

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

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A vote of the House was taken, and obviously more than one third of the members having expressed a desire for the previous question, the motion for the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? This question is debatable with a time limit of five minutes by any one member.

The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: The last time I moved the previous question, I was taken out in back of the hall by, believe it or not, a freshman member of the legislature, and he gave me a sound thrashing, and I haven't forgotten it since. I have spoken twice, I have had my say on this bill, and I think anybody else that hasn't had their say should have their say.

I have had the privilege of getting up twice, and I think the matter of the previous question should be wiped off the books. My ears are still ringing from what I got from this person, and it doesn't happen very often either.

The SPEAKER: Is it the pleasure of the House that the main question be put now? All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

61 having voted in the affirmative and 44 having voted in the negative, the main question was ordered.

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

A vote of the House was taken.

64 having voted in the affirmative and 68 having voted in the negative, the motion did not prevail.

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

Mr. JALBERT: Mr. Speaker, I move this item lie on the table two legislative days.

Thereupon, Mr. Farnham requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that this matter be tabled pending passage to be enacted and specially assigned for Monday, April 21. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

79 having voted in the affirmative and 52 having voted in the negative, the motion did prevail.

(Off Record Remarks)

Passed to be Enacted Emergency Measure

An Act Amending the Charter of the Paris Utility District (H. P. 587) (L. D. 726)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary a total was taken. 125 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure Tabled and Assigned

An Act to Fund Public School Education (H. P. 1437) (L. D. 1452)

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: A week ago today, this bill was debated for some four and a half hours and the Education Committee is very appreciative of the support given to the committee. I would like to recall a remark that I made a week ago today, that the legislature is acting under a tight time frame and I urged you to support this bill with deliberate speed but not to vote on anything that you did not understand.

At quarter of five last night, a question was raised as to whether the bill was adequately funded. I don't believe that I want to and I am sure you don't want to proceed with the enactment of anything that the funding is in question.

I would ask that you table this for one legislative day.

Thereupon, on motion of Mr. Rolde of York, tabled pending passage to be enacted and tomorrow assigned.

Enactor Indefinitely Postponed

An Act Raising the Age of Persons who may Purchase Alcoholic Beverages or Sell as Licensees (S. P. 4) (L. D. 4)

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

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I have not spoken on this bill previously. I sat back with you and listened to the debate but personally I have no sympathy for drinkers. Those that know me know that I may be addicted to Coca Cola but that I am a one-beer-a-week drinker at the most. But I have been listening to you as you have tried to deal with the very real problem, the problem of teenage drinking, especially in the ages from 15 to 18 and I have shared with you your concern that something can and must be done toward an intelligent solution of that problem.

As I thumbed through bills this morning, I find several before the legislature which I do think propose good solutions to the kind of problem with which we are all concerned. L. D. 944 would raise the tax on beer and wine and other beverages to provide operating funds for alcoholic treatment facilities, and that is important. Another bill is even another better approach, I think, that of Mr. Silverman of Calais, L. D. 1081, which would provide an educational program both in the area of drugs and including alcohol. We have done that in the State of Maine and I think if we vote against those programs, we will owe our young people an explanation. I plan to vote for them.

There is another bill which ought to be in here and if I hadn't been a freshmen and unfamiliar with the way we do things around here, I would have put it in and I will put it in in the next session and that is a bill to ban the advertising of liquor on television, on the public airways coming into your homes and especially pop lines which are aimed directly at our teenage market. So, there are some approaches which we could be taking, but the bill we are debating today is a prohibition bill, only it is a little different from old prohibition proposals, for instance, the one that failed so miserably in the 30's and the ones that have been voted down on almost

every liquor option in the state time after time by the people of Maine. This is a prohibition which deals only with two years of our spectrum of adults in this state, those adults from 18 to 20, and we all know that they can't elect people to this House, that is not members of their own age group. We know that as a rule they are not as organized and not as politically aware as older voters, so perhaps we could get away with taking away some of their adult rights. Prohibition, in my opinion, has failed in the past and will fail again as being an intelligent approach.

Now, my own feelings about law are held very strongly. I think if you knew my parents, you would know the way I was raised, to believe that law breaking was something very serious. I can't stand a thief, for example, whether it is petty shoplifting thief or a guy who steals a \$100,000 from the bank he works for. I just get riled when I think about that. I do about other lawbreaking, but I have learned in law school and in growing up, a lot of our laws are put there for social reasons but really don't make a lot of sense and nobody quite expects them to be followed and I could list off a few of those — blasphemy, for example, which carries a two-year prison sentence in this state — but here we have a proposal to make a segment of our adult population criminals for doing what they are doing right now, legally and most cases perfectly responsibly. At least if one is under 18 and caught with the possession of alcoholic beverages, one is treated as a juvenile and one does not receive a criminal record and that label to carry with them the rest of their life, but for people 18 to 20, if this bill is passed and if they are caught, they will be criminals. If you are filling out applications for a Bar exam, for example, as some of my friends did recently, that criminal conviction will be with you for the rest of your life every time you have to declare that kind of thing.

Nobody in the debate on this bill so far has suggested that 18 to 20 years old, on the day this is enacted, about 90 days after we adjourn, are suddenly going to stop drinking. A few may, a few may be intimidated by the law and I hope they will be, but we know that the majority will not, that if they are close enough to the border of New Hampshire, they will drive over to New Hampshire and drink, then they will drive back, probably under the influence of what they have been drinking. They may go back to what some of our friends used to do when we were in high school, drink in the back seats of cars and kill a six-pack to destroy the evidence or to avoid wasting something they have purchased but they are not going to stop drinking. So the effect of our act today, if we were to pass this would be to make criminal a major portion of our 18 to 20-year-olds. I don't take that kind of stuff lightly.

There might have been some good amendments to this bill which would have made it more perfectly address the problem with which we were concerned, that is teenage drinking under 18, but the other body consistently refused to compromise at all on that. The prohibitionists won out and we got the bill back in the same form it went over there on 20 years old.

With all of this in mind, Mr. Speaker, and urgently hoping that you will help us kill this bill, I now move indefinite postponement of this bill and all its accompanying papers.