

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume I

January 5, 1977 to May 25, 1977

**KJ PRINTING
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County Government on, Bill, "An Act Appropriating Funds for the Purchase of Copies of 'The Penobscot Expedition.'" (S. P. 7) (L. D. 12)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S. 3).

Which report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as amended, Tomorrow Assigned for Second Reading.

Orders of the Day

The President laid before the Senate: Bill, "An Act Concerning Days on which Alcoholic Beverages may be Sold." (H. P. 16) (L. D. 25) Majority Report — Ought to Pass: Minority Report — Ought Not to Pass.

Tabled — January 20, 1977 by Senator Speers of Kennebec

Pending — Acceptance of Either Report.

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

Mr. LOVELL: Mr. President, and Members of the Senate: I would first like to apologize for my laryngitis, and I will not talk too long, but I have not been able to find a good druggist yet that will be able to help me on this laryngitis.

I would like to explain briefly why the Committee on Liquor Control voted 11 to 2 for this Bill to come out ought to pass. Well, I think, thought that it was an antiquated Bill, a Bill that had the Volstead Act after the 18th Amendment was repealed. The Volstead Act was never repealed, but just certain sections taken, like first we had the 3.2 beer and so forth. Now the antiquated Bill of one day in two years in not serving liquor seems rather absurd. We serve for 365 days one year, and on the day of the State election 364 days, the next year, so there is only one day in two years that we cannot serve liquor. Well it seemed, I think, to the majority of the Committee, that it was sort of a foolish thing. In the old days when they used to go out and get inebriated and buy the candidates in some of the bigger cities, maybe New York, Portland, I don't know where, but in those old days you cannot afford — the candidate cannot afford to do that now, and the person did not get it the day before. Now one of the members of the other Body stated that he couldn't bear to see people staggering into the polls on election day, so consequently this Bill was voted down in the other Body.

At the hearing, I would like to state, that this was one of the reasons why I think the members of the Senate voted for it, was it would put 2,000 bar tenders out of work that day, and it would be a loss of \$64,000.00, and it would cost the hotels and motels about a million dollars in business, plus another \$50,000.00 that the State would get from the sale of liquor. So after that explanation as to my vote, and I hope that covers the other two Senators' votes, I move we accept the minority ought not to pass report.

The PRESIDENT: The chair recognizes Senator from Kennebec, Senator Katz.

Mr. KATZ: There ain't going to be no report and that is at least a double negative. I request a division.

The PRESIDENT: A division has been requested.

Will all those Senators in favor of the motion to accept minority out not to pass report please rise in their places to be counted.

21 Senators having voted in the affirmative and 8 in the negative, the Minority ought not to pass report was accepted.

Mr. SPEERS: I ask unanimous consent to address the Senate on the record.

The PRESIDENT: Senator from Kennebec, Senator Speers now requests unanimous consent to address the Senate on the record, the

Chair has no objections. The Senator may proceed.

Mr. SPEERS: Mr. President and members of the Senate. On reading over the bills being presented here this afternoon for consideration, this particular one having been referred to the Committee on Judiciary, and I refer to Item 3-3 on Page 3 of our Calendar. That very naturally caught my attention and I would like to mention particularly to the sponsor of this measure, and hoping to help him out in providing some facts which he may present to that committee, that one of the very startling facts that I brought back with me from my travels in the Peoples' Republic of China is that in that country they have done away with attorneys altogether. And the reason was given to us that they were found to be totally inefficient and the system itself worked very efficiently indeed. And I would be very happy to discuss with the sponsor of this measure, or any other individuals who may wish, what alternatives do exist in that particular nation.

(Off the record)

Mr. COLLINS: Mr. President. Mr. President: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Happy to honor the request of the Minority leader. What I wanted to call to the attention of the Senate is that tomorrow we hope, if all goes well, to have before you an emergency bill, an act to establish the Maine Tort Claims Act. The Judiciary Committee, after 4 strenuous days of trying to hammer out a Bill, this afternoon voted out a stop-gap measure which does incorporate in it several of the provisions that were in the original L. D. 87.

We recognize that within the time available, the deadline being February 1, that we could not put together a comprehensive bill to the extent that we would like to that could command a two-thirds vote of both Bodies. Therefore, the bill that we are presenting is a sort of lowest-common denominator. It will have the effect of restoring governmental immunity for the time being. After July 1 there will be certain exceptions to the old rule of governmental immunity, which was abrogated by the Maine Supreme Judicial Court last October.

I commend to your attention the new draft, which should be arriving on our desks tomorrow afternoon, and I hope that as you look it over, you will keep in mind that this is the best that the Committee could do in the time available to bring a temporary remedy before you for the rather urgent need that faces us as of February 1. Thank you.

(Off the record)

On motion of Mr. Huber of Cumberland,
Adjourned until 3:00 p.m. Thursday, January 27, 1977.