planning Board Decisions" Committee on Local and County Government reporting "Ought to Pass".

(H. P. 1517) (L. D. 1998) Bill "An Act Con-

cerning Income Derived from Public Reserved Lots" Committee on Energy and Natural Resources reporting "Ought to Pass".

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, February 16, 1984 under the listing of Second Day.

**Consent Calendar
Second Day**

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

(S. P. 660) (L. D. 1850) Bill "An Act to Replace References to Regional Presiding Justice with Chief Justice of the Superior Court"

(S. P. 656) (L. D. 1857) Bill "An Act to Amend the Composition of the Judicial Council"

(S. P. 671) (L. D. 1855) Bill "An Act Concerning Public Utility Commission Approval of Temporary Rate Changes" (C. "A" S-286)

(H. P. 1435) (L. D. 1880) Bill "An Act to Enable Communities to Establish Town Forest Reserve Accounts" (C. "A" H-469)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed or Passed to be Engrossed as Amended in concurrence and the House Paper was Passed to be Engrossed as Amended and sent up for concurrence.

**Passed to Be Engrossed
As Amended**

Bill "An Act to Include the Chief Executive Officer of the Finance Authority of Maine as an Ex Official Corporator of the Maine Development Foundation" (Emergency) (H. P. 1497) (L. D. 1972)

Was reported by the Committee on Bills in the Second Reading and read the second time.

Representative Ketover of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-470) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended and sent up for concurrence.

Orders of the Day

The Chair laid before the House the following matter:

SENATE DIVIDED REPORT—Majority (10) "Ought to Pass" in New Draft (Emergency) (S. P. 752) (L. D. 2055) — Minority (3) "Ought Not to Pass" — Committee on Legal Affairs on Bill "An Act to Amend the Liquor Laws to Permit the Sale of Beer and Wine at Outdoor Stadiums" (S. P. 662) (L. D. 1852) which was tabled and later today assigned pending acceptance of either report.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, I move that the House accept the Minority "Ought Not to Pass Report in non-concurrence and would speak briefly to my motion.

The SPEAKER: The gentleman from Brewer, Mr. Cox, moves that the Minority "Ought Not to Pass" Report be accepted in non-concurrence.

The gentleman may proceed.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: As you will note, I signed the "ought not to pass" report on this bill and I think I should explain my reasons for doing it. I will limit my reasons to the most important one, which is that I feel it is completely inconsistent with our current campaign against drunken driving to allow liquor, beer and wine—while the bill may speak of liquor, it is beer and wine—at this type of an installation where supposedly thousands of people will be present and where it is quite obvious that the majority of these people will have to get into cars and drive home. So I really do not think this would be a wise bill for us to pass.

When the vote is taken, Mr. Speaker, I would request the yeas and nays.

The SPEAKER: The Chair recognizes the gen-

tleman from Cumberland, Mr. Dillenback.

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: This bill, of course, is going to take a two-thirds vote, so it is very important that you listen carefully to this bill.

When the bill came in originally, it called for a stadium of a thousand seats. We thought that wasn't sufficient, and if you will notice in our amended bill that the committee put out, we asked for at least 5,000 seats, so that is going to pretty much limit this bill to the Old Orchard ballpark. I will probably never go down to that ballpark and probably will never watch a ball game, but I do go to the Civic Center and in the Civic Center you cannot drink beer in the stands, you have to go to a location behind the stands, and that is specifically what we amended into the bill, that you cannot serve in the stands. We also added the fact that no activities undertaken by school children, say the State of Maine championship ball game or something that might be played there by students, there will be no wine or beer served during that period of time.

Even at the fairs we now allow a tent where people can go drink beer, at all the activities that we have, the skating rinks, tennis areas, throughout the whole state. I am not a proponent pushing beer or liquor or anything else, but it seems to me that if the people of this state are going to have a ballpark, it just doesn't make sense that they cannot serve a glass of beer at that park, particularly when it is a reserved area and will not be in the stands.

I hope you give this due consideration and I hope you vote for the bill.

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

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: I also signed the Minority "Ought Not to Pass" Report on this bill.

A couple of years ago, as you know, we enacted the toughest drunk driving law in the nation; I supported that. Just recently, the Governor initiated roadblocks; I support that. But in spite of all that, last year we had a drastic increase in the number of alcohol-related accidents on the highways—I believe it was over 11,000 last year, up considerably from the year before. There were 126 people killed on our highways. That is one person every three and a half days. The only way we can stop that is to stop providing accessibility to liquor, expanding the accessibility to liquor. Apparently, we aren't going to be able to cut it down any, but at least let's not expand it.

I was rather interested in something I read in the Brunswick Times Record. The Chief of Police there, Mr. Vermette, said this: As long as drinking is socially acceptable, we will have an OUI problem. That's the whole essence of it right there. As long as we make it socially acceptable to go to a ballpark and have a drink, and the average person will probably only have one but there are going to be many there that are going to have a lot more than one, they are going to start for home and they are going to be drinking. If just one life is lost, how are you going to put a price tag on that life?

The only reason for this bill is money, to make more money, but let's take into account some of the other factors on the other side of the ledger, and that is somebody's life. When it is in your family, it is easy to be a statistic, you are very vitally concerned. As you know, there are no instant replays when it comes to that.

I would hope that we would support the minority "ought not to pass" and vote yes on the pending motion.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. McSweeney.

Mr. MCSWEENEY: Mr. Speaker and Members of the House: The Maine Guides is a class organization of ten businessmen, led by Jordan Kolbritz, who doesn't drink or smoke, married to Reverend Bubar's in-laws. Doc Edwards, the manager of the Maine Guides, does not drink or

smoke. These are the people that are leading this organization and spot prohibition will not be the answer to this question.

I realize that the State of Maine has a big drunken driving law in effect and I don't think we should discriminate against the Maine Guides because these other places, Civic Centers, different organizations throughout the state, the tennis clubs, the racquet clubs all have drinking establishments.

I think this bill should go on its way.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Representative Dudley.

Mr. DUDLEY: Mr. Speaker, Members of the House: I feel rather inadequate speaking to you people this morning after the able gentleman, Mr. Dillenback, who explained the opposite side from what I am on very well. However, I am here representing quite a lot of people that are still in mourning over people they have lost on the highway and tears come to their eyes and it is very sad to even converse with them and they want any little thing done so we can slow down the deaths on our highways and I certainly don't think this bill will do a great deal—that is my personal thought—but it certainly won't enlarge it.

When you change the original bill from one thousand that can drink beer to five thousand, that doesn't cut any ice with me. I think one thousand people drinking beer would be less dangerous than five thousand would.

I don't drink or smoke either, so I probably shouldn't be saying much about this because it doesn't concern me that much either way, but somewhere along the line we have got to stop making it so easily available for these people to have liquor so easy.

At a ballpark, some of them drive miles to get there and they have to drive miles to go home, and certainly if they have a few beers at the ballpark, they are going to get dry before they get home, if I know these type of people. Their throat gets awfully dry down the road a ways and before they get home, they are liable to be quite lubricated, if that is the proper word.

I think the best thing we can do this morning is to show the people of this state that we have gone as far as we are going to go with this problem of drinking. I don't think it will put the ballgames out of business. If it does, so be it, they shouldn't be in business. I don't think the State of Maine will go broke, I don't think they need the money that much and this type of money is not doing us that much good, if we have to murder or kill people everyday for it. Now if you people really think the state needs money, we probably would be better off if we legalized pot or prostitution or something like that, if you are really desperate for money.

Certainly, I think we have gone far enough trying to get money out of the booze industry and a record of 126 killed on our highways last year is convincing enough to me that I want to do something about it. Some of these other things that I mentioned, people won't get killed so easily, and certainly if they start out from a place, when they get home they will still be in the same kind of condition. Their throat won't get dry and they won't have to stop along the way and so forth. I think there are many things we can do if we are desperate for money but not expand the booze business.

I have already asked you to accept the Minority Report and I think that is a step in the right direction. It is not because I don't drink or smoke, I have my faults too, but I certainly am not a menace on the highway.

The SPEAKER: The Chair recognizes the gentleman from Portland, Representative Joyce.

Representative JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I felt I should rise today and defend and help out the Pepsi generation. I thought that this is the type of bill, the beer garden bill, that I should speak on.

I tried to find good reason why I should make a stand on this particular bill. I did a little reading, not of the philosophers but of that great

ballplayer, our great Casey from Mudville. When, and history shows, that first ball was whipped by Casey and he just looked, the crowd yelled in dismay but Casey yelled back, history shows, "this ain't my style."

Now this particular bill I can't cope with it the way it is and the way my people think. I recall how it has often been said: "They saw his face grow stern and cold, they saw his muscles strain and they knew that Casey wouldn't let that ball go by again. The sneer has gone from Casey's lips, his teeth are clenched in hate; he pounds with cruel violence, his bat upon the plate. Now the pitcher holds the ball and now he lets it go, and now the air is shattered by the force of Casey's blow. Oh, somewhere in this favored land, the sun is shining bright, the band is playing somewhere and somewhere hearts are light. Somewhere men are laughing and somewhere children shout, but there is no joy in Mudville, mighty Casey has struck out."

The SPEAKER: The Chair recognizes the gentleman from Canton, Representative McColister.

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: I must speak up for many of my constituents who enjoy baseball but they also enjoy a beer now and then and they are not drunks. They are not going to consume so much beer that they can't drive home. They are not going to stop on the way when they have their family with them and have another beer—no, I believe we have seen the average ball fan badly misportrayed here today. They are not the heavy beer-consuming public that some would have you to believe. They enjoy a beer just as some of us enjoy a coke.

I hope that we can defeat the present motion.

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

Mr. MASTERMAN: Mr. Speaker, Men and Women of the House: In my opinion, this is just one more extension of the sale of beer and alcoholic beverages. How long are we going to accept the carnage that is going on on the roads because of too much beer, too much alcohol?

I think the three that were on the Minority Report, Mr. Cox, Mr. Stover and Mr. Dudley, covered it so well that I don't think I need to say much more.

I have been proud for the past four years to serve with a Governor who is making an all out fight to clear our roads of the drunken driver; I support his effort and I will today.

Too many times in this hall we vote with the dollar sign uppermost in our minds. Today it is going to be interesting to see the ones in this hall who vote with their conscience and not the sign of the dollar.

The SPEAKER: The Chair would caution the gentleman to refrain from showing disparity against members of this body.

The Chair recognizes the gentleman from Orono, Representative Bost.

Mr. BOST: Mr. Speaker, Men and Women of the House: I speak in opposition to the passage of L. D. 2055. It would seem that every shred of evidence available from every reliable source unalterably points to one single and inescapable fact, and that is that alcohol abuse is one of the most destructive problems facing our society today.

Despite our state's conscientious effort to enact strong and effective laws against drunk driving, the number of alcohol related highway deaths continues to climb. A recent national medical examiner's study concluded that fully 90 percent of all fatal traffic accidents involved drunken driving, and that should surprise no one here. Although this figure is well above the widely accepted figure of 50 percent here in Maine, the people of our state clearly pay a tremendous human cost for alcohol abuse. This state has one of the highest per capita alcoholism rates in the nation and our state and our local governments have committed millions of dollars in programs de-

signed to treat and eventually rehabilitate the alcoholic. If we spend education dollars in a concerted effort to inform our youth about the tragic consequences of alcohol abuse, untold millions of dollars in property damage result from crimes committed by individuals under the influence of alcohol. Our jails and prisons are teeming with those who exercised poor judgment while acting under the influence of alcohol.

The critical wording in L. D. 2055 is found not in the bill itself, but in the Statement of Fact, which is, this bill merely extends the right to commercially operated outdoor stadiums. Any legal extension of the privilege to consume alcohol in this state is totally out of sync with what I believe to be the efforts made by this legislature to deal effectively with the problems of alcohol abuse and merely provides a foundation for my concern for what seems to be a grave inconsistency in our policy as a legislature.

The Maine Legislature must not send mixed signals to the people of this state. If the legislature is serious about its stated intention to get tougher with the drunk driver, it cannot afford to further liberalize our existing statutes. It is only logical to conclude then that if liquor can be legally sold in a large outdoor baseball stadium with a seating capacity of thousands, there will be dozens of people who will drive drunk when they leave that stadium, that is very simple, and many of those people will be on the highways for great distances—is our answer to that to beef up roadblocks?

Finally, to tie the success or failure of the stadium, or the ballteam, for that matter, on profits from beer and wine sales seems a bit fragile. Clearly, the liquor lobby enjoys this relationship, for once in place, it will be virtually impossible to alleviate. Let's take the responsible path today and disassociate ourselves with this bill which makes a mockery of our stringent and noble efforts to curb the threat of the drunk driver.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question through the Chair to my honorable friend from Orono.

The University of Maine, on its campus, do they sell beer at the Bear's Den where we have thousands of students that potentially could cause some problems on the road from driving?

The SPEAKER: The gentleman from Bangor, Representative Kelleher, has posed a question through the Chair to the gentleman from Orono, Representative Bost, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. BOST: Yes, they do and I do not agree with that practice. I had nothing to do with allowing the Bear's Den to continually increase its sales of beer and wine, as it seems to, and I really don't see a great deal of similarity between that and this issue here today.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I think any one of us individually could argue narrow points of views in regard to the liquor laws of this state. I don't drink. I am not unique in this House because I don't drink and I am not offended because others drink, if they drink carefully and moderately.

We have a situation here in the State of Maine of a very large investment down in the southern part of the state in a sporting arena for baseball. We all have our concerns about the intake of liquor or beer; it is an honest observation. There is a public outside that wants the state to crack down on those who drink and drive. I will tell you, if the good Lord came off the cross, it would be a task to try to measure some kind of tolerance for people not only in this state, not only in this nation, but in this

world of ours.

The bill that is presented here by Mr. McSweeney in regards to the stadium down there, we all know, if any of us have any understanding of business at all, that there is a small margin of profit in this kind of an endeavor and concessions have some part in it whether they are selling Pepsi Cola or they're selling Budweiser or whether they're selling hot dogs.

But if we want to argue it in the narrow sense, if we want to be purists, like my good friend from Orono who 1) doesn't agree with the Bear's Den, 2) he had nothing to do with it, I would suggest that he come down before the Appropriations Committee when we are dealing with the University's budget, and he can submit an amendment to it to stop the sale of beer at the University of Maine if he is so moved. I welcome him and present him an opportunity to do that.

This bill should be passed here this morning. At least we ought to kill the motion made by the honorable gentleman from Brewer, and then argue in the sense of dealing with the liquor, or beer, as it is going to be, when that amendment is properly before us.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Hayden.

Mr. HAYDEN: Mr. Speaker and Members of the House: I think the gentleman from Bangor has hit the nail on the head, and one of the jobs that we have before us here is to look at the laws that are presented here and try to decide what is fair.

Now, in the best of all possible worlds, none of us would ever touch a drop, there would be no drunk driving, there would be no sin anywhere. And you know, we've tried that a couple times in this brief history in this country, trying to eradicate bad behavior, it hadn't worked too well, and unless we are willing to make it clear that no one can drink anywhere, I ask you, how is it possibly fair, how is it possibly fair for us, for legislators throughout this state, to say that one investment, an investment that is crucial to the people in that county, crucial to the people in York County, cannot drink and cannot undertake an activity that may be an important part of that investment. We have to face it, that is part of the way life works. People go to baseball games and once in a while they drink beer. That in itself is not a bad thing.

I think the motives are admirable, having people not drink anywhere, but by practice we know and by history we know that doesn't work. That is not a kind of morality that you can be very successful legislating. Unless we are going to be evenhanded and demand the same thing of people in Orono, the same thing of people in Bangor, the same thing of people at public places in Portland, then I think it is absolutely unjustifiable for us to demand something different for people in Old Orchard Beach.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Bost.

Mr. BOST: Mr. Speaker, Men and Women of the House: I think in response to the good gentleman from Bangor one additional point needs to be made, and that is, my contention is simply that we focus in on the drunk driver. That is my primary opposition to this piece of legislation.

The real difference between the analogy of the Bear's Den and the stadium is that in the Bear's Den, whether you agree or disagree with the sale and promotion of alcohol, the students do not drive back to their dormitory, they walk. If we can somehow promote the notion that everyone walk from this stadium back to their homes, perhaps it would be acceptable to me.

The SPEAKER: The Chair recognizes the gentleman from Princeton, Mr. Moholland.

Mr. MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: A lot of us people, if that is the case, what Mr. Bost just said, I have been going to baseball games for 30 years in Boston and it's a long walk from Boston back to

Princeton, Maine.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I came in here this morning with an open mind to listen to this debate, make a decision on whether we as a body here or me as an individual should support a piece of legislation allowing stadiums to sell alcoholic beverages.

I was a little confused up until a few moments ago listening to the debate from the gentleman from Bangor and other members of this body. I don't believe the person who undertook that project in Old Orchard Beach to bring that baseball team to the State of Maine or to construct that stadium based his projections or his revenue figures on the sale of alcoholic beverages at that stadium. I don't think that the investors or supporters who are going to lend him the money to construct that project undertook that in their consideration in allowing him to go ahead with that structure.

I think there is something that has taken place here in the last few years in the state. It seems to me with the laws that the legislature in its wisdom has seen to pass with the support and the backing of the people out there in the hinterland, the people who are concerned, I think the one thing that they have been sending to us and we have also been sending back is that we are concerned, we are concerned about alcohol consumption in this state. On one hand, we as a body try to discourage consumption of alcoholic beverages by tightening up on our driving under the influence laws, the possibility of increasing the drinking age to 21 years old, and on the other hand we have a piece of legislation before us this morning which we are going to possibly permit a liberalization in a certain area of that law. I'm not saying that it's right, I'm not saying that it's wrong.

I have to look at this bill, I have to look at it as being a previous member of this body and the other body in supporting the allowance of intoxicating beverages in the tennis courts, or we see it on the golf course, we see it in many other areas, so I am concerned there.

I am also concerned, as I stated a little earlier, that we have taken a trend, the trend seems to be that we want to tighten up in these areas, and I think if we are going to abide by that direction that we have taken in the last two or three years, that in your consideration today it would probably be in the best interest to vote against this piece of legislation. But, again, I was a little bit confused this morning when I came here and now I think I have seen what is happening, and again I think it is just a matter of conscience how you feel about it.

Representative Cox of Brewer requested a roll call on the motion to accept the Minority "Ought Not to Pass" Report in non-concurrence.

More than one-fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Ainsworth.

Mr. AINSWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I knew I couldn't resist getting up this morning. I am sorry I have to prolong this thing, but after 50 years in the game of baseball, I just couldn't help it.

I just feel that this morning we are dealing with something where we are losing sight of a lot of things here. If you go to Boston, in that ballpark I will guarantee you that the price of a ticket is a very small amount of money that is being spent in comparison to the popcorn, the beer, the Pepsi and the Colas, everything else. In fact, I would dare to say that they spend exactly three times as much on beer and all the other things that go on in a ballpark than they do on a ticket.

Getting back to the money situation—I would think that it would be poor people who would invest their money and didn't bring in the idea of a concession into their thinking

when they were going to build that ballpark. Naturally, they know what happens in all the other cities throughout the country, they all have beer, they all have something that they can drink at the ballpark, so naturally they are going to be thinking about things of this nature.

Let's not stop something wonderful that can happen here in Maine. You have got a chance for a professional baseball club to come in and you can see some good baseball and not have to go all the way to Boston.

People had to stretch their imagination when it came to the Civic Center in Portland, and they came through handsomely and it certainly has paid off. I dare say more than two-thirds of the people here have been down to see the Mariners and have enjoyed them. Let's give Old Orchard Beach that same privilege. Let's back these people who want to give baseball a chance in the State of Maine.

Getting back to alcohol-related, I didn't hear any breakdown this morning on the number of people from out of state in the summertime who were in these accidents. So I would say that no matter what you do here today, you're not going to be able to control alcohol-related. You are not talking to just the people here in the State of Maine, you are talking to out-of-staters too, and they are going to do as they darn well please when it comes to alcohol, I guess. So let's forget that; let's just get back where we were, trying to get a baseball team, something that you can take your kids to. If this is going to be governed like I think it is going to be, like down to the Civic Center, there's no one that holds back taking their children to see a hockey game, and I don't see that they will be holding back taking them to see a good baseball game. Let's get behind these people.

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

Mr. MASTERMAN: Mr. Speaker, Men and Women of the House: The prime concern of many of us here this morning is the continued expansion of the sale of alcoholic beverages. When we vote this morning, some of us are going to say "enough is enough is enough." Let's not expand it anymore.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of Representative Cox of Brewer that the Minority "Ought Not to Pass" Report be accepted in non-concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 359

YEA—Allen, Anderson, Baker, Bell, Bost, Brodeur, Brown, A.K.; Cahill, Callahan, Carrier, Clark, Conary, Connors, Cox, Crowley, Curtis, Daggett, Davis, Day, Dexter, Drinkwater, Dudley, Foster, Higgins, L.M.; Holloway, Jackson, Jacques, Joyce, Livesay, Locke, MacBride, Mahany, Martin, A.C.; Masterman, Matthews, K.L.; Mayo, McHenry, McPherson, Mitchell, J.; Nelson, Paradis, E.J.; Parent, Pines, Randall, Reeves, P.; Robinson, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Stevenson, Stover, Thompson, Walker, Webster, Weymouth, Willey, Zirkilton.

NAY—Ainsworth, Andrews, Armstrong, Beaulieu, Benoit, Bonney, Bott, Brannigan, Brown, D.N.; Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Connolly, Cooper, Cote, Crouse, Diamond, Dillenback, Erwin, Gauvreau, Greenlaw, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Ingraham, Jalbert, Joseph, Kane, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lisnik, MacEachern, Macomber, Manning, Martin, H.C.; Masterton, Matthews, Z.E.; Maybury, McColister, McGowan, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, E.H.; Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Norton, Paradis, P.E.; Paul, Perkins, Perry, Pouliot, Racine, Reeves, J.W.; Richard, Ridley, Roberts, Roderick, Rolde, Rotondi, Salisbury, Soucy, Soule, Sproul, Stevens, Strout, Swazey, Tammara,

Telow, Theriault, Tuttle, Vose, Wentworth, The Speaker.

ABSENT—None.

Yes, 60; No, 91; Absent, 0.

The SPEAKER: Sixty having voted in the affirmative and ninety-one in the negative, with none being absent, the motion does not prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted in concurrence and the New Draft read once. Senate Amendment "A" (S-287) was read by the Clerk.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I oppose Senate Amendment "A" on one general principle. If you went into a restaurant in the State of Maine and you didn't drink, you would have to sit down, and there is nothing wrong with it, where they serve liquor. I don't object to that idea. I've never found a restaurant in the State of Maine that says that you can sit here if you drink and you can sit there if you don't drink.

The Civic Center in Portland has a policy. That is not a state mandated policy to my understanding, it is a policy of the Civic Center or it's a policy of the City of Portland, and I certainly don't object to it, not at all. I should think if we are going to support this bill as it is at the moment, we should not support this amendment, and I move for its indefinite postponement and I ask for the yeas and the nays.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that Senate Amendment "A" be indefinitely postponed.

The Chair recognizes the gentleman from Cumberland, Mr. Dillenback.

Mr. DILLENBACK: Mr. Speaker and Members of the House: I have no objection to this amendment. I think the way we sold this bill in the committee was that the beer would be purchased in a designated area, and I think they had better drink it in a designated area. There will be children in the stands. I don't want them to be able to buy the beer and walk out into the stands with a cup in their hands. This way, I think it will satisfy some of the people who are concerned about people drinking. I am going to support the amendment.

Representative Kelleher of Bangor requested a roll call on the motion to indefinitely postpone Senate Amendment "A".

More than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

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

Mr. HICKEY: Mr. Speaker and Members of the House: I have been to the Portland Civic Center many times and I have been very proud and pleased with the way they have handled liquor there, and I would support the amendment because I think the same thing would be mandatory for us at the ballpark. Like Representative Dillenback said, if we have them running all over the ballpark, I think it would be a bad situation. Whereas, if you confine them to one area, I think it can be controlled.

Representative Kelleher of Bangor requested permission to withdraw his motion to indefinitely postpone Senate Amendment "A", which was granted.

Thereupon, Senate Amendment "A" was adopted in concurrence and the Bill assigned for second reading tomorrow.

House at Ease

Called to order by the Speaker.

The following paper was taken up out of order by unanimous consent:

Passed to Be Enacted Emergency Measure

An Act Relating to Eligibility for Interscholastic Secondary School Athletics (H. P. 1573) (L. D. 2083)

Was reported by the Committee on En-

grossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Richard.

Mr. RICHARD: Mr. Speaker, could we please have an explanation of this bill?

The SPEAKER: The gentleman from Madison, Mr. Richard, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Monmouth, Mr. Davis.

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: We have a young man who was involved in the basketball team at Winthrop High School who has had kind of a rough life as he has come along via the domestic route and also in school. In the early years he was identified as a young man with learning disabilities. He repeated the 7th grade and during that second year of the 7th grade he became involved with basketball. It seemed to be the one light in his life that changed him around. Since that time, he has progressed through school normally and he has done very well.

What has happened is this—this young man will have completed his basketball season of his senior year this week. Next week is tournament time and, unfortunately, he becomes 20 years of age on the 23rd of February at 9:50 a.m. This young man will have gone through most of the basketball post-season tournament. However, we appealed this to the State Principals Association and in their wisdom they decided not to let him participate in this post-season tournament.

I view this as just appealing to a higher court. The State Principals Association came up with one point of view. I feel that we would be denying this young man a great opportunity of his life. He has done well, he has had not every advantage that most of us have had, and I think it's a chance to give him a hand as well as other young people that may come along this same route.

I would hope that we would vote to enact this bill.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Richard.

Mr. RICHARD: Mr. Speaker, Ladies and Gentlemen of the House: I am opposed to this piece of legislation, not because of the individual concerned but having spent 30 years in secondary education, many of those years teaching and coaching and the last 19 as the principal of a high school and knowing that we had a rule, a 20-year-old rule which says when a person becomes 20 he is no longer eligible, and we figured that rule should be. Over the years we have made a number of attempts to change the rule to bring it down to 19 years of age; we were unsuccessful in doing that.

As I understand it, we are one of the seven or eight states in the country who have a rule which is this old, 20 years of age, and I say, all rules can be changed, regulations can be changed. If they are going to be changed, bring it forth, let it be discussed and have it take effect sometime in the future. Let's not make a rule for one individual.

There's also a provision in the Maine Principals Association whereby if a youngster has an illness or anything of a serious nature, he can get a waiver and be extended for an additional period of eligibility.

I ask that you vote against this impending legislation.

The SPEAKER: The Chair would ask the gentleman from Vassalboro, Representative Mitchell, to approach the rostrum to act as Speaker pro tem.

Whereupon, Representative Mitchell assumed the Chair as Speaker pro tem and Speaker Martin occupied his seat on the Floor.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Madam Speaker and Members of the House: As you may have noticed, I am a

cosponsor of this piece of legislation, and before I put my name on it, I thought about the issue because I thought it was an important one.

I come from a high school teaching background as well. It is quite true that I have not had an opportunity to serve on the SPA since you have to be a principal to do that, and I never quite wanted to do that, and I understand the point of view of those people in this body who are former principals and who perhaps may have served on the SPA.

Let me just tell you what my basic concerns are. In my opinion, this particular individual, through his own desires, capacities and abilities, stayed in high school, stayed in grammar school, when most others would have left. One thing which came through the documentation was that the one thing that kept him there was sports. It was the one thing which gave him the drive to exceed and to excel and to continue academically. The guidance officers and the principals of both the grammar school and the high school have correlated this information, including a next door neighbor of his who happens to be Dan Webster of DOT, whom all of you know.

The individual stayed back as a result of learning problems in grammar school. He is not attempting to ask us to waive the requirement in terms of the eight semesters of high school. But what happened was this, that the case was made to the SPA by Winthrop High School; it was denied. They appealed it, and the principals, over a telephone poll, said that they would not hold an emergency meeting to discuss this case and they proceeded to vote over the telephone. It was divided. There were two who abstained and two who felt very strongly that a public hearing should be held so that the individual and the school could be given an opportunity to make the case. That was denied of them. The others chose, the majority, to ignore that appeal. That happened on Wednesday or Thursday of last week. Since that time, it has become clear to me that if this individual is to be treated fairly, this is the only opportunity that is left to him.

The irony is that he has played the entire season. The irony is that he will play the first game, and if luck has it that that high school should move on to a semi-final, they will be half through the game as the individual gets yanked out and they say, sorry, the time is now 9:50, you're 20, take the bench.

I've heard of technicals, as has the gentleman from Washington County who has been refining all his life, he knows what a technical is, he has given some of you a few, but I don't think that is a fair one. I believe this individual is entitled to this, to complete the remainder of that school year, and I certainly hope that this body will give the 101 votes necessary to give him that opportunity.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Madison, Mr. Richard.

Mr. RICHARD: Madam Speaker, Ladies and Gentlemen of the House: I am somewhat in agreement with what our Speaker says, and I sort of hesitate to tangle with him in a debate here on the floor, but the person still is going to 20 years of age. Most high school youngsters competing are from age 14 through 18. This is the reason that the rule was put in originally.

Something I object to very strongly in the wording is, it says "this student will be arbitrarily and capriciously denied the opportunity to participate." I am offended by that, and I think that the body of the SPA is a fine group of people—more so now that I'm out of it—but the fact still remains that those people have given this, I am sure, good thought.

If I may I would pose a question, if this couldn't be resolved through a resolve to take care of this one situation and to be acted upon at a later time as far as enacting something.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Madam Speaker, Ladies and Gentlemen of the House: The gentleman from Madison, Mr. Richard, mentioned the fact that the SPA now is just as well off without him there. I know him and his character and I doubt that very much.

Ever since I have been chairman of the Legislative Research Committee, which used to be what the Council is now, I have tangled with the SPA.

Sports has kept this kid in school. This young man is now legitimately in high school, he is attending school, and he just wants to play a basketball game. Are we going to stand here and spend \$20,000 a day denying a young man, just because he was born at 9:50 instead of being born at 3:14, the right to play basketball? I think that is absolutely absurd, as far as I am concerned, and I make no bones about it.

I went out for the football team when I was a freshman in high school and I got hit by three boys. One weighed about 220, the other 211 and the other 208—I became the waterboy. I went on to be manager four years later. Four of the members of the team were 25 and up. Three others were 24 and up. One was 30 years old. Nobody said anything about it; we wanted to win. Incidentally, we wound up with eight men on the All-Maine Team. We challenged Bates College, Bowdoin, Colby and the University of Maine put together, and we would have beaten them. There is a man in this room who will bear out what I am saying because he was a member of the system at the time. Nobody cared, nobody said anything.

Who is this boy going to harm? I don't want to go home—and I drive through Winthrop and I have got a lot of friends there, and I don't want to go through there and think that I voted to take away a privilege from a young man just because he wants to play a game of basketball. Nine out of ten Mr. Davis will probably get up and tell us, because he obviously knows the boy, that is what kept that boy in school. I would like to see him get 151 votes, and I would ask for a roll call.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Kittery, Representative Soucy.

Mr. SOUCY: Madam Speaker, Ladies and Gentlemen of the House: I think the thing that really bothers me is the lack of the legislative process. I walked in here this morning, I saw this bill on the calendar, I don't have the bill. The bill arrives here, we still have approximately a week, and I think the Education Committee could meet if it wanted to. I would like to hear both sides of the story, I don't want to hear just one side. If I have to vote today without hearing both sides, I will vote no.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Madam Speaker, Ladies and Gentlemen of the House: I think I can respond to the concerns of the gentleman from Kittery, Mr. Soucy.

Let me just first indicate to you that the matter came to our attention on Wednesday after the vote, the telephone vote of the SPA. We were out of session at that time and the bill finally got drafted on Monday and was circulated among leadership yesterday so that it could be introduced today. We talked to the Chairs of the Education Committee, and after they heard both sides, even though in my opinion I suspect there is only one side, they felt they saw no need for continuation and they had no problems with going the route that we are going now.

I share the concern, and I am not one of those who has ever suggested that we do this kind of thing in a hurry, but let me just indicate to you that in a conversation that I have had with a member of the SPA, he has indicated to me that no way are they changing their mind, their decision has been made, they are not holding another meeting, they don't intend to. There is not much you can do when communi-

cation ceases except to do what is legally possible. For the young individual from Winthrop High School, we, as the gentleman from Monmouth, Mr. Davis, points out, are the final jury. It is with that in mind that you have this bill requiring 101 votes today.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Baileyville, Mr. Tammaro.

Mr. TAMMARO: Madam Chairman, Members of the House: I can call fouls on a 20 year old kid as well as I can on one 14, 15, 16 or 17. I am not a member of the SPA, but I happen to be a member of the State Principals Basketball Commission, and this is a very ticklish situation because athletics will keep kids in school, we know that. Now don't jump to conclusions—this kid probably knew if he was going to play basketball he was going to be 20 years old but he says, I am going to be able to play basketball, and that probably kept him in school another year, which is great, we want to keep these kids in school. However, what is the State Principals Association going to do? I respect the judgment of the people that are speaking on this today but I don't think we should be cramming this stuff down the SPA's throat. They have made rules and regulations. They have had these for years and years and years—when a kid becomes 20 years old, he doesn't participate in high school athletics.

One thing I want to say to the Speaker is, Winthrop could be playing Van Buren, but not so because they are in a different class. But to make a long story short, this is a very, very ticklish situation and I think it should be weighed up because of the fact that on one hand I don't want to keep the kid out of school, no kid out of school; on the other hand, how fair is it to the 15, 16 and 17 year old kids?

If we accept this, in years to come it could be a team of 20 year olds every year, so all I can say is, let your conscience be your guide.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Eastport, Mr. Vose.

Mr. VOSE: Madam Speaker, Ladies and Gentlemen of the House: I am going to take a little different point of view on this. There is a young man who, through no fault of his own, is still in school. He is certainly not staying there because he wants to play basketball. I agree with Representative Davis that he stayed there because he wanted his education.

Believe it or not, I was co-captain of the basketball team in my school, and I can tell you that if I were playing against Winthrop in that tournament, I would be darned if I want that kid out of that game. I want to beat that team just like the team that fought to get there. He had a part in getting that team to that tournament. He should be there right now, I don't care what his age is. It is only going to be this one year thing, right now. I think we should pass this bill and let that youngster play; he is still a youngster in my opinion.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Gorham, Ms. Brown.

Ms. BROWN: Madam Speaker, Members of the House: I have served on the Education Committee for two terms now and I object to the way this is being forced at us today without even a hearing. I haven't even been consulted about any of it at all and I object and will vote against it.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Skowhegan, Mr. Walker.

Mr. WALKER: Madam Speaker, Ladies and Gentlemen of the House: I would draw your attention to one more group of people in the State of Maine other than this one 20-year-old boy. I would draw your attention to all the 20 year olds in the State of Maine who are not playing in this tournament because they reached the age of 20 years and didn't know a Representative to take it to and appeal to us.

I don't believe we can possibly be fair to all those kids this year that have turned 20 years old and have quit playing basketball, to say nothing of all the 20 year olds over the many

years that have been refused the right to play basketball.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from St. George, Mr. Scarpino.

Mr. SCARPINO: Madam Speaker, Ladies and Gentlemen of the House: I don't know this young man and I am not really aware of what the situation is, but one thing strikes me, and that is that here we have an individual who has tried his best and tried better than most of us would have been willing to do. I know when I was that age if I was in that situation, I would have probably said "to heck with it" and left.

We also hear all the time, at least I do in my district, that government really doesn't care about people, they do things for government, they don't do things for people, that they are not feeling, that they are not responsive. And here we have a young man, in my opinion, who certainly deserves to be rewarded, not penalized. I think if we are human beings, if we sit and look at it, that young man certainly deserves to play in that game because he has done something that most of us, and I would almost guarantee that I couldn't have done, and he deserves reward, not punishment, for that effort that he put in.

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

Mr. CARROLL: Madam Speaker, Ladies and Gentlemen of the House: There is an old saying and it has gone down through the ages: "Defeat is victory turned inside out; and ye might have won had you stuck it out." Let's give him a chance to play today and if someone's offended because a bill didn't get before that committee—I have served here for 14 years, don't be offended folks, your feelings will soon heal and everything will come out better tomorrow and we will all feel better tomorrow if we go right back to that old saying: "Defeat is victory turned inside out; and ye might have won had you stuck it out."

At this point, Speaker Martin returned to the rostrum.

SPEAKER MARTIN: The Chair would like to thank the gentlewoman from Vassalboro, Mrs. Mitchell, for acting as Speaker pro tem.

Thereupon, the Sergeant-at-Arms escorted Mrs. Mitchell to her seat on the floor, amid the applause of the House, and Speaker Martin resumed the Chair.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Clark.

Mr. CLARK: Mr. Speaker, I would like to pose a question through the Chair. Would the sponsor of the bill please explain to me because I haven't had time to see it—is this going to be a one-shot deal for that individual or is it going to be common practice for 20 years old from now on?

The SPEAKER: The gentleman from Millinocket, Mr. Clark, has posed a question to the gentleman from Monmouth, Mr. Davis, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. DAVIS: Mr. Speaker, Members of the House: Representative Clark, this would be a permanent bill in that it takes care of those people who turn 20 after the season, in other words, after the regular season.

I would like to repeat, I don't view this as a confrontation with the SPA, I really don't. I view it as an appeal to a higher court and we are the people sitting here to do the judging. I just think that we should give any young man or a young lady, should it be girl's basketball or what have you, that opportunity. They have completed the season and here we are within one day of completing the tournament and this young man may be denied that opportunity. It could be any other young man, it could be a young lady, that doesn't affect it at all.

I hope we will be foresighted enough and give this young man, as well as others to follow him, that opportunity.

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

Mrs. WENTWORTH: Mr. Speaker, Members of the House: More years ago than I care to remember, I coached basketball, I was a national referee. We taught the kids to play by the rules. I say, let's stick with the rules.

The SPEAKER: The Chair recognizes the gentleman from Baileyville, Mr. Tammaro.

Mr. TAMMARO: Mr. Speaker, Ladies and Gentlemen of the House: I understood at first that this was going to be a one-shot deal, but after I listened to Representative Davis say that they want—I think he is saying that if a kid is 19 years old starting his senior year, and it was going to make it concrete from here on in, perhaps I could live with something like that because it would keep the kid in school, that is what I am thinking about.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Macomber.

Mr. MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make it clear before I speak that I sympathize very strongly with the young gentleman that we are talking about. I have followed athletics in this state for many, many years, I was around when the SPA made the 20-year ruling. It was made because there was a very flagrant abuse of the system. We were having kids that had been out of school a couple of years and were coming back. As Mr. Richard pointed out, we had kids who were 16 years old playing against kids who were 21 and 22 years old. If we could in some way make an exception for this one boy, I think I could support that, but I don't think we should change the system that has been tested and proven and I think is a very fair system.

For that reason, although I have a great amount of sympathy for the boy, I would have to vote against the motion.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. McSweeney.

Mr. MCSWEENEY: Mr. Speaker, Ladies and Gentlemen of the House: Having spent my entire life in sports and abiding by what the SPA has done—the rules and regulations—I would like to see this boy be given a chance, but when you open the gate for one, you are going to open it—say that I turn 20 in September, am I going to be eligible for the whole complete season? Say I am a three sports star in some school, am I going to be eligible for football, basketball, baseball or track?

I can respect this young man, but some boy is playing football against a 20 year old and he is 16 years old, maturity is a great thing in a game, so this becomes a very serious thing when you do this. You are opening the gate and everybody is going to come to the Legislature when they reach 20 years of age and say, I should play because I had the mumps.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I had the same concerns and I shared them with my good seatmate when I read the legislation and what he told me he was trying to do.

I understand what the gentleman from Old Orchard, Mr. McSweeney, was saying there about opening the floodgates, but I think if you read the piece of legislation carefully, you will see that it does not open the floodgates as much as anyone might think. I can't imagine there being more than one case in an entire year in all the school districts in Maine where this would change the existing 20-year rule.

All this says is that if a student is playing sports and turns 20 after the regular season, they can continue to play on. If that person turns 20 during the season that they are playing, they are all done, they cannot continue. So really all you are saying is that you are giving about a two week extension to the 20 year

rule so that if a student turns 20 after the regular season, they can continue to play on for the additional two weeks or whatever it takes to complete the entire season. If that student turns 20 the last game of the year, they are out of luck, they have got to stop, but this bill is very specific, it is going to hit a minimal amount, if any students, during the year and I think we ought to support it.

Mr. Richard of Madison was granted permission to speak a third time.

Mr. RICHARD: Mr. Speaker, Ladies and Gentlemen of the House: I have been asked to have a heart in this situation and I would like to think that I do have one. I asked earlier if maybe this one situation could not be taken care of through a Resolve and then the rest of this addressed at some other time. I haven't received an answer to that—perhaps that is a solution to this.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Vose.

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: Once again I reiterate—give the other kids who are going to play in this tournament a chance to play against the very best that Winthrop can offer. This kid started the season, he needs to play with this team, he caused this team to be in that tournament, this bill should pass and I hope you will vote with your heart today. Let this boy have a chance.

Representative Jalbert of Lewiston requested a roll call on passage to be enacted.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the gentleman from Princeton, Mr. Moholland.

Mr. MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I don't look like it but I used to be a coach myself; I used to coach the high school team in Princeton. I won championship games and I had a little incident where one of the boys flunked out. We were playing for a championship game and he flunked and I lost the championship on account of that, but I didn't run to the Legislature or I didn't go and ask for a Resolve. I spent \$5,000 of my own money on that boy to get him the rest of the way through school because he loved sports, and that boy was my son.

The SPEAKER: The pending question is passage to be enacted. This being an emergency measure, a two-thirds of all the members elected to the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 360

YEA—Ainsworth, Anderson, Andrews, Armstrong, Baker, Beaulieu, Bell, Benoit, Bost, Bott, Brannigan, Brodeur, Brown, D.N.; Cahill, Callahan, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Conary, Connors, Connolly, Cote, Crouse, Curtis, Daggett, Davis, Dexter, Diamond, Dillenback, Drinkwater, Erwin, Foster, Gauvreau, Greenlaw, Hayden, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Ingraham, Jackson, Jalbert, Joyce, Kane, Kelly, Ketover, Kiesman, LaPlante, Lebowitz, Lehoux, Lisnik, Locke, MacBride, MacEachern, Mahany, Martin, A.C.; Martin, H.C.; Masterton, Matthews, K.L.; Maybury, Mayo, McColister, McGowan, McHenry, McPherson, Melendy, Michael, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Paul, Perkins, Perry, Pines, Pouliot, Reeves, J.W.; Reeves, P.; Ridley, Roberts, Robinson, Roderick, Rolde, Rotondi, Salisbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Stevens, Stevenson, Stover, Telow, Theriault, Tuttle, Vose, Webster, Weymouth, Willey, Zirkilton, The Speaker.

NAY—Allen, Brown, A.K.; Carrier, Cooper, Cox, Crowley, Day, Gwadosky, Hall, Handy, Hickey, Jacques, Joseph, Kelleher, Kilcoyne, Macomber, Manning, Masterman, Matthews, Z.E.; McSweeney, Moholland, Murphy, E.M.;

Murphy, T.W.; Parent, Racine, Randall, Richard, Smith, C.B.; Soucy, Soule, Sproul, Strout, Swazey, Tammaro, Thompson, Walker, Wentworth.

ABSENT—None.

The SPEAKER: 111 having voted in the affirmative and 37 in the negative, the motion prevailed.

Signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Amend the Delay in Employers' Filing Deadlines under the Chemical Substance Identification Law. (H. P. 1574) (L. D. 2084)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Brown.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't a basketball player and I don't think I am a dangerous chemical either—some of you may disagree with that; I may be a dangerous substance.

I am not standing up to oppose the passage of this emergency piece of legislation but I am standing up to bring the House up to date, I guess, or perhaps bring in focus one of the pieces of legislation that has caused us a great deal of concern so far this session.

The chemical substance law that was passed last session is one that probably we have heard more about than any other piece of legislation for the past several months. It certainly has affected many businesses in my district and I am sure many in your districts as well.

It is a bill which sort of discourages me a little bit because people really aren't taking it seriously, and I think that anything we pass in this body should be taken seriously. Some of the concerns that I hear from many of my businesses are that I am not paying attention to what comes out of Augusta, I am just tossing into the basket, and that does concern me because I think what we do here should be taken with a degree of concern, obviously.

On the other hand, I have a great deal of compassion, I guess, for what many of my constituents and your constituents are having to comply with and having to be forced into. It is a situation that is not going away easily, as many people hoped that it would.

I have a couple of questions that I would like to pose to the Chairman of the Energy and Natural Resources Committee if he would be kind enough to respond to them.

The first question is, back in December letters were sent out from the Department of Labor to every business in the state and asking them to report all of those dangerous substances which they have in their work place. There was a license fee based on the number of substances that you have in your work place. My first question is this—has the Department of Labor, to date, collected any money from any business in the state as a result of that law?

My second question involves the work of the committee itself. After all of the hoopla settled out a few weeks ago regarding this bill, our committee had a work session on it and the full committee came to the conclusion that since this bill came out of Energy and Natural Resources last year, that the Energy and Natural Resources Committee should directly and responsibly address the issue, and as a result of the discussion of the committee that day, every single committee member agreed and instructed the committee Chairs to present a bill to the Legislative Council which would amend the law.

My second question to the Chair of that Committee is, has such a bill been introduced to the Legislative Council? Mr. Speaker, I would like to have responses to both of those questions, please.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the first question, I think from the reports I have gotten, there has been about \$3,000 collected already. That is the latest figure that I have. This may be a week old or two weeks old, so I hope you will forgive me if my figures aren't right.

In answer to the second question, I think part of what you said is right and part of what you said, Mr. Brown, is wrong as oftentimes happens. It wasn't 100 percent true because I had problems from the very beginning in what we were going to have for a bill. The Governor's Office and many of us have been working very hard to answer a lot of questions in regard to this bill before we come out with something to amend the Governor's Bill which you will be hearing about at the hearing on the 22nd.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Brown.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: First of all, Mr. Hall, if there are some things that I am standing up before this body or any bodies saying that are wrong, I would appreciate it very much if you would lay those right on the line for me and the rest of this body to hear.

I don't think that the Chairman answered that second question. The committee, and again I repeat, the full committee, instructed the two Chairs to present a bill before the Legislative Council. I can answer that question—it hasn't happened. Instead, the response that I get and others get is that the committee is waiting for department bills to solve the problem.

I have to read in the Bangor Daily what is happening and I read that there is a hearing scheduled for next week to deal with the issue. I read in the paper that the issue next week is going to focus on two specific pieces of legislation. One would provide money to pay for "expertise at the Labor Department to deal with toxic in the workplace, while the other is a citizens' right to know bill regarding toxics." The people in the State of Maine are concerned about the piece of legislation that was passed last year; they are concerned with the whole bill. I think the whole piece of legislation, the whole law, ought to be opened up for discussion. I think the businesses and the people of the State of Maine have a right to come down and tell us what is wrong with that law and let's not try to restrict it to two very narrow subjects within the law itself.

Again, Mr. Speaker, ladies and gentlemen, I obviously support this bill before us because I think the deadline has to be extended so that work can be done to try and clean up the discrepancies within the bill.

The SPEAKER: The Chair recognizes the gentleman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: I am delighted to hear Representative Brown come back to the issue at hand. It is clear that the committee is working, it is clear that there are problems still to be resolved, but I think that it is only fair to give the committee adequate time to deal with the problem that concerns every single member of this legislature. So the issue before us now, the only issue before us now, is giving this committee an extension so they can finish their work and I would urge you to pass this bill.

The pending question is on passage to be enacted. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 136 voted in favor of same and 1 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, Enactors L. D. 2083 and L. D. 2084 were ordered sent forthwith to

the Senate.

(Off Record Remarks)

On motion of Mr. Paradis of Augusta,
Adjourned until ten o'clock tomorrow morning.