

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Ninth  
Legislature***

OF THE

STATE OF MAINE

**Volume II**

**First Regular Session**

May 7, 1979 to June 15, 1979

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August 3, 1979

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be the consideration or factor when a person is made to retire, but that is the state of the law now and that is the issue that will be addressed in the retirement bills pertaining to the judiciary. Under Maine law now, an individual will retire at the age of 70 and that person can serve for six months thereafter, until such time as the Governor appoints another individual to take their place.

I think when a person takes a judgeship, there is some sacrifice involved. I know it is a very honorary position to have and carries with it great esteem and is some place above the turning point of the high point of a person who has practiced law for so many years and that particular office is held very highly. However, there are sacrifices involved.

Believe it or not, in the State of Maine we have a situation where our judges are 49th in the country as far as pay scale is concerned. Fortunately for us, we have had a situation where we have had good appointments under Governor Curtis and Governor Longley and now under Governor Brennan and it hasn't played a great impact on attracting caliber individuals to the bench. However, I think the person who takes a judgeship, there should be some type of security that goes along with that particular appointment and I think the screening process that we have now, with the Governor having a screening process of competent attorneys looking over that particular nomination, having the Judiciary Committee look over that nomination, and now having the full Senate looking over that person's qualifications, we have a situation where we can weed out those people who we find do not reach that high caliber who should serve in that position.

When a person takes that judgeship, he or she does give up, in most cases, some monetary gain because of our low pay scale, and I think from the job security standpoint, if I may argue, I think a seven-year term is a just term. Under our pension plan for judges, a person does not get vested rights until that individual has 12 years on the bench. So as you can see, this individual would have to, taking the argument that the good gentleman from Westbrook, Mr. Laffin, has mentioned, if that individual had two terms of five years and wanted to get his or her pension, maybe, because of that instance, might be forced to take another five-year term in order to get vested rights, I don't know, but that could occur.

The intention of Mr. Laffin, I think, is one of judicial accountability. I think we have very competent judges in the State of Maine. I know that many of you might feel that sometimes they are too lenient, but many of us find out about the sentence not knowing all the facts of that particular case. Therefore, we decide from hearsay that that person might have rendered a decision which is not as strict as we so choose.

I don't think we should try to punish the judges and have prejudice towards judges because of instances in our own minds where we know the judges might have been lenient, and I know that that has been the talk of Law Incorporated, which, I understand, has some backing of this bill. Mr. Powers of that particular group testified before our committee in favor of this particular bill, so I hope you don't hold those prejudices against the whole issue of whether or not we should change our Constitution to reduce the number of years of service from seven to five years.

I think we presently have a good system of a seven year term with review and reappointment by the Governor and the safeguards of the Judiciary Committee and of the Senate to decide whether or not, in fact, that person who comes up for reappointment has done a good job.

I hope you will go along with the majority of the committee and oppose any motion that the good gentleman—I guess it is my motion for "Ought Not to Pass", so I hope you support my

motion today.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't going to get up again but my very good friend said a few things—first of all, it is his motion, not my motion.

He did say a few things, and I received some notes on this, and members of this House who have been here for awhile, they know and understand. I don't think many judges or many lawyers today practicing in this state give up too much when they accept a judgeship. To be sure, it is an honorable appointment, but it is also a very financial benefit appointment as well. In our system, we are members of the House of Representatives. If you choose to belong, you have to pay so much out of your weekly pay, which is bi-weekly, towards your retirement. The State of Maine picks up the tab for the judges, plus their salary and when they retire, they retire two-thirds pay, so you see, there is no great sacrifice.

You look around the State of Maine, how many of your lawyers wouldn't like to be a judge in this state? There are very, very few. I know of two in the City of Portland, and that is only because they have a big corporation and they wouldn't take it because of the money involved. I am talking about the average run of lawyers, well qualified ones.

I have never said that I was not satisfied with any judge. All I brought up was one incident and it was brought up in the committee and you people can think what you want, I just repeated it. I didn't say that I wasn't satisfied with any judge. Today, I even voted for a judge, he was down at the other end of the hall a couple of terms ago, I don't know how long he was there but he was there and I voted for him. I don't believe there are any ill feelings on my part towards judges. The ones that I know are very respectable, very reliable people.

I do say that under the political system, five years is plenty. They are not sacrificing one thing.

I would like to correct one other thing that my very good friend said on the other side of the aisle. I didn't ask Judge Clifford whether he approved of five or seven year term, it was my very good friend from the other side of the aisle, he asked that question. The question I asked was something else.

I do want to say to you, my friends, there are a lot of people who are going to say, well, I want them to have seven years but there is a great divisiveness on this. A lot of people think seven years is too long for a judge, I don't believe there is any inconvenience, I don't believe there is any sacrifice for them to be judges because, if it were, it would be tough to get judges. I can assure you that the Governor on the second floor probably has a whole list of people that would like to be judges in this state. I don't know if that is true, but I would wager that there are more people who would like to be judges than there are that wouldn't want to be a judge.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Saco, Mr. Hobbins, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.  
73 having voted in the affirmative and 38 in the negative, the motion did prevail. Sent up for concurrence.

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

HOUSE DIVIDED REPORT — Report "A" (6) "Ought Not to Pass" Report "B" (6) "Ought to Pass" as Amended by Committee Amendment "A" (H-377) — Committee on Legal Affairs on Bill, "An Act to Amend the Laws Relating to Games of Chance" (H. P.

672) (L. D. 833)

Tabled—May 11, 1979 by Mr. Violette of Van Buren.

Pending—Motion of the same gentleman to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Van Buren, Mr. Violette, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Violette of Van Buren requested a roll call.

The SPEAKER: For the Chair to order a roll, 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 Chair recognizes the gentleman from Bangor, Mr. Soulas.

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to say too much about this bill except that it is a bad bill.

This bill will eliminate every game of chance that is operated by a machine driven device. I asked this question of the proponents of the bill at the public hearing, to define for me the word "machine" and the definition I gave you will do exactly that, eliminate every machine operated device in the State of Maine. This could affect every agriculture affair. All machines presently located in every American Legion Hall, Elks, and every fraternal organization in the state, it could even affect our state lottery, except that the lottery, just by chance, happens to be under a different jurisdiction. But then, after this, what is to stop that action in the very near future? Then the next step possibly will be no horse racing.

I, for one, do not want to be on record of hurting financially those legitimate, non-profit organizations.

We, the members of the Legal Affairs Committee, heard a similar bill, the Senator Pierce bill. We had several work sessions with the department and all those people who were concerned with this process. I think we have worked out a workable amendment to satisfy everyone, but we have to get this bill out of the way first. So, I hope you will vote this bill down and give us the opportunity to present the Pierce bill to you for your consideration. For these reasons, you should vote for the "ought not to pass" motion and give yourself the opportunity to act on the Pierce bill.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: The Pierce bill or the Joyce bill, I don't think it comes down to that. Senator Pierce is highly supportive of my bill and as one of the chief supporters, I welcome him.

We are talking today about gambling. This is a matter that has cast a shadow, a dark black shadow, over many of us in this body. This bill, if you want to know what kind of a bill it is, it truly could be said that this is the real house-keeping bill. I recall in 1974, when I was a member of the Legal Affairs Committee, when we were asked to tighten up the laws on gambling. We tightened them up, and in an effort to define the one-arm bandit, we described it as that machine that would accept a coin and a person could pull the arm on the side.

After that bill passed, it took about a year for the big people, it wasn't anybody here in Maine, it was the Bali Company out of Chicago, that is the number one company that supplies these machines to Las Vegas. That company, in contacting the Attorney General, found out that they could remove that arm from the side

of the one-arm bandit, they could close up that slot, they could wire the machine over to the bartender and he could accept the five cents and the twenty-five cents.

Yes, Maine is truly at a crossroads. Only two weeks ago, the Wall Street Journal, in a three-column spread, gave these lines. "While the nation has been fascinated by the slow development of legal casinos in Atlantic City, gambling has been facing ahead and generally overlooked boom in Maine to the surprise of most of its residents."

A week ago Friday, the CBS crew of the Charles Karault show came here to do the gambling story in Maine. They are going to do a one hour feature on it.

I talked to Mr. Fedders, the TV director. He told me it is unbelievable. He said, I have two children in New York City, and I am wondering how, with my job, I will get them through college. I would like to come to Maine and buy two machines, and I wouldn't have any worries. That makes us a pretty important state.

What are we talking about? We are talking about those innocent one-arm bandits. When they first brought them into the state in 1975 to 1976, they took in \$540,471. We look at the statistics over there at the State Police, and we find 18 months later that taken in for the year 1977-78, \$4,275,000, of which a net profit is shown of a million and a quarter dollars.

What will the figures bring this June? You know, in February of 1978, we had 158 slots. Nine months later, we had 349 slots. I was over to the State Police a week ago, and they have now licensed over 400. They tell me over there, there is no way to tell if the figures submitted to the State Police are accurate when it comes to the amount that goes to a real bona fide charity.

Veteran's associations, people have accused me of being against the veterans because I sponsored this bill. I am not against the veterans. I grew up in a home where often I heard from my dad how difficult it was in those cold, damp trenches in France, and I remember as a child saying to my father, why, daddy, did you fight that war? Why did you have to go over there? You know, I can remember to this day my father said, son, some day you will understand, that World War I was the war to end all wars. I believed him but he proved wrong.

I remember shortly before World War II started and I was in high school, and where would we walk in the evening, there was no TV in those days, we used to walk down over the hill to the old Union Station in Portland. I think every veteran in this state passed through that old Union Station. I would walk down during the evening with my parents and we would see the men going off to Fort Devens to prepare for World War II. I remember even at 17 years of age asking my father, why, why must these soldiers go off to war? Many of the soldiers I knew, many of them were from way up country. When they came down through, I saw their signs and you would hear them talking. What was their cry? Truly, it wasn't again a war to end all wars, that wasn't the cry of World War II. The cry of World War II from Union Station and throughout the world, I found, was, they were off to war to make the world a better place in which to live.

It was only a short year later that I found myself on that same train. Why was I going? To make a better place in which to live. I call on the veterans of this state never to surrender that commitment that we made to our people. I ask them to stand up to the man and support my bill in order that we can make Maine a better place in which to live. I think it is an honorable commitment.

I will get back to the slot machines; I heard the formula that they used. You know, 25 per cent goes for maintenance contracts once they put that machine out. Well, I thought that was pretty steep. When there was a legion post in my home town, it took in \$224,000 last year, and

of that \$224,000, \$60,000 went to maintenance on three machines. So, I went over to the State Police and I said, I want to look at one of those contracts. They pulled one out—25 per cent. I said, you know, the underground tells me that you have contracts in your files that run on maintenance 50 per cent, 60 per cent and 66 per cent of the take. They told me I was right. I asked to see the contracts. Can you imagine somebody getting 60 to 66 per cent to maintain a machine that is taking in eighty to ninety thousand dollars? It is unbelievable.

There is no state law that says you have to pay anything out on the machines. Some of the manufacturers will tell you they are paying 60 per cent out. The State Police, when they look at the records, say some of them are only paying 33 per cent of the takeout. Yes, we get problems with them. Even up in a town like Van Buren, that American Legion Post 49 up there last year took in \$61,688.80. They showed a clear profit of \$20,568.

It kind of bothers me when we see the good State of Maine slipping into this sort of thing. It kind of bothers me that I was on that Legal Affairs when we made that mistake and opened up that loophole. I put that bill in last November and at that time, I figured I would have trouble with it. It has come a long way, and it made me feel kind of good when our Governor addressed us a month ago and told this body, I believe the loophole should be closed and legislation to eliminate the machines that have become commonplace in Maine should be passed.

The original intent of the bill to ban slot machines has my wholehearted support and I hope it has yours. I urge that you join me and vote against the motion before us so we can then handle the motion of "ought to pass" and send this bill on its way.

The SPEAKER: The Chair recognizes the gentleman from Van Buren, Mr. Violette.

Mr. VIOLETTE: Mr. Speaker, Ladies and Gentlemen of the House: I feel that I should make a couple of comments in regard to a number of problems that Mr. Joyce has cited. I think the committee, and basically the House, I think, is owed some explanation as to a number of bills that we have in committee dealing with this problem. Basically, we have two, we have Representative Joyce's bill and we have Senator Pierce's bill, 318. The committee itself decided that it would send out Mr. Joyce's bill first, which is basically a prohibition against all slot machines.

I think at the public hearing in regard to Representative Joyce's bill was not all that lengthy, basically because the proponents and opponents to remote control entertainment devices had testified on Senator Pierce's bill and, at that time, our committee heard from a number of legitimate bona fide organizations in this state, which I feel the Pierce bill will affect and affect disastrously. The committee heard from members of the American Legion, the VFW, DAV, the AMVETS, the WWI veterans, the Fleet Reserve Association, all who are opposed to the good gentleman's bill.

I agree with the gentleman that there are several problems with the laws and regulations that the state has with respect to the control and the regulation of this industry. I think that the committee, which has had lengthy work sessions in regard to Senator Pierce's bill, has tried to come to some kind of a solution to this problem whereby it would continue to allow the process of remote control entertainment devices in the State of Maine and regulate that industry to such an extent as to hopefully allow for this means for non-profit organizations to raise revenue, but also to curtail the abuses and the problems with this industry.

I have tried to speak to as many of you as possible to explain exactly what the committee has done with respect to the Pierce bill and to why, hopefully, we hope that you will today accept the "ought not to pass" report and why

we would then hope that you would accept Senator Pierce's bill, which we hope will be coming out soon and which will definitely be coming out of our committee once, I hope, we send this bill down to the other end with an "ought not to pass".

But our committee has made a commitment to try to solve the problem that this state has with respect to the remote control entertainment device industry, and I feel that this state can live with remote control entertainment devices, sponsored by bona fide organizations, in their proper place. We have made several recommendations in the Pierce bill.

We will allow communities to decide whether or not they will even allow remote control entertainment devices in their town. We have done away with the problem that so many people speak of in Old Orchard Beach with 15 to 20 machines in any one establishment. These things will not occur. I think the committee is making a fervent effort to control the problem and I believe we will. I believe that we are going to tax the industry to such an extent where we are going to provide for the proper enforcement of that industry.

As far as Mr. Joyce, I cannot refute the percentages as far as the service contracts are concerned. I only know that that is an issue that when the distributor and whomever is accepting the machines bargain, and if these clubs, Mr. Joyce, have bargained and have accepted 66 per cent of the payback to the distributor, then they certainly aren't very good at bargaining. I know the machine in Van Buren, the service charge there is 25 per cent, which is the average service charge in the State; 50 per cent is usually when the machine is on premise, 50 per cent of the revenue, and Mr. Joyce cites \$66,000 that was supposed to have been taken in by my legion in Van Buren, anyway, that \$66,000 a certain amount of that money is paid out in prizes, so when \$20,000 is left to the legion, I mean, you have \$66,000 of money put into a machine, but a certain amount of that \$66,000 is returned in the form of prizes. I differ with Mr. Joyce and he seems to disagree with me.

Last year, according to the information that I have in regards to the slot machine industry, some \$4.2 million was played on slot machines or remote control entertainment devices in the State of Maine. Of that, winnings cased, \$2.1 million, leaving a hold, which is the net amount distributed, of \$2.1 million; \$1.2 million being paid to the organizations and \$856,000 being the distributor's portion for installment payments and service payments.

There is a substantial fee, these machines are an expensive product. The organization must pay the distributor. These machines run from \$5,000 up and, obviously, they must pay the price for these machines and this is usually paid on a monthly basis in which the distributor removes from the amount that is left over after the winning are given out, usually 25 per cent of the remaining amount is given to the distributor in order to pay for the machine. Then a fee is paid in order to provide for maintenance.

I would hope today that you would vote in support of the motion "Ought Not to Pass." I believe there is a place in Maine, in a controlled and structured and regulated environment, to provide for the remote control entertainment devices in the State of Maine. I believe that if it is done properly, in a controlled environment, that it will provide funds for non-profit, bona fide organizations, to provide for some of the charitable work that they are trying to do in their communities.

The state supports several other forms of gambling in this state. There is the lottery, beano, bingo, ontrack betting and further. I believe that this is another means by which non-profit, bona fide organizations can find some way in this day and age when so many people are less apt to contribute to non-profit organizations for them to help these organizations.

I would sincerely hope that you would vote

"Ought Not to Pass" today and thank you.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Stetson.

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House and Reverend Wyman: I, too, oppose slot machines. I happen to think that the industry of slot machines is an insidious incursion on our free enterprise system. I think that the evil that they do far outweighs the good that they do.

I am a great believer in philanthropy, I am a great believer in private philanthropy, but I don't think we need this kind of philanthropy in the State of Maine.

I really urge you to vote in favor of "Mother Joyce's" bill.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I am 59 years old. The last time I played poker was back in 1957 and I lost \$4 and I was mad as a wet hen. The last time I played one of these slot machines was back in 1936 when I was in high school. I put a nickel in it, I lost a couple of nickles and I never played again. I have never bought a lottery ticket and I never played the horses, but I can't understand here today how you people can be so discriminatory, how do you judge when one thing is illegal and the others aren't? You continue to allow lottery, you continue to allow betting on horses and yet you are against this. Where do you get the idea that you have something that is not continuity? To my judgment, one is just as bad as the whole three. If you are going to get rid of one, let's get rid of the whole of them or keep this one here, clean it up some and let's go with it.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Ms. Brown.

Ms. BROWN: Mr. Speaker, Men and Women of the House: I am about to give the longest speech that you have heard from me on the floor of the House. I have served on the Legal Affairs Committee and have been on more minority reports that I care to mention. A few minority reports have passed here, however.

I am known as a stubborn swede amongst friends and having the maiden name of Magnuson—how else could I be? It is time some of my fellow legislators should know that the more I am urged to switch a vote, the more steadfast I remain.

I am proud to say that I am the first to sign the report on L. D. 833, "An Act to Amend the Laws Relating to Games of Chance," as ought to pass. Many people on my committee would have liked to see this bill "left to withdraw" or "ought not to pass" and give Senator Pierce's bill a chance. If this bill passes there will be no need for Senator Pierce's bill. I am happy to belong to same party as our Governor, who has asked us to accept the "ought to pass" report and enact this legislation.

Representative John Joyce's bill of Portland is straight forward and simple. It would outlaw all slot machines in Maine. Passage of the bill will send the slot machine operators back to Nevada and Atlantic City, the only places other than Maine where slot machines are legal. If this bill is defeated it will mean business almost as usual for the gambling interests. A back up bill attempts to control the projection of slots in Maine. That's a laugh!!! The only reason slot machines are now in the state at all is because of a loophole in the law expressly designed to prohibit them.

Back in 1974, the Maine Legislature intended to tighten the state's gambling laws. They passed a bill specifically outlawing slot machines. Unfortunately, as it turned out, the law said nothing about slot machines, which were not coin operated. The gambling interests were quick to spot the loophole in the law and responded by introducing slot machines, which comes under the less direct word of electronic gaming devices. They are legal because the quarter is given to the operator and he acti-

vates the machine electronically. To me, a slot machine is a slot machine, regardless of whether it is coin activated or electronically operated. I think they ought to be outlawed entirely. If you people feel otherwise, then you ought to erase the legal but meaningless distinction between electronic and manual slot machines. There is no practical difference between the two. You will hear the argument that it will hurt the American Legion, if this bill passes, but you know as well as I do, who is cleaning up from this operation. It didn't take long for the gambling interests to worm their way through the structural weakness in the law. There are now more than 200 electronic slot machines and the number keeps growing. Well over \$4 million was bet on the slots last year and the only big winners are the machine owners and distributors. Maine is definitely at a crossroad. We are either going to be the third state to have legalized casino gambling or we are going to stop it in its tracks here. Casino gambling will bring in organized crime and the things people in Maine are trying to get away from.

I urge you to vote for L. D. 833.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Representative Brown brings back to memory debate that I had on the floor of this House in 1969 concerning Sunday racing. One of the members of the House, who is now in the Senate, the Honorable Walter Hichens and I, happened to be on the same side of the issue on Sunday Racing. We were both against it but our arguments were somewhat different. At that time, I remember Representative Hichens arguing that Sunday racing was a scheme of the Mafia for the gambling interests of this nation and I could assure him then, as I could to you now, that was not the case.

There has been, I am sure, in the past, a number of interested citizens in this state that would completely like to see harness racing and parimutuel betting made illegal, while there are a number of individuals in this state who happen to like harness racing, who like to go to the raceways or go to the agricultural fairs. Not everybody is in tune with it, but I don't believe this House is willing to eliminate harness racing.

I, myself, did not like the lottery. I do not like it today, but it is a form of gambling, just as the machines are a form of gambling and harness racing is a form of gambling.

I do not support the Joyce bill at all. I actually think it is too drastic a bill to be put before this House because I believe the bill that is still in committee, the Pierce bill, should be reported out and this industry should absolutely be tightened up, no question about that at all. I think the registration, the license fees and a taxing method should be applied to this industry because in itself it has grown and why has it grown? Because the population of this state are a segment of it, which may be entirely different from a group of individuals who support harness racing or a group of individuals who support the lottery in this state, others who support beano. There is an interest in this state for this type of gambling and I say so be it, as long as we in this legislature intend to tighten the rules on slot machine gambling in this state.

The evidence has beared itself out, based on the dollar amounts when it originally came in, the figures that Mr. Joyce gave us, and I have no reason to dispute them at all in the beginning of it and what the dollar amounts of it are today.

The industry that is involved with the slot machines that are in the non-profit organizations, I say that they can remain if, and only if, the Legal Affairs Committee and the legislature listens to its wisdom and strenghtens the law.

I am totally against this bill. I think it is improper to be here at this time and, if anything, what we should do is to go with the alleged Pierce bill, wherever it is, and if that still has its shortcomings, we are going to be coming back within the next eight or nine months for a Special Session. The Legal Affairs Committee can report on what Commissioner Stilphen is doing, and he is only a new member on the Commission. He has been over there for four months or three months and he has written a letter to all of us indicating what we should be doing with this bill. I don't know here he came up with all the wisdom. I will take my chances with the Legal Affairs Committee in trying to put together a document that is palatable to all of us.

I would hope that you would oppose the motion to accept Mr. Joyce's bill. Kill this bill this afternoon and come out and support the Pierce bill when it hits this floor.

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

Mr. NADEAU: Mr. Speaker and Members of the House: I would just like to enthusiastically endorse the remarks made by the good gentleman from Bangor, Mr. Kelleher. I think he is right on the button.

I would also point out that, for instance, in my legislative district, back in Lewiston, people that I represent, predominately mill workers, work long and hard hours all week long. They cannot afford to take a week or two week's vacation annually. These people look forward to their weekends and they look forward to gathering at some social club perhaps, talking with each other, maybe dancing a little bit and simply enjoying themselves trying to relieve some pressures that they face trying to make a living and educating their kids. If some of these individuals receive a slight amount of enjoyment out of playing these games of chance, they are all bright people, they are all very capable individuals and I am sure they are very capable of making that decision for themselves. Let the people decide whether or not they are going to play these games of chance.

I highly endorse, as I said, regulating these things as rigidly as possible, but banning them completely, I think is not in order and not in the best interest of the people that I represent and predominately the people around this state.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I will also try to be brief. I appreciate the distinction that the gentleman from Wiscasset has given me and with that distinction I rise very reluctantly and I speak in support of the bill of the gentleman from Portland, notwithstanding my other profession.

I really think that this particular issue goes far beyond the bounds of anyone's particular religious or philosophical prohibition against gambling in general. I don't think that that is the issue. I think the issue is a much boarder one and a much more significant one and it really goes beyond how you may happen to feel on gambling, whether you, yourself, gamble in any particular way.

I think the real issue or not is whether we are going to be, in future years, preserving any quality of life that we have in this state — that is really what is at stake, the quality of life that people who come from New York, who come from New Jersey, come from more industrialized states, come to Maine to enjoy.

I happen to be very concerned about the proliferation of slot machines, and I do not believe that the answer to dealing with the problem, that the answer to plugging a loophole ridden law, is to pass a loophole ridden legislation, a loophole ridden bill. Naturally, what the alternative is, there is no way, ladies and gentlemen, in my judgement, that we are able to effectively regulate the proliferation and we have seen a remarkable and drastic proliferation of these machines in recent years because

there was a loophole in the law. There is no guarantee that if we continue to try to regulate it and to circumscribe it that we are going to be able to preclude for all time, the continued expansion of this type of gambling. This is not going to happen overnight, it is going to be slow evolutionary process. It is going to impact perhaps on generations in the future, but I think it is our responsibility to be concerned about it now.

I support Representative Joyce in his effort to put an absolute total ban on slot machines, because I happen to believe, and my father is very active in a veteran's organization, the VFW, but I happen to believe there are other ways of raising money. I also happen to believe that all the articles that we have read on this subject in the newspapers time and time again have indicated to us very clearly, beyond a shadow of a doubt, that the charitable organization provision of the current law is nothing more than a big fat loophole that organizations are using and people are using to make a fast buck on the slot machines. That is exactly what is going on.

I think the opposition of this bill around the particular belief that we ought to allow organizations, charitable organizations, to raise money for good causes is a very erroneous assumption to make, because the articles, and I would like to quote to you just from one. It says, "In Portland, seven non-profit organizations are operating off-premise slot machines in 16 bars and restaurants, and this gentleman by the name of Mr. McLaughlin said in an interview, we have a lot of organizations which are being founded overnight and applying for gambling license the next day."

There is no way we can effectively regulate this and I don't care how many definitions we put into law, we just can't do it. I just don't want us, years from now, to look back and say, well, the 109th Legislature had an opportunity to deal with this issue and they failed to do it. I don't want us to have to say in the sad words of T. S. Elliot, "That is not what I meant at all, that is not it at all." I think if we want to avoid some unintended consequences, some unintended effects, then we will ban the slot machines altogether, and I hope that you will vote against the pending motion, vote no to keep this bill alive.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't made up my mind on this bill until this afternoon. I heard my good friend from Bangor, Mr. Kelleher, and I think he hit the nail right on the head. We gamble with horses, we gamble with the lottery, we gamble with bingo. The only one of these that any of the money drifts back for charitable purposes is the slot machines. The rest of them are for personal gain or for the gain of the people who put them on. The only one that gets some of it back, and I admit that the people who own these machines make a big profit, but the only way you get any of the money back at all to charity and to help those less fortunate than ourselves is with the slot machines.

I don't disagree that it should be tightened up. I am sure that it will be, if we are able to defeat this bill this afternoon, I am sure it will be when the other bill comes along, so I hope you vote for the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Stetson.

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I have listened to this debate long enough. I have been a federal prosecutor for a few years and I can tell you, the State of Maine does not need slot machines. Let's get rid of this insidious device.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Van Buren, Mr. Violette, that the House

accept the Majority "Ought Not to Pass" Report.

The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, I would like to pair my vote with the gentleman from Woolwich, Mr. Leonard. If he were here, he would be voting no and I would be voting yes.

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

Mr. KELLEHER: Mr. Speaker, I would like to pair my vote with the gentleman from Yarmouth, Mr. Jackson. If he were here, he would be voting no and I would be voting yes.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker, I would like to pair my vote with the gentleman from Biddeford, Mr. D. Dutremble. If he were here, he would be voting yes; and I would be voting no.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, I would like to pair my vote with the gentleman from Portland, Mr. Vincent. If he were here, he would be voting yes; I would be voting np.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, I would like to be excused from voting pursuant to Joint Rule 10.

The SPEAKER: The Chair will grant permission to the gentleman from Saco, Mr. Hobbins, pursuant to Joint Rule 10.

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

Mr. KANE: Mr. Speaker, I would like to pair my vote with the gentlemen from South Portland, Mr. Howe. If he were here, he would be voting yes; I would be voting no.

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

Mr. COX: Mr. Speaker, I would like to pair my vote with the gentleman from Lisbon Falls, Mr. Tierney. If he were here, he would be voting yes; I would be voting no.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Wood.

Mr. WOOD: Mr. Speaker, I would like to pair my vote with the gentleman from Kennebunk, Mr. McMahon. If he were here, he would be voting yes; I would be voting no.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Torrey.

Mr. TORREY: Mr. Speaker, I would like to pair my vote with the gentleman from Westbrook, Mr. Carrier. If he were here, he would be voting yes; I would be voting no.

The SPEAKER: The pending question before the House is the motion of the gentleman from Van Buren, Mr. Violette, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Aloupis, Austin, Baker, Barry, Benoit, Birt, Bordeaux, Boudreau, Brannigan, Brennerman, Brodeur, Brown, D.; Brown, K.L.; Brown, K.C.; Call, Chonko, Conary, Cunningham, Damren, Diamond, Dow, Elias, Fenlason, Garsoe, Gillis, Gwadodsky, Hall, Hickey, Higgins, Jacques, P.; Kiesman, LaPlante, Lizotte, MacEachern, Marshall, McHenry, McKean, Michael, Nadeau, Nelson, M.; Norris, Paradis, Paul, Pearson, Peltier, Peterson, Reeves, J.; Soulas, Studley, Theriault, Tozier, Tuttle, Twitchell, Violette, Vose, Whittemore.

NAY—Bachrach, Beaulieu, Berube, Blodgett, Bowden, Brown, A.; Bunker, Carroll, Carter, D.; Carter, F.; Cloutier, Curtis, Davies, Davis, Dellert, Dexter, Doukas, Dudley, Fillmore, Gavett, Gould, Gowen, Gray, Hanson, Huber, Hughes, Hunter, Hutchings, Immonen, Joyce, Kany, Laffin, Lancaster, Leighton, Lewis, Locke, Lougee, Lowe, Lund, MacBride, Mahany, Masterman, Mas-

terton, Matthews, McPherson, Mitchell, Morton, Nelson, A.; Nelson N.; Payne, Post, Prescott, Reeves, P.; Rollins, Sewall, Sherburne, Silsby, Smith, Sprowl, Stetson, Stover, Strout, Tarbell, Wentworth, Wyman, The Speaker.

ABSENT—Berry, Connolly, Fowlie, Jacques, E.; Jalbert, Maxwell, McSweeney, Roope, Simon, Small.

PAIRED—Carrier - Torrey; Cox - Tierney; Drinkwater - Dutremble, D.; Howe - Kane; Jackson - Kelleher; Leonard - Rolde; Martin, A. - Vincent; McMahon - Wood.

EXCUSED—Hobbins.

Yes, 56; No, 67; Absent, 11; Paired, 16; Excused, 1.

The SPEAKER: Fifty-six having voted in the affirmative and sixty-seven in the negative, with eleven being absent and sixteen paired and one excused, the motion does not prevail.

Thereupon, the Minority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-377) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

The following paper appearing on Supplement No. 3 was taken up out of order by unanimous consent:

#### Emergency Measure

An Act to Establish the Subsidy Index for Educational Funding for the Fiscal Year 1979-80 and to Appropriate the Necessary Funds Therefor (H. P. 1401) (L. D. 1615)

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 necessary, a total was taken. 111 voted in favor of same and one against, and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

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

Bill, "An Act Relating to Telephone Company Directories" (H. P. 1134) (L. D. 1402) (C. "A" H-359)

Tabled—May 11, 1979, by Mrs. Mitchell of Vassalboro.

Pending—Passage to be Engrossed.

On motion of Mr. Davies of Orono, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentleman offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-417) was read by the Clerk.

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

Mr. DAVIES: Mr. Speaker, so people don't get the feeling I am trying to slip anything by them, this is a simple, technical amendment to change the word 'street number' to 'address' to more correctly reflect the reality in some small towns that have street addresses but do not have numbers.

Thereupon, House Amendment "A" to Committee Amendment "A" was Adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

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

An Act Concerning Fire Permits for Registered Guides (H. P. 431) (L. D. 548) (C. "A" H-286)

Tabled—May 11, 1979 by Mr. Peterson of Caribou.

Pending—Passage to be Enacted.

On motion of Mr. Churchill of Orland, under