

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, April 29, 1971

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

Prayer by the Rev. Mr. David Holroyd of Gardiner.

The journal of yesterday was read and approved.

**Papers from the Senate
Reports of Committees
Ought to Pass**

Report of the Committee on State Government reporting "Ought to pass" on Bill "An Act to Adopt a State of Maine Code of Military Justice" (S. P. 441) (L. D. 1279)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the Bill read twice and tomorrow assigned.

**Ought to Pass in New Draft
Senate Amendment
Indefinitely Postponed**

Report of the Committee on Public Utilities on Bill "An Act to Require Notice to Public Utilities of Certain Excavations" (S. P. 455) (L. D. 1313) reporting same in a new draft (S. P. 549) (L. D. 1688) under same title and that it "Ought to pass"

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A".

In the House, the Report was read and accepted in concurrence and the New Draft read twice. Senate Amendment "A" (S-117) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Hodgdon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: This bill came before the Public Utilities Committee and had a unanimous "Ought to pass" Report. In the other body it was amended and now we find that this amendment isn't what it should be; so I am about to move the indefinite postponement of Senate Amendment "A", and when the proper time

comes I will present House Amendment "A".

Thereupon, Senate Amendment "A" was indefinitely postponed in non-concurrence, and the Bill assigned for third reading tomorrow.

**Ought to Pass with
Committee Amendment**

Report of the Committee on Public Utilities on Bill "An Act to Authorize the Hallowell Water District to Collect and Treat Sewage" (S. P. 452) (L. D. 1375) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-112) was read by the Clerk and adopted in concurrence, and tomorrow assigned for third reading of the Bill.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought not to pass" on Bill "An Act Regulating Catching Lobsters for Noncommercial Home Consumption Use" (S. P. 474) (L. D. 1494)

Report was signed by the following members:

- Messrs. HOFFSES of Knox
- ANDERSON of Hancock
- of the Senate.
- Messrs. PARKS of Presque Isle
- PORTER of Lincoln
- LEWIS of Bristol
- KELLEY of Southport
- LEWIN of Augusta
- CALL of Lewiston
- KELLEY of Machias
- BUNKER of Gouldsboro
- of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

- Mr. BERNARD
- of Androscoggin
- of the Senate.
- Messrs. MANCHESTER
- of Mechanic Falls
- BOURGOIN of Fort Kent
- of the House.

Came from the Senate with the Minority Report accepted and the Bill passed to be engrossed as amended by Senate Amendment "B".

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Machias, Mr. Kelley.

Mr. KELLEY: Mr. Speaker, I move the indefinite postponement of this bill and both reports and I would speak briefly to it.

The SPEAKER: The gentleman from Machias, Mr. Kelley moves the indefinite postponement of both Reports and Bill. The gentleman may proceed.

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen: This bill is one of these hardy perennials which has been with us ever since, I think, the 99th Legislature. It has been knocked down but like a punch drunk fighter it reappears. This time a new twist has been added. In fact you could say with some justice that a gentle fraud is being perpetrated upon the members of this House

In its original form this bill referred to the taking of lobsters by scuba divers. Perhaps through no coincidence the sponsor of the bill operates a scuba diving school—members of the House may draw their own inference from that. But in any event it met with extreme resistance in the committee hearing, and as you can see from your calendar the vote was 10 to 3 "ought not to pass."

Now, this morning, we find this amendment—even the title of the bill has been changed. Nowhere will you find the word 'lobsters.' The word 'scallops' has been substituted. Let me remind you ladies and gentlemen that at the hearing lobstermen testified. Nothing was said about the scallop draggers, so no scallop fishermen were present; and in our deliberations on this piece of legislation we thought of it in terms of lobster fishermen.

And now at the eleventh hour the word 'lobsters' has been deleted and we are asked to consider a bill on which no hearing had been held. There has been no hearing on a bill permitting scuba divers to take scallops; our hearing was on lobsters.

I would remind you also, without getting into the technicalities of scallop fishing, I would remind you that the spawning period is during the summer months. This is the time of year when these scuba divers would be permitted to take scallops from the beds. But above and beyond that, whether or not they have a case regarding scallops, the fact of the matter is this. We have had no hearing on a bill permitting scuba divers to take scallops.

Therefore, Mr. Speaker, I move the indefinite postponement of this bill and its reports and I would respectfully ask for a division.

The SPEAKER: The gentleman from Machias, Mr. Kelley, moves the indefinite postponement of both Reports and Bill.

The Chair recognizes the gentleman from Fort Kent, Mr. Bourgoin.

Mr. BOURGOIN: Mr. Speaker and Members of the House: As a signer of the Minority Report, I wish to explain my position. It seems that part of our natural resources is limited to a certain few; the harvesting of lobsters, shellfish, dragging for various different kinds of fish; and that is why I signed the Minority Report.

The SPEAKER: The pending question is on the motion of the gentleman from Machias, Mr. Kelley, that both Reports and Bills be indefinitely postponed in non-concurrence. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

97 having voted in the affirmative and 12 having voted in the negative, the motion did prevail.

Sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Hodgdon.

Mr. HODGDON: Mr. Speaker and Ladies and Gentlemen of the House: I now move that the House reconsider the action just taken as regard to L. D. 1494, and I would ask everyone to vote against my motion.

The SPEAKER: The gentleman from Kittery, Mr. Hodgdon, moves that the House reconsider its action of indefinite postponement of this Bill. All in favor say aye; those opposed, no.

A viva voce being taken, the motion to reconsider did not prevail.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act relating to Bail or Personal Recognizance for Certain Criminal Offenses" (S. P. 7) (L. D. 21) reporting same in a new draft (S. P. 555) (L. D. 1692) under title of "An Act relating to Bail or Personal Recognizance for Misdemeanors" and that it "Ought to pass"

Report was signed by the following members:

Messrs. TANOUS of Penobscot
 QUINN of Penobscot
 — of the Senate.
 Messrs. LUND of Augusta
 HEWES of Cape Elizabeth
 Mrs. BAKER of Orrington
 Mrs. WHITE of Guilford
 Messrs. PAGE of Fryeburg
 HENLEY of Norway
 KELLEY of Caribou
 — of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Mr. HARDING of Aroostook
 — of the Senate.
 Mr. CARRIER of Westbrook
 Mrs. WHEELER of Portland
 — of the House.

Came from the Senate with the Majority Report accepted and the Bill passed to be engrossed.

In the House Reports were read. On motion of Mr. Hewes of Cape Elizabeth, the Majority "Ought to pass" Report was accepted in concurrence.

The New Draft was read twice and tomorrow assigned.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act Defining the Crime of Theft Known as Shopstealing and Establishing Rights and Penalties" (S. P. 111) (L. D. 290)

Report was signed by the following members:

Messrs. QUINN of Penobscot
 TANOUS of Penobscot
 HARDING of Aroostook
 — of the Senate.
 Mr. LUND of Augusta

Mrs. WHITE of Guilford
 Messrs. PAGE of Fryeburg
 HENLEY of Norway
 Mrs. WHEELER of Portland
 Messrs. KELLEY of Caribou
 ORESTIS of Lewiston
 CARRIER of Westbrook
 — of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (S. P. 554) (L. D. 1691) under same title and that it "Ought to pass"

Report was signed by the following members:

Mr. HEWES of Cape Elizabeth
 Mrs. BAKER of Orrington
 — of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read. The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker, I move that we accept the "Ought not to pass" Report.

The SPEAKER: The gentleman from Norway, Mr. Henley moves that the House accept the Majority "Ought not to pass" Report in concurrence.

The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members of the House: This is a bill which we call shoplifting or shopstealing. L. D. 1691 is a re-draft which I think tempered the original bill and is a good bill. Apparently here in Maine, particularly in view of our self service stores, patrons tend to shoplift. As you probably know, if some shopkeeper or employee holds a thought to be shoplifter he or the employee is subject to a civil action if it develops that the person is not a shoplifter.

The shopkeepers in Maine indicate that a very substantial amount of produce is stolen each year, and something has got to be done. Now what this amended bill does to try to cure the ill here is just to permit a shopkeeper or mercantile employee to hold a suspected criminal in a reasonable manner, for as reasonable a length of time as is necessary to summons a police officer.

Now this doesn't seem unreasonable to me. We have to do something to try to help the shopkeepers, and I think this is a fair bill; and I would ask for a division on the pending motion. I hope that you will vote against the pending motion and then we can accept the "Ought to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Norway. Mr. Henley.

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I was hoping that we wouldn't have to debate this. It got a lot of coverage in committee and in hearing, and as will be noted, if the original bill was looked at by the members of the House, there has been a slight face lifting of the bill.

Nevertheless I will call your attention to "Right to detention" paragraph. It is brief. This law would state—"Any store proprietor, his agent or employee, who has reasonable grounds to believe that a person is in the act of committing the crime of shopstealing may detain such a person in a reasonable manner and for such a reasonable length of time as shall be necessary to summons a police officer."

Now I ask you, who is going to determine what is a reasonable manner of detention and what is a reasonable length of time? The bill of course has merit. It is deplorable that because of our modern method of merchandising, where people serve themselves, it has created a tremendous problem of shopstealing. But we seem to have developed in our society so many problems, that everyone looks to us who are lawmakers to produce a law to cover it. Now sometimes we have got to be pretty careful how we produce these laws because they can do more harm in reaction than they would do good.

Again, it may be that there is no way of specifically doing it. It may be that stores are just going to have to employ officers to watch it and have them available. Of course, they say that is too expensive; they can't afford

it. So they look to us to protect them. Now I ask you if you feel in a lot of the stores that you go into, that any employee who works for that store should be empowered with this authority.

It might be, with all the best intentions in the world, it could be someone who unloads trucks or moves merchandise around. It could be someone who perhaps doesn't know his own strength and his idea of detention might not be yours and mine. But I contend that we should not give this authority such a broad interpretation as this bill would do.

Again, as it states, "his agent or employee." This is anybody that works for the store, ladies and gentlemen, anybody; an employee, agent or employee. Now I think we hashed that over at great length and as you will notice the report was predominantly in favor of the bill not passing. Just two people out of thirteen decided that the amended bill should pass. And so when a division is taken I believe in your judgment that you will see as I do, that this bill is dangerous and should not be passed.

The SPEAKER: The Chair recognizes the gentleman from Eastport. Mr. Mills.

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I consider this a very poor piece of legislation for the following reasons, I have personally had to investigate cases of the types that will be handled by this thing here. In a department store where you have your open merchandise, it is very simple, they work in a team of three. One will grab the merchandise and put it under a coat and then they go to the lavatory and it is passed to a confederate, who immediately evacuates the building and takes it down to a car on a side street.

If the person coming out was seen taking the merchandise is grabbed by the owner of the store or somebody employed by him, and they are immediately liable. They can't find the merchandise; therefore it is an unlawful laying on of hands. And when the case goes into court they are found guilty of an

assault. Then they are subject to a civil action against them.

I could go on and cite more and more of these things that I have personally investigated. I think this thing is wrong. You can't apprehend for larceny in a store until they have moved over the outside sill of the store and are on the sidewalk. That is the continuation of larceny by appropriation. This is a poor bill.

The **SPEAKER**: The pending question is on the motion of the gentleman from Norway, Mr. Henley, that the House accept the Majority "Ought not to pass" Report in concurrence. All in favor of accepting the Majority Report will vote yes; those opposed will vote no.

A vote of the House was taken. 84 having voted in the affirmative and 29 having voted in the negative, the motion did prevail.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Comparative Negligence in Civil Actions" (S. P. 227) (L. D. 673)

Report was signed by the following members:

- Mr. **QUINN** of Penobscot
— of the Senate.
- Messrs. **HENLEY** of Norway
HEWES of Cape Elizabeth
LUND of Augusta
PAGE of Fryeburg
- Mrs. **WHITE** of Guilford
- Messrs. **KELLEY** of Caribou
CARRIER of Westbrook
- Mrs. **BAKER** of Orrington
— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

- Messrs. **TANOUS** of Penobscot
HARDING of Aroostook
— of the Senate.
- Mrs. **WHEELER** of Portland
- Mr. **ORESTIS** of Lewiston
— of the House.

Came from the Senate with the Minority Report accepted and the Bill passed to be engrossed.

In the House: Reports were read. On motion of Mr. Hewes of Cape Elizabeth, the Majority "Ought not

to pass" Report was accepted in non-concurrence and sent up for concurrence.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act relating to the Sharing of the State Sales Tax Revenue" (S. P. 501) (L. D. 1461)

Report was signed by the following members:

- Messrs. **WYMAN** of Washington
HICHENS of York
FORTIER of Oxford
— of the Senate.
- Messrs. **TRASK** of Milo
FINEMORE
— of Bridgewater
MORRELL of Brunswick
COLLINS of Caribou
McCLOSKEY of Bangor
DAM of Skowhegan
DRIGOTAS of Auburn
ROSS of Bath
— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

- Messrs. **CYR** of Madawaska
COTTRELL of Portland
— of the House.
- Came from the Senate with the Majority Report accepted.

In the House: Reports were read. The **SPEAKER**: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. **ROSS**: Mr. Speaker and Ladies and Gentlemen of the House: This bill proposes to pay ten percent of all of the sales tax revenues to the cities and towns for their own welfare program. This is revenue sharing in the extreme and it might sound appealing or at least intriguing to many of you. But I would just point out that it would cost the state \$12 million in the next biennium.

So I now move that we accept the Majority "Ought not to pass" Report in concurrence.

Thereupon, the Majority "Ought not to pass" Report was accepted in concurrence.

Non-Concurrent Matter

Bill "An Act relating to School Construction Aid" (S. P. 152) (L.

D. 421) which was recommitted to the Committee on Education in non-concurrence in the House on April 21.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" in non-concurrence.

In the House: On motion of Mr. Marsteller of Freeport, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act relating to the Adequacy of Public Utility Service" (S. P. 453) (L. D. 1311) on which the House accepted the Majority "Ought not to pass" Report of the Committee on Public Utilities in non-concurrence on April 27.

Came from the Senate with that body voting to insist on its former action whereby the Minority "Ought to pass" Report was accepted and the Bill passed to be engrossed.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Hodgdon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: A few days ago this bill was debated here in the House and the House accepted the Majority Report of the Public Utilities Committee; I think the vote was 82 to 46. I think this decision was sound. I now move that we insist on our former action.

The SPEAKER: The gentleman from Hodgdon, Mr. Williams moves that the House insist on its former action. Does the gentleman request a Committee of Conference? Is it the pleasure of the House to insist?

Whereupon, Mr. Dyar of Strong moved that the House insist and ask for a Committee of Conference.

The SPEAKER: The gentleman from Strong, Mr. Dyar moves that the House insist and ask for a Committee of Conference. Is this the pleasure of the House?

(Cry of "No")

The Chair will order a vote. All in favor of the motion to insist and ask for a Committee of Conference will vote yes; those opposed will vote no.

A vote of the House was taken. 102 having voted in the affirma-

tive and 12 having voted in the negative, the motion did prevail.

Non-Concurrent Matter

Bill "An Act relating to Fees for Inspection of Motor Vehicles" (H. P. 1256) (L. D. 1576) which was indefinitely postponed in non-concurrence in the House on April 23.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed as amended by Senate Amendment "A" in non-concurrence, and asking for a Committee of Conference, with the following Conferees appointed on its part:

Messrs. JOHNSON of Somerset
GREELEY of Waldo
BERNARD of Androscoggin

In the House: On motion of Mr. Lee of Albion, the House voted to insist on its former action and join in a Committee of Conference.

Messages and Documents

The following Communication:

The Senate of Maine
Augusta, Maine
April 28, 1971

Hon. Bertha W. Johnson
Clerk of the House
105th Legislature
Dear Madam Clerk:

The Senate has voted to Insist and join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to the Right of Access of Landlords" (H. P. 1253) (L. D. 1573).

The President has appointed the following members of the Senate to the Committee of Conference: Senators: TANOUS of Penobscot

HARDING of Aroostook
MINKOWSKY

of Androscoggin

The Senate has voted to Insist and join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Duty of State Board of Education Concerning Interscholastic Activities" (H. P. 985) (L. D. 1347). The President has appointed the

following members of the Senate to the Committee of Conference:

Senators: KATZ of Kennebec
CHICK of Kennebec
MINKOWSKY

of Androscoggin
Respectfully,

(Signed)

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

The Senate of Maine
Augusta, Maine
April 29, 1971

Hon. Bertha W. Johnson
Clerk of the House
105th Legislature

Dear Madam Clerk:

The Governor having returned to the Senate: Bill, An Act Relating to Disturbing Schools. (S. P. 530) (L. D. 1547) together with his objections to the same. The Senate proceeded to vote on the question: Shall the Bill become a law notwithstanding the objections of the Governor?

According to the provisions of the Constitution, a yea and nay vote was taken. 18 Senators having voted in the affirmative and 12 Senators having voted in the negative, the Bill accordingly failed to become law, and the veto was sustained.

Respectfully,
(Signed)

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

Orders

Mr. Finemore of Bridgewater presented the following Joint Order and moved its passage:

Ordered, the Senate concurring, that Bill, "AN ACT Reclassifying Prestile Stream," House Paper 77, Legislative Document 117, be recalled from the legislative files to the House.

The SPEAKER: This Order requires a two-thirds vote for passage.

Whereupon, on motion of Mr. Martin of Eagle Lake, tabled pending passage and specially assigned for Monday, May 3.

Mrs. Payson of Falmouth presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Legislative Research Committee be authorized and directed to study the subject matter of the Bill, "AN ACT Relating to Licensure of Physical Therapy Assistants," House Paper 530, Legislative Document 692, introduced at the regular session of the 105th Legislature, to determine whether the best interests of the State would be served by enactment of such legislation; and be it further

ORDERED, that the State Department of Health and Welfare be directed to provide the Committee with such technical advice and other assistance as the Committee deems necessary or desirable to carry out the purposes of this Order; and be it further

ORDERED, that the Committee report its findings and recommendations together with implementing legislation at the next regular session of the Legislature; and be it further

ORDERED, that upon joint passage of this Order a copy be transmitted forthwith to said Department of Health and Welfare as notice of the pending study. (H. P. 1297)

The Joint Order received passage and was sent up for concurrence.

Mr. Williams of Hodgdon presented the following Joint Order and moved its passage.

WHEREAS, the Honorable Roy Arthur Bither has served with great distinction on the faculty of Ricker College, Junior College and Classical Institute over the past forty-five years; and

WHEREAS, his countless contributions in the field of education as a conscientious and competent Doctor of Science are matched only by his dedication to civic betterment; and

WHEREAS, his recent elevation to that of Professor Emeritus is fitting recognition of his long service and sterling achievements in behalf of the citizens of Houlton and the State of Maine; now, therefore, be it

ORDERED, the Senate concurring, that we, the members of the One Hundred and Fifth Legislature of the State of Maine now assembled, offer our heartiest congratulations and best wishes for good luck on the occasion of this honor to our dear friend and colleague, Professor Emeritus Bither; and be it further

ORDERED, that it shall be spread upon journals and official records of the State that he single-handedly discovered the remains of gastropods and other old fossils throughout State House; and be it further

ORDERED, that a duly attested copy of this Joint Order be transmitted forthwith to Representative Bither as a token of our esteem. (H. P. 1298)

The Joint Order received passage and was sent up for concurrence.

Mr. Porter of Lincoln presented the following Order and moved its passage:

WHEREAS, the members of the House have learned of the illness of Mr. Jalbert of Lewiston,

BE IT ORDERED, that he be excused from attendance for the duration of his illness;

AND BE IT FURTHER ORDERED, that the members extend to him their best wishes for a speedy recovery.

The Order received passage.

House Reports of Committees Ought Not to Pass

Mr. Scott from the Committee on Business Legislation reported "Ought not to pass" on Bill "An Act relating to Contracts Made by Real Estate Brokers and Salesmen" (H. P. 1013) (L. D. 1392)

In accordance with Joint Rule 17-A, was placed in the legislative files and sent to the Senate.

Leave to Withdraw

Mr. Birt from the Committee on Appropriations and Financial Affairs on Resolve Appropriating Funds for Payment of Judgment Against the State in Favor of Maurice and Elizabeth M. Woodside (H. P. 1086) (L. D. 1475) reported Leave to Withdraw.

Mr. Scott from the Committee on Business Legislation reported

same on Bill "An Act relating to Membership on Maine Real Estate Commission" (H. P. 257) (L. D. 339)

Same gentleman from same Committee reported same on Bill "An Act Establishing a Home Improvement Bonding Act" (H. P. 1112) (L. D. 1517)

Mr. Bunker from the Committee on Fisheries and Wildlife reported same on Bill "An Act to Clarify Marine Research under the Sea and Shore Fisheries Law" (H. P. 766) (L. D. 1032)

Mr. Bartlett from the Committee on Public Utilities reported same on Bill "An Act to Clarify the Sewer Powers of Lincoln Water District and Change its Name to Lincoln Water and Sewer District" (H. P. 1176) (L. D. 1626)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mr. Keyte from the Committee on Transportation on Bill "An Act Providing for a Feasibility Study of a Camden Bypass" (H. P. 1200) (L. D. 1651) reported same in a new draft (H. P. 1295) (L. D. 1696) under title of "An Act Providing for a Feasibility Study for Future Highway Improvements in the U. S. Route 1 Corridor from Warren to Belfast" and that it "Ought to pass"

Mr. Lee from same Committee on Bill "An Act relating to Winter Maintenance of State Aid Highways and Town Ways by Municipalities" (H. P. 791) (L. D. 1067) reported same in a new draft (H. P. 1296) (L. D. 1697) under same title and that it "Ought to pass"

Reports were read and accepted, the New Drafts read twice and tomorrow assigned.

Ought to Pass Printed Bills

Mr. Bartlett from the Committee on Public Utilities reported "Ought to pass" on Bill "An Act relating to Sinking Fund for Bath Water District" (H. P. 1282) (L. D. 1682)

Mr. Williams from same Committee reported same on Bill "An Act to Amend the Charter of the

Presque Isle Water District" (H. P. 1212) (L. D. 1659)

Reports were read and accepted, the Bills read twice and tomorrow assigned.

Ought to Pass with Committee Amendment

Mr. Millett from the Committee on Education on Bill "An Act to Reconstitute School Administrative Districts Numbers 12, 22, 59, 73, 74, 75 and 77" (H. P. 646) (L. D. 876) which was recommitted, reported "Ought to pass" as amended by Committee Amendment "B" submitted therewith.

Report was read and accepted and the Bill read twice. Under suspension of the rules, the House reconsidered its action of March 5 whereby Committee Amendment "A" was adopted. Committee Amendment "A" was indefinitely postponed. Under suspension of the rules, the House reconsidered its action of March 9 whereby House Amendment "A" was adopted. House Amendment "A" was indefinitely postponed.

Committee Amendment "B" (H-190) was read and adopted.

Tomorrow was assigned for third reading of the Bill.

Mr. Bunker from the Committee on Fisheries and Wildlife on Bill "An Act to Amend the Marine Worm Tax" (H. P. 559) (L. D. 735) reported "Ought to pass" as amended by Committee Amendment "A" (H-191) submitted therewith.

Same gentleman from same Committee on Bill "An Act relating to Hunting from Vehicles, Aircraft, Boats and Snowmobiles" (H. P. 1147) (L. D. 1588) reported "Ought to pass" as amended by Committee Amendment "A" (H-192) submitted therewith.

Mr. Barnes from the Committee on Transportation on Bill "An Act relating to Fixing Boundaries or Locations for Highway Purposes" (H. P. 951) (L. D. 1314) reported "Ought to pass" as amended by Committee Amendment "A" (H-193) submitted therewith.

Mr. Wood from same Committee on Resolve Designating a Certain Road in Northeastern Maine as

William F. McDevitt Road (H. P. 978) (L. D. 1340) reported "Ought to pass" as amended by Committee Amendment "A" (H-194) submitted therewith.

Reports were read and accepted, the Bills read twice and the Resolve read once, Committee Amendment "A" to each was read by the Clerk and adopted, and tomorrow assigned for third reading of the Bills and second reading of the Resolve.

Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought not to pass" on Bill "An Act to Require Fluoridation of Some Public Water Supplies" (H. P. 540) (L. D. 753)

Report was signed by the following members:

Messrs. HICHENS of York
GREELEY of Waldo
MINKOWSKY
of Androscoggin
—of the Senate.

Mrs. DOYLE of Bangor

Mrs. BERRY of Madison

Messrs. LEWIS of Bristol
CLEMENTE of Portland

Mrs. McCORMICK of Union

Messrs. DYAR of Strong
SANTORO of Portland
LESSARD of Lisbon

—of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" (H-195) submitted therewith.

Report was signed by the following members:

Mrs. PAYSON of Falmouth
Mrs. CUMMINGS of Newport

—of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Payson.

Mrs. PAYSON: Mr. Speaker, I move the acceptance of the Minority "Ought to pass" Report as amended by Committee Amendment "A" and would speak to my motion.

The SPEAKER: The gentlewoman from Falmouth, Mrs. Payson, moves the acceptance of the Minority "Ought to pass" Report. The gentlewoman may proceed.

Mrs. PAYSON: Mr. Speaker and Ladies and Gentlemen of the House: I am pleased to submit a public health measure to you for your consideration, L. D. 753, "An Act to Require Flouridation of Some Public Water Supplies." I realize that many of you already are using water which has had the fluoride content adjusted. Forty percent of the people of Maine now drink treated water and are benefiting substantially from it.

This bill provides that the remaining water systems serving a thousand or more persons shall have the fluoride content adjusted to a level which has been proven to cut dental decay by 60% in children. In older people it decreases arteriosclerosis and high blood pressure leading to heart attacks in men and prevents porosity of the bones in women which leads to broken hips, broken legs, and broken arms that you so frequently see.

An amendment has been prepared which allows a local vote to repeal the effects of this bill. I feel that this is important in your consideration of this bill. It allows for a local referendum.

In the United States approximately seven million people live in areas with natural fluoride - containing water. At present it is estimated that half the people in the United States use fluoridated water. In Maine 400,000 people are benefiting from fluoridated water. But it has come too late for many Maine people, for Maine ranks fiftieth of all states in dental decay.

In Maine 98% of our 14-year old children have ten decayed teeth, which is comparable to the 18-year olds on a national level. 42% of our 14-year olds have lost two permanent teeth.

In Maine we have about 285 practicing dentists for a million people or one dentist per 3,500 persons. It becomes evident that steps should be taken and the most effective immediate solution to our problem is fluoridated water. It costs between 18 and 50 cents per year per person to fluoridate a public water supply system, which

benefits these people for their entire lives.

I hope that you will vote "yes" when the vote is taken.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker and Members of the House: I hate to oppose the motion of the gentleman from Falmouth this morning, but I feel that we should consider the Majority Report, which was 11 to 2 against this bill. We had an extremely large crowd at the hearing and also a lengthy hearing. The proponents of the bill were mainly from the Department of Health and Welfare, a department which has spent thousands of dollars of taxpayers money to promote this in the State of Maine against the wishes of the majority of the people.

I hope this morning that when the vote is taken that you will vote against the motion to accept the Minority "Ought to pass" Report and I request a division.

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

Mr. WEBBER: Mr. Speaker and Ladies and Gentlemen of the House: I rise in support of the lady from Falmouth, Mrs. Payson. We have had fluoridated water in our City of Belfast for over eleven years. Yesterday I talked with three dentists we have in town concerning this. All three were high in praise of this program. One of them told me he was glad he was raising his children in a community that had this program. One of the doctors was in the service in World War II and at that time he told me he had an opportunity to examine the teeth of children in a community in the midwest that has natural fluoride in their water. He said their teeth were almost one hundred per cent free from defects.

I go for a checkup every six months and have all my own teeth, and I can recall I have had only one cavity in the last eight years. I credit fluoridation for this. So I hope that you will support the lady from Falmouth, Mrs. Payson, on her bill.

The SPEAKER: The Chair recognizes the gentleman from Port-

land, Mr. Santoro.

Mr. SANTORO: Mr. Speaker and Ladies and Gentlemen of the House: This is as usual a very controversial affair. One does not know how much fluoride is good; one does not know how much danger this fluoride is. I have read several booklets and I have read books and I can't find out and can't make up my own mind. The only reason I signed the "Ought not to pass" Report was because first there is available on the market vitamins with fluoride, which anyone can have for the cost of two to four cents apiece. Number two, mostly old people do not need fluoride; they have lost their teeth before that. Number three, we had a referendum in Portland, which I represent, and it was voted against fluoride. I cannot stand here and vote for fluoride.

Another thing, I have been practicing medicine in Italy for many years and then in this country and I have a great deal of knowledge of so many Italian people and they have good teeth and they never took fluoride in their life, but good wine. (laughter)

The SPEAKER: The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker and Members of the House: I would just like to say that Mrs. Payson mentioned some bodies of water in the state and I believe Mrs. Payson — and Mrs. Payson may correct me if I am not right, there is only one body of water in the state that doesn't have enough fluoride. So this would mean every body of water in the state except one. Is this right?

May I ask through the Chair if this is right of Mrs. Payson? And I believe this is New Sharon, Maine.

The SPEAKER: The gentlewoman from Madison, Mrs. Berry, poses a question through the Chair to the gentlewoman from Falmouth, Mrs. Payson, who may answer if she desires; and the Chair recognizes that gentlewoman.

Mrs. PAYSON: Mr. Speaker and Members of the House: In answer to Mrs. Berry's question, there is one town, New Sharon, in Maine which has naturally fluoridated

water. All the other water supplies are not up to the standards which would be helpful to our children and to the older people in Maine with the problems which they have with potential heart attacks among men and with potential broken arms, legs and hips among women.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: I rise in opposition to the motion of the lady from Falmouth. The total usage of public water supplies in the State of Maine in the year 1967 was 36 billion gallons of water.

To fluoridate all of this vast amount of water would require some 133 short tons of fluoride: fluoride that sold for 3 cents a pound when it was used to kill rats: today over 30 cents a pound when purchased by municipalities for water use.

The Portland Water District for one supplied approximately 7 billion gallons of water to its users in 1967. Fluoridation of this amount of water would require some 26 tons of fluoride — of this very toxic chemical a great amount would eventually reach the waters of Casco Bay.

I wonder if the conservationists would approve of this?

Today, when we are concerned with the toxic effects of DDT, and oil spills, I believe we should take a second look before we consider this well-meaning bill. Fluorine is one of the most dangerous poisons known to man, even if we consider using it only in minute quantities.

I am quite concerned when I think of the people who cannot use water with fluoride in it. Just a year or so ago, some of the members of this House were fighting for a renal-dialysis machine for kidney patients. If this bill passed, I believe we should also furnish fluoride-free spring water to certain disabled people.

To the various members of the House I asked this question: Have you estimated the costs of fluoridating the various public water systems? The estimate for the city I represent was approximately

\$15,000 for the initial investment alone, and no one can tell how much in years to come in possible damage to water lines. The average involved water utility will spend approximately 50 cents per person to set up the basic programs to be shared by the rate payers.

In Concord, New Hampshire a year or so ago they found they had \$160,000 worth of damage to the water mains alone, by the reaction of the fluoride on the mains. The function of a public water supply is to provide pure, safe water for everyone, not to serve as a vehicle for drugs.

The safety of fluoridation has never been proven, and yet it should be before it is undertaken. If the public supply is to be used as a vehicle for drugs, the burden of proof of safety rests upon those parties who propose its use, and to prove that it is entirely safe for everyone to use. It should be clear that if the possibility of harm to any user exists, then it should not be added to the public water.

In a Republic such as ours, it is the democratic right of every individual to decide what she, he, or their children should eat or drink, as long as their attitude constitutes no danger to their fellow man.

The founding fathers of this great State of Maine and our United States took every precaution to protect the rights of the minority, but the fluoridation of the public water supply denies that protection to a considerable number of people.

Mass medication is wrong in principle and is not in keeping with the principles of our democratic Republic. Our government was founded on the principle that the dignity and sanctity of the individual was to be respected.

I therefore ask you to support Mr. Dyar.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker and Members of the House: A couple of years ago I was on the Health and Institutional Services Committee and this same bill came up and it created the same amount of excitement as this one seems to be. I went home and had a conversa-

tion with one of our local health doctors and asked him what he thought of it. He said I oppose it. And we went on to carry on the conversation another five or ten minutes and then later he said, "When I first became health officer in this town the children's teeth were very bad," but he said "now they are much better."

At the beginning he said it was not a good thing, but yet at the end he would admit that the children's teeth ten years later were much better than they were ten years before. So I am sure that fluoride in that case didn't hurt because the town that he is in has had it for twelve or fourteen years, and in our own town we have had it about ten and there has been no adverse effect anywhere.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen of the House: The Town of Oakland has defeated this three times in a row, and when the gentleman came and spoke to us from Augusta on this we asked him if there was any place in the State of Maine that had natural fluoridation. And he testified to us that Solon, Maine had the highest of anyone.

Now I have checked with the people in Solon, Maine and their children up there have to have teeth filled, pulled just the same as everywhere else.

The SPEAKER: The Chair recognizes the gentlewoman from Newport, Mrs. Cummings.

Mrs. CUMMINGS: Mr. Speaker and Members of the House: Now the original bill mandated that every municipal water supply in the state has to have fluoride. The amendment, which finally got my signature on the Minority Report, puts lethargy on the other side. Now, you still can vote against it, but you have to go to a little bit of effort in order not to have fluorides in your water. So this is not actually mandating that everybody has to have it. All it is saying is if you don't want it, then get to work and get your town to vote against it.

The SPEAKER: The Chair recognizes the gentleman from Machias, Mr. Kelley.

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: Like many of you we have seen this same bill kicking around these halls for a good many years. The resistance to it has been quite awesome, it hasn't got to first base so far. I will not go into the medical angle of this question because I am hardly equipped to do that. We already have had some testimony in that respect. I would remind you, however, of one or two rather humorous sidelights here.

When this bill was first proposed, the people who wanted us to have fluoridated water confined themselves to the fact, as they put it, that it would improve children's teeth. Over the years they have expanded the good effects and they now say it is also good for hardening of the arteries and it may in a way prevent heart attacks. This is a familiar ploy. I remember on our hearing on the moose bill one of the proponents announced that he had to eat large quantities of moose meat because it was extremely low in cholesterol, and the inference there was that somehow it prevented heart attacks.

But if we can get away from that, I think there is one overweening fact that we should keep in mind; and that is this. What we are saying to the people of the small communities of the State of Maine is this. We don't think that you are capable of deciding this question for yourselves; therefore we are taking it out of your hands, we are making it mandatory — unless, unless and until you go to the further bother of getting a petition signed, having a town meeting and voting on this. We already have a law which permits the communities to accept or reject this as they will.

But to reverse this is, I submit, a reversion to the Napoleonic code of justice where, if you recall, the accused was considered guilty, it was up to him to prove that he was innocent. And under our English system of government the

accused is presumed innocent until he is proven guilty.

This particular bill right here in effect inverts the statute as it now stands. Right now the people in any community in the State of Maine have the right to accept fluoridated water if they want to. But the people who are pushing this are impatient; they don't want to wait for this normal process. Therefore, they have turned this thing upside down and the burden of the proof is now on the small communities, rather than the other way around.

For that reason, and for no other, I think this should be rejected out of hand. Therefore, I move the defeat of the "ought to pass" motion.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Morrell.

Mr. MORRELL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to express my support for Mrs. Payson's bill, L. D. 753. This is not something new, it is not something that is experimental or strange. Fluoride is presently being added to the water supply of 52 communities in the State of Maine and it has been authorized by the voters of 17 additional towns. Close to one half of the population of our state is now involved in communities where fluoride is being added.

Now it is probably true that this percentage will increase at a steady rate in the years ahead, with no action at all on the part of this kind of a body. But during this long period of adoption the teeth of many young people in this state will not have the benefit of fluoride. Regardless of the horror stories that have been recited, the facts speak for themselves in the State of Maine. They speak for themselves in towns like Brunswick. They speak for themselves with the youngsters like my own. I might say, kind of in jest, come on in, the water is fine, and so is the fluoride.

I am convinced that positive action on the part of this Legislature to adopt this L. D. will mean healthier teeth and happier future generations for the citizens of Maine. I hope you will vote for

Mrs. Payson's bill, I think it is a step forward in the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Bartlett.

Mr. BARTLETT: Mr. Speaker and Members of the House: I would like to go on record as opposed to this bill. My constituents have requested in many many letters in both Eliot and South Berwick that I vote against this bill.

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

Mr. WHITSON: Mr. Speaker, Ladies and Gentlemen of the House: It appears to me that a substance which naturally occurs in the waters of many communities in this nation with beneficial effects for the citizens fortunate enough to have such water supplies should be an acceptable addition to the waters of our state. Why should Maine be content to have the worst dental record in the Union? I personally am tired of looking at young people with a mouthful of rotten teeth.

I am not at all optimistic concerning the passage of this bill and I feel that we will have to continue to rely upon the dental preventative offered by the learned Doctor Santoro, good Italian wine. But nevertheless I urge your support of this bill.

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

Mr. SANTORO: Mr. Speaker and Members of the House: Just in answer to my friend Mr. Whitson. When I spoke about wine I didn't mean that wine would make good teeth, you know. There are three causes that cause tooth destruction. One of them is infection. One is diet. And one is old age. Infection causes pyorrhea; pyorrhea causes tooth destruction. Diet, well, I want to make a little comparison between the diet here and the diet in Europe. I see children here eating nothing but candies and soft bread, drink milk. I never see in Europe that they do that stuff. In Europe what they do is chew hard bread, hard cheese, and they drink wine. That keeps your teeth strong.

And number three, old age. Well, when we get old we lose everything else, we lose our teeth too. (laughter)

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Members of the House: Just briefly, I would be remiss if I didn't get up inasmuch as Norway was the first town in the State of Maine to have fluoridated water, and I would just speak briefly upon it. I have had the complete support of my area for this bill. Now whether it is something that should be forced upon the State of Maine and all the people is something that you are going to have to decide, along with myself. I shall vote for this bill.

But I just wanted to state briefly that in the eighteen years that Norway has had that fluoride in their water it has done the right kind of so-called damage. The case of the youngsters of Norway has definitely improved very much as a lot of you were able to see on Norway Day out here in the corridor. It has been good enough change so that the twin Town of Paris, the teeth of the youngsters can definitely show the difference. The dentists up there, they can tell which town the youngsters are from, because the Town of Paris does not have fluoridated water.

Also as to its harming elderly people, we have heard recently an ex-legislator that died last year that was 97 years old; we now have two people over 100, and we have about six people over 95 in Norway. So it hasn't done very much harm.

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

Mr. DRIGOTAS: Mr. Speaker and Members of the House: I just want to make an observation. In the Lewiston and Auburn area, and I would be guessing, I think there are probably thirty or forty dentists. I know a good number of them personally. My own personal dentist told me that he heartily favors fluoridation. Now to me it is inconceivable that one would advocate flouridation if it would affect his business, and this is

the thing that puzzles me. And of all the dentists—I think perhaps I know probably fifteen or twenty of them, have all agreed that fluoridation is a good safe sound approach to prevent tooth decay.

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

Mr. CALL: Mr. Speaker and Members of the House: I think there are many arguments against the proposal to have fluoridation in the state. It is optional now, and I think it should continue to be optional. I have participated in discussions of this in the Council Chamber in the City of Lewiston. The people of Lewiston in referendum voted to have the water fluoridated. I think we have had it going at least a year now. It took quite a while to get the equipment ready and so forth after the vote, but I think we have had it actually a year.

But I don't think it should be forced upon the communities. One reason is something that was told during the discussion and it was this. Somebody said, fluoride is a poison. A doctor in the City of Lewiston, who was very much for fluoridation, spoke up later and said yes, fluoride is a poison. So is table salt. But we don't take enough of it to injure ourselves. Now I will stand corrected if I am not right on this. If, on what I have just said as I had heard, that the one handling the controls for the pouring of fluoride into a water system should make a mistake and there should be too great an amount of this fluoride go into the system, there is no question but what the results would be disastrous. I will repeat what I think is just about the strongest point of all, and that is we should not force this onto communities.

The SPEAKER: The pending question is on the motion of the gentlewoman from Falmouth, Mrs. Payson, that the House accept the Minority "Ought to pass" Report on Bill "An Act to Require Fluoridation of Some Public Water Supplies," House Paper 540, L. D. 753. All in favor of accepting the Minority Report will vote yes; those opposed will vote no.

A vote of the House was taken. 32 having voted in the affirmative and 99 having voted in the negative, the motion did not prevail.

Thereupon, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought to pass" on Bill "An Act relating to Requirement of Schools of Barbering and Training for Registration as a Barber" (H. P. 740) (L. D. 1002)

Report was signed by the following members:

Messrs. MINKOWSKY

of Androscoggin

HICHENS of York

GREELEY of Waldo

—of the Senate.

Mrs. McCORMICK of Union

Mr. LEWIS of Bristol

Mrs. BERRY of Madison

Mr. DYAR of Strong

Mrs. PAYSON of Falmouth

Mr. LESSARD of Lisbon

—of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Mrs. DOYLE of Bangor

Messrs. CLEMENTE of Portland

SANTORO of Portland

Mrs. CUMMINGS of Newport

—of the House.

Reports were read.

On motion of Mrs. Payson of Falmouth, the Majority "Ought to pass" Report was accepted.

The Bill was given its two several readings and tomorrow assigned.

Divided Report Tabled and Assigned

Majority Report of the Committee on Health and Institutional Services on Bill "An Act to Improve the Efficiency and Fairness of the Local Welfare System" (H. P. 741) (L. D. 1003) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. HICHENS of York
MINKOWSKY
of Androscoggin
GREELEY of Waldo
—of the Senate.

Messrs. DYAR of Strong
LEWIS of Bristol

Mrs. DOYLE of Bangor
Mr. LESSARD of Lisbon
Mrs. BERRY of Madison
Mrs. CUMMINGS of Newport
Mrs. McCORMICK of Union
Mr. CLEMENTE of Portland
Mrs. PAYSON of Falmouth
—of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following member:

Mr. SANTORO of Portland
—of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Payson.

Mrs. PAYSON: Mr. Speaker, I move the acceptance of the Majority "Ought to pass" Report.

Whereupon, on motion of Mr. Santoro of Portland, tabled pending the motion of Mrs. Payson of Falmouth that the House accept the Majority "Ought to pass" Report and specially assigned for Monday, May 3.

Divided Report

Majority Report of the Committee on Veterans and Retirement reporting "Ought not to pass" on Bill "An Act relating to Participating Local Districts in the Maine State Retirement System" (H. P. 434) (L. D. 569)

Report was signed by the following members:

Messrs. ANDERSON of Hancock
BERNARD
of Androscoggin
—of the Senate.

Messrs. CURTIS of Bowdoinham
JUTRAS of Sanford
THERIAULT of Rumford
DOW of West Gardiner

Mrs. LINCOLN of Bethel
Messrs. HAYES of Windsor
LEWIN of Augusta
SIMPSON of Millinocket

PRATT of Parsonsfield
—of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mrs. CARSWELL
of Cumberland
—of the Senate.
Mr. VINCENT of Portland
—of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Windsor, Mr. Hayes.

Mr. HAYES: Mr. Speaker, I would like to move the acceptance of the Majority Report "Ought not to pass."

The SPEAKER: The gentleman from Windsor, Mr. Hayes moves the acceptance of the Majority "Ought not to pass" Report.

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

Mr. MURRAY: Mr. Speaker and Ladies and Gentlemen of the House: I would like to explain this bill and the one following it before you pass judgment on them. They are very much related. The first bill, the one we are discussing now, it would add a local district to the Maine State Retirement System. This costs the state no money, I would like to point out. The local district in question, the employees of the Council 74, which is the union at the Bangor State Hospital, the Council would pay the portion that the state usually pays for their state employees, and then the employees would pay their share. So actually, the state wouldn't pay anything.

If you notice on your calendar, the following bill is to eliminate certain organizations from participating in local districts under the State Retirement System. What this bill does is eliminate, I think, four out of the five existing local districts in the Retirement System.

I think if we are going to be consistent and defeat this present bill, then the other bill that has a Majority "Ought not to pass" Report, that should be defeated

also. Because if we are not going to let certain groups in, then why should we let others remain there?

Also, I would like to point out, the second bill eliminates all of one local district. The employees of the Maine National Guard are left in. I just can't follow the reasoning of anyone to eliminate four out of five local districts, so I am asking you today to defeat the Majority Report and let the employees of the local districts join the Retirement System along with the present people in it already.

Mr. Hayes of Windsor requested a division.

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

Mr. SIMPSON: Mr. Speaker and Members of the House: I think a little explanation is due here. There was quite a discussion on the following bill, that is 1341. The two bills are very similar, but it was the opinion of the majority of the committee that we should not expand the Retirement System to these employees.

My signature on there may indicate that I am opposed to local participation in it; I am not. But this would open the door to a good many others, and gradually it would really be bad for the Retirement System. So I am certainly going along with the motion.

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

Mr. MURRAY: Mr. Speaker and Members of the House: I would just like to point out one thing. The door has already been opened. We have five local districts in there now, and I don't think we should close the door now. We either should eliminate it entirely or continue to let local districts in. Remember, there is no money involved here.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: Without having time to research this thing, this appears like the bill we just turned down a short time ago in the State Government Committee. And I would like to ask anyone who cares to

answer, if the difference here is not the fact that in one instance we are talking about the employees of the union, not the state employees, and in the other instances we are talking actually about employees of the State of Maine or subdivisions of the State of Maine?

The SPEAKER: A vote has been requested. All in favor of accepting the Majority "Ought not to pass" Report on Bill "An Act relating to Participating Local Districts in the Maine State Retirement System," House Paper 434, L. D. 569, will vote yes; those opposed will vote no.

A vote of the House was taken. 83 having voted in the affirmative and 42 having voted in the negative, the motion did prevail. Sent up for concurrence.

Divided Report

Majority Report of the Committee on Veterans and Retirement reporting "Ought not to pass" on Bill "An Act Eliminating Certain Organizations as Participating Local Districts under State Retirement System" (H. P. 979) (L. D. 1341)

Report was signed by the following members:

Mrs. CARSWELL
— of Cumberland
— of the Senate.
Messrs. SIMPSON of Millinocket
LEWIN of Augusta
HAYES of Windsor
DOW of West Gardiner
CURTIS of Bowdoinham
VINCENT of Portland

— of the House.
Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Messrs. ANDERSON of Hancock
BERNARD
— of Androscoggin
— of the Senate.
Messrs. JUTRAS of Sanford
PRATT of Parsonsfield
THERIAULT of Rumford
Mrs. LINCOLN of Bethel
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Windsor, Mr. Hayes.

Mr. HAYES: Mr. Speaker, I move the acceptance of the Majority Report, "Ought not to pass."

The SPEAKER: The gentleman from Windsor, Mr. Hayes, moves the House accept the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Sanford, Mr. Jutras.

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: There is something that must be explained before we take a vote on this bill. The Minority Report "Ought to pass," by accepting this report we would eliminate four agencies who have been admitted in the Retirement System illegally. In other words, it was through mistake of the 102nd Legislature admitting the first organization to the Retirement System. The 103rd admitted one or two, and the 104th Legislature erroneously admitted another organization. The only one organization listed is the Maine Municipal Association, which is a quasi-governmental agency, was permitted to remain. This, I understand, will be done through amendment by a member of the other body. And in so doing, we will, by passing the "ought to pass" report eliminating these organizations, we will have corrected our mistakes. That is all there is to it.

So give it careful consideration when you do vote on the prior motion made by the gentleman from Windsor, Mr. Hayes, on the "ought not to pass" report. I believe a vote against that would be in the interest of state government and all concerned.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker, I would like to pose a question through the Chair to the Clerk. Our calendars say that this bill we are discussing is L. D. 1314, and yet Mr. Curran and I have checked it and 1314 seems to be a bill dealing with highways.

The SPEAKER: The Chair would advise the House that the proper L. D. number is 1341. It is a typographical error.

The Chair recognizes the gentleman from Windsor, Mr. Hayes.

Mr. HAYES: Mr. Speaker and Members of the House: Just a

word or two in view of the remarks of Mr. Jutras. I, as a member of this body, dislike to admit that it ever made a mistake. Probably it has, but the fact that the mistake may or may not have been made isn't the issue. The point is that these particular units were admitted to the State Retirement System by action of the legislature several years ago, as a result of which the employees of most of these agencies were covered under the retirement law through the medium of a bonafide contract entered into between the agency and the State Retirement system.

Now what this bill proposes to do is invalidate those contracts, take away from the persons involved the coverage that they have entered into and which they expect to continue under, and have been led to believe they could. I see no difference in eliminating these agencies than perhaps attempting to eliminate the City of Portland, for instance, which is one of several dozens of cities and towns in the State of Maine that are members of the State Retirement System. And I am sure you would have a lot of trouble with the people of Portland if you tried that trick.

One other thing that I would like to mention at this point. If the Legislature, in its wisdom, wanted to take one more step in this same direction, it might eliminate its own members. And I am rather of the opinion that they wouldn't want to do it. Ninety-two persons in this House are members of the Retirement System. And I suggest that you keep that in mind when you vote.

The SPEAKER: All in favor of accepting the Majority "Ought not to pass" Report will vote yes; those opposed will vote no.

A vote of the House was taken.

112 having voted in the affirmative and 16 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Pased to Be Engrossed

Bill "An Act Appropriating Funds for Educational Costs for Maine Students in Private Schools of Higher Education" (H. P. 475) (L. D. 836) (Later Reconsidered)

Bill "An Act to Provide Retirement Benefits for Certain State Employees" (H. P. 832) (L. D. 1123)

Bill "An Act relating to Change of Name of the Arthritis Foundation, Pine Tree Chapter, Inc." (H. P. 959) (L. D. 1320)

Bill "An Act to Provide for Thirty Days' Notice When a Nursing Home is Being Voluntarily Closed" (H. P. 1116) (L. D. 1535)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

Amended Bills

Bill "An Act relating to Costs of Investigation Where Permanent Injunction Is Issued under Unfair Trade Practices Law" (S. P. 331) (L. D. 978)

Bill "An Act relating to Mental Examination of Persons Accused of Crime" (S. P. 383) (L. D. 1169)

Bill "An Act to Revise the Pharmacy Laws" (H. P. 453) (L. D. 608)

Bill "An Act relating to Increases in School Assessments in School Administrative Districts" (H. P. 702) (L. D. 945)

Bill "An Act to Authorize Cumberland County to Raise Money for Court House Capital Improvements and New Construction" (H. P. 735) (L. D. 997)

Bill "An Act Increasing Certain Fees for Deputy Sheriffs" (H. P. 1070) (L. D. 1462)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

**Third Reader
Tabled Later in the Day**

Bill "An Act relating to Suspension of Motor Vehicle Operator's License and Registration" (S. P. 192) (L. D. 553)

Was reported by the Committee on Bills in the Third Reading and read the third time.

(On motion of Mr. Martin of Eagle Lake, tabled pending passage to be engrossed and later today assigned.)

**Constitutional Amendment
Failed of Final Passage**

Resolution Proposing an Amendment to the Constitution to Provide for the Selection and Duties of a Lieutenant Governor (S. P. 545) (L. D. 1678)

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

The SPEAKER: The Chair recognizes the gentleman from Lubeck, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: Before we vote on this I would like to call your attention to the provisions of this bill, and also what it does not say. Since it is a constitutional amendment it doesn't in any way indicate what the cost of this will be, nor does it say what real efficiencies or improvements in our state government will result from it. I would ask you to vote against it until we have something more substantial to vote on.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Republicans have been accused, and in my opinion accused falsely, of being backward, hidebound, and not willing to make constructive changes in any of the fields of government reform.

For one I have always favored the idea of having a Lieutenant Governor. State government becomes more complicated each year. Any Governor, be he a Republican or a Democrat, should have executive assistants on a high level to relieve him of many time-consuming duties. An appointed executive assistant, which is all he has now — although this is necessary — cannot fulfill certain duties because he has no official status.

You will note in Section 15 on page three it says, "The Lieutenant Governor shall be an officer in the executive branch of government. He shall exercise such duties and carry out responsibilities as the Governor assigns to him."

Many of these, I would suspect, would be ceremonial duties. The Governor himself now has to do these. Some of our governors have

even been accused of being just ribbon cutters. Nevertheless, this is a responsibility that must be done. And it is not a pleasant task.

This relief alone would give the Governor more time to devote in actually running the State of Maine. And I for one wholeheartedly support the concept of a Lieutenant Governor, and I favor the enactment of this bill.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: I would like to address my comments to the remark made by Mr. Donaghy of Lubec as to the cost. The cost of the Lieutenant Governor is not set forth in this bill, as it is a constitutional amendment, and may more properly be dealt with by statute if it becomes a part of our Constitution. The salaries and expenses of our Governor today, as of our Legislature, are outlined by statute. They do not take effect until the term after they are changed or enacted. This will apply to the Lieutenant Governor's position if it is created, and this, I think, is a good thing.

The cost, I believe, would only be what was needed to operate the Lieutenant Governor's office and his staff, if such a staff were deemed to be needed. I am not too sure that it would be. His salary would be set by legislature. It need not be high, although it should be reasonable.

I do not think that the cost of this office would be very great if you compare the benefits that would arise from it. The idea of the creation of a Lieutenant Governor in this state is a very new one. In fact I can find no record of anyone asking for a constitutional amendment of this type before the Legislature of 1961. I think the cause is quite apparent and it is a cause that we should think over too.

I am not saying that the succession of an Acting Governor to the post of Governor in the case of a death of a different political faith is bad. It need not be bad. In fact in the one case where it has occurred in the State of Maine's history, I do not think that any

great calamities resulted, although for a time we of the Democratic party considered it somewhat of a blow to have elected our man and then found a year later that we had a person of another political party in his place.

There have been only four Governors die in the State of Maine's history, and only once has an Acting Governor succeeded who was of a different political faith. This is why at that moment we suddenly realized that we should have someone of at least the same political party to step in.

This bill will provide for that. This bill will provide that the Lieutenant Governor will run separately and be elected separately in the primary. This bill will provide that the Governor and Lieutenant Governor will be elected jointly in the fall election. This bill will provide that the Governor will have a helpmate, if you will; someone who will be a bolster to him in his office. And as Mr. Ross has just told you, the office of Governor is getting more and more complicated every day. It is getting more and more burdensome every day. The Governor certainly does need a helpmate, and I believe we should pass this bill.

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

Mr. MARTIN: Mr. Speaker, I would request, if it is proper, for the Clerk to read the Committee Reports.

The SPEAKER: The Clerk will read the Committee Reports on Resolution Proposing an Amendment to the Constitution to Provide for the Selection and Duties of a Lieutenant Governor.

Thereupon, the Clerk read the Committee Reports.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I think it is obvious from the reading of the Committee Reports that this is not, like most constitutional amendments which we had before us, strictly a party bill of any kind. A 10 to 3 "Ought to pass" Report from the State

Government Committee ought to indicate that there is indeed more support for this particular approach than the bills that we have been shooting around here since 1961.

When you find members of both political parties signing for a bill in that particular committee, having served on that committee myself, I can assure you that it is a start and a step in the right direction. I would feel that under those circumstances that we surely should support the Majority Report, and I concur with the gentleman from Bath, Mr. Ross.

In reference to the remarks of the gentleman from Lubec, Mr. Donaghy, if we wait for a bill that is going to include cost into a constitutional amendment before we decide whether we are going to support it, I can assure you that we are going to wait a long time because that bill would be unconstitutional. And so I would hope this morning that we would vote for this bill and get it on its way so that we will take one step in the right direction.

Mr. Speaker, when the vote is taken I request that it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: My head is somewhat bloodied but not bowed, I will assure the gentleman from Eagle Lake and the rest of you that I know that the constitutional amendment cannot carry a price tag. But this price tag was not discussed at any length in the hearings. This is one of the reasons that I feel that until we know more about this, what it is going to cost, what it is truly going to do besides give another name to an administrative assistant, I think we ought to vote against it, and I ask you to go along with me.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I certainly don't want to belabor the point, but let me point out to you that the cost that might

be incurred would be determined by us in the next session. We could determine what level we are going to pay the Lieutenant Governor, if anything. And we could determine how long he is going to be paid.

Let me point out to you that in most states he receives the same salary that a legislator receives, and I can assure you that isn't much. I think that if we are going to take any step at all this is a small step. If we can pay seven Executive Councillors the salaries that we pay ourselves, certainly a man who could help the Governor ought to receive as much. And perhaps if we take that small step today, then eventually we will take the rest of the way at some future date.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: When I was listening to the good gentleman from Kingman Township, Mr. Starbird, speaking, when he said that the Lieutenant Governor is going to run independently and be elected separately, I thought he was speaking in favor of the elimination of the big box, but I don't feel that he was going quite that far.

Personally this morning, in taking a look at this, I feel that it is a rather needless bill. I think back to what was said in the initial selection of the Vice President. And the first Vice President in the country said that never in the history of man had a more insignificant office ever been dreamed up. I don't know as that is the exact phraseology, but it was close to it.

I frankly don't see the real need of this. Actually we are electing a person to be a standby in case anything happens to the Governor, and hopefully that he will be in the same party as the Governor so that he will be able to fill in in the event that the Governor should happen to pass on for any reason.

I think even in our federal setup we will find at the present time that if something should happen to the President and Vice President, the person who would succeed

him, would succeed those two people, would probably not be a member of the present party. I think it is impossible to take and consider every eventuality. And as it has been pointed out, there is only once in the twentieth century that has this happened in which a person of the opposite party has succeeded the Governorship.

It doesn't seem that there is any real need for this bill. Now actually the language of the bill indicates that he would do just such chores as the Governor shall desire. But my experience has been, I think that this comment has been made, if there is a particular program going on in the state and they desire to have the Governor there for some participation in the ceremony, they are not looking for the Lieutenant Governor. They wouldn't be satisfied possibly with the President of the Senate in the present situation. When they want the Governor they want the Chief Executive of the state. I frankly don't see the need for this bill, and I would hope you would not support it.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Ladies and Gentlemen of the House: Let me say first and emphatically, I am in favor of keeping the big box, to clear up any doubts that there may be on that measure.

To speak specifically, when I was speaking of electing separately and jointly, I was speaking that the Lieutenant Governor would not be elected jointly with the Governor in the primary election in June. He would run separately and be elected separately. He would have to get his own petitions and so forth the same as any other officer. He would, however, be elected on a joint ticket in the fall, in the same manner as our Presidential and Vice Presidential candidates' names are printed on our ballot today.

I might add while I am on my feet, to perhaps put a postscript on what the gentleman from Eagle Lake has said, the thinking of about ten people has gone into

this bill. Those of you who have read the two Lieutenant Governor bills that we submitted in this session, and in comparing them with this one, will find that there is little or no resemblance. You will find in some respects that they are similar, but as I said, the thinking of about ten people, both Republicans and Democrats, has gone into this bill. It is certainly a bipartisan effort. It is a good bill. We have labored quite long on it—ten years to be exact. It is the result of ten years of thinking by men of both parties. I urge you to pass it.

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

Mr. VINCENT: Mr. Speaker, Ladies and Gentlemen of the House: I rise as one of the sponsors of the two original Lieutenant Governor bills that were sponsored and heard before the State Government Committee. I feel that there is a great need for this bill, this piece of legislation. It is probably one of the finest bills of that type ever to come out of the committee, and as Mr. Starbird indicated, it took considerable effort by many people in the committee and outside of the committee in the drafting of this bill.

One of the popular pastimes in this country seems to be to compare pictures of presidents and governors in their first year in office and their last year in office. And the popular caption underneath is the toll that it has taken upon a president or governor, the aging process that has taken place.

The job of administering a state or a country is a tiring, killing job. Not only is the person the leader of the country or the leader of a state, but he is also the leader of his party, and the duties and functions bestowed upon him are just too numerous for one man to handle.

At any given time a person can go down to the other end of the hallway and see a line of people lined up outside of the Governor's office waiting to see the Governor—not to see aides, but the Governor. If we had a Lieutenant Governor

many of these people could be seeing the Lieutenant Governor and it would save a lot of wear and tear on the Governor, regardless of who he be.

As for the running as a team in November, I think it would be an added welcome to see two fresh faces debating issues instead of two candidates, whether they be Republican or Democrats debating the issues. I am sure that both candidates last November could have used help from some source, and a running mate would have provided that help.

I would hope that you would vote for this bill. It is needed in this day and age. And the job of Lieutenant Governor is not that insignificant.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: Without casting any aspersions on the gentleman with the same name who resides in the corner at the other end of the passageway, the Governor of this state needs help. The office of Lieutenant Governor would be much more than a successor to the Governor of this state. There are many other things that he could do.

And as a signer of the Majority "Ought to pass" Report on this proposal, I would like to point out several of the things that we have seen in the State Government Committee. For example, in Massachusetts the Lieutenant Governor there is in charge of the proposal for a governmental reorganization for the entire state. Such a position as Lieutenant Governor enables the Governor to assign a prestigious person to handle some of the difficult chores that he is otherwise faced with himself.

The one other thing I would like to point out is that this proposal, of course, would go to the people for their approval in a referendum on November 2.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I don't think this body has ever restricted the Governor in the help that he can hire, and generally hires competent help to help in the front office. I don't see this man, Lieutenant Governor, as being a very able character in most cases in the states that have them. Their chief function in the states that I know have got them seems to be baby kissing. And there are quite a few in both branches of this legislature that are qualified for that, I am sure. And I don't think we need to burden the people of Maine with extra people on the payroll that have no real function.

I can't see the need for this in view of the fact that we have been very liberal in allowing him to hire help in the Executive branch. When you hire a man to work for you, you tell him what to do. If you elect a man to this office, you are not going to be able to tell him what to do. He is going to have his own ideas.

And if you will just look around you, the Lieutenant Governors that we have got in the United States, this is just about what they are, just what I told you, baby kissers.

Mr. Donaghy of Lubec was granted permission to speak a third time.

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I simply rise to point out two things that have become quite apparent to me as a result of this debate. One of them being that we should use greater care in whom we choose for a Chief Executive because we evidently need more able men in that office.

The second thing would be, and I resent this, not only for myself but for the rest of you folks in here, and that is the implication that we are going to get a man who could handle this job for \$1,250 a year. Now think about this, what is trying to be foisted off on you and please vote with me.

The SPEAKER: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Members of the House: I would

like to go along with the gentleman from Lubec, Mr. Donaghy. I don't believe we can even get a ribbon cutter for \$1,250 a year.

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

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

The SPEAKER: This being a Constitutional Amendment, under the provisions of the Constitution it requires a two-thirds vote of the House. All in favor of final passage of Resolution Proposing an Amendment to the Constitution to Provide for the Selection and Duties of a Lieutenant Governor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bartlett, Bedard, Bernier, Berube, Binnette, Boudreau, Bourgoin, Bunker, Bustin, Carey, Carter, Clemente, Collins, Conley, Cooney, Cote, Cottrell, Cummings, Curran, Curtis, T. S. Jr.; Cyr, Dow, Doyle, Drigotas, Dyar, Emery, D. F.; Emery, E. M.; Farrington, Faucher, Fecteau, Finemore, Fraser, Gagnon, Gauthier, Genest, Gill, Good, Goodwin, Hancock, Herrick, Hewes, Jutras, Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Lessard, Lewis, Lizotte, Lucas, Lynch, Mahany, Manchester, Marsh, Marstaller, Martin, McCloskey, McCormick, McKinnon, McTeague, Millett, Morrell, Murray, Norris, O'Brien, Orestis, Parks, Pontbriand, Rocheleau, Rollins, Ross, Santoro, Sheltra, Simpson, L. E.; Slane, Smith, D. M.; Smith, E. H.; Starbird, Stillings, Tanguay, Theriault, Vincent, Webber, Wheeler, Wood, M. W.; Wood, M. E.

NAY — Ault, Bailey, Baker, Barnes, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown, Call, Carrier, Churchill, Clark, Crosby, Curtis, A. P.; Donaghy, Dudley, Evans, Hall, Hardy, Haskell, Hawkens, Hayes, Henley, Hodgdon, Immonen, Kelleher, Kelley,

K. F.; Lee, Lewin, Lincoln, Littlefield, Lund, MacLeod, Maddox, McNally, Mosher, Page, Payson, Porter, Pratt, Rand, Scott, Shaw, Shute, Silverman, Simpson, T. R.; Susi, Trask, Tyndale, White, Whitson, Wight, Williams, Woodbury.

ABSENT — Berry, P. P.; Dam, Hanson, Jalbert, Kelley, P. S.; Mills.

Yes, 88; No, 56; Absent, 6.

The SPEAKER: Eighty-eight having voted in the affirmative and fifty-six having voted in the negative, with six being absent, this Resolution fails of final passage.

Sent to the Senate.

Passed to Be Enacted

An Act to Prohibit the Importing and Introduction to Our Coastal Waters of Any Uncertified Marine Species (S. P. 513) (L. D. 1370)

An Act relating to Benefits for Widows of State Police Officers (H. P. 9) (L. D. 9)

An Act relating to Limited Insurance Agent's License (H. P. 256) (L. D. 338)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Enactor

Indefinitely Postponed

An Act to Pay for One Hundred Percent of Health Insurance Plans for State Employees (H. P. 364) (L. D. 471)

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

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise again to oppose this bill before final enactment. I feel that we are taking a rather drastic action in establishing a precedent which is beyond anything that we should be expected to do. Last weekend I conferred with both the employees and employers back home, anyone that I could contact relative to this, and they told me that they thought that it was unheard of. They didn't understand

why we took such action. They don't understand why that if we are giving all of the fringe benefits, then pay the biggest half or fifty or sixty percent of insurance, that the recipients should not be willing to pay the remainder.

It was stated in the debate about this bill that it was doubtful if the employees would get their raise. It seems to me that nearly everybody insists that they are going to get a raise. It looks to me as though they will get both—they will get both the cake and the frosting.

I contend that we do not need to frost this cake. I contend that our employees of the state are so satisfied with their jobs, ninety percent of the time that you try to get a job for a constituent down here and see where you land. They are hanging onto their jobs even though up to now they have paid part of their insurance policies.

I don't understand the posture of this state legislature in feeling that we must kowtow to our state employees. I don't believe the state employees elected me; the taxpayers back home elected me. They tell me to come down here and try to keep down cost of government. And we are forever building up that cost, not only for the current biennium, but establishing policies which are these built-in costs, which are irretrievable.

Now I am not the least bit worried about what the state employees think of my speech this morning. They probably won't like it. I have a nephew over in the other building that may not like it, but he has still got a very good job, and I don't believe that if it becomes necessary for him to continue paying part of his health insurance that he will quit his job. I don't believe you are going to find a lot of empty offices over there. I don't believe you are going to have a rash of applications from people to work in these jobs.

Now consequently, I said my piece. I don't know whether any will agree with me, but I have been frank and aboveboard about it. That is what my people want me to do.

I move for indefinite postponement of this bill.

The SPEAKER: The gentleman from Norway, Mr. Henley, now moves for indefinite postponement of L. D. 471.

The Chair recognizes the gentleman from Augusta, Mr. Lund.

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: One of the fascinating things about being a legislator is that you never know when an issue is going to pop up again. And this having been debated at least once before, I didn't anticipate it would come up again. I don't plan to debate it now, but just to remind you that this bill, along with any other state employee benefit plans or bills, will be on the Appropriations table, and I assume that priorities will be assigned there, and the cost and the benefits will be measured up. And the only comment I have is that this is one benefit which the state, if it decides to pass in the final analysis, will not increase the taxable income of the state employee, because it is a fringe benefit.

And just to remind the House that it, by a substantial margin, previously voted against a motion to indefinitely postpone, and I hope the House will remain consistent.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Members of the House: I concur with the sentiments expressed by the gentleman from Augusta, Mr. Lund, that we should remain flexible so we can see what the situation is regarding any pay increase and any benefit increase.

This bill, as I understand it, proposes that the State would pay all of what is the low option Blue Cross-Blue Shield plan for the state employee himself; nothing for his dependents, his wife and children. My observations are, in private industry that it is common to pay a portion, say 50% probably being the most common portion, not only for the employee, but also for the wife and children.

And as I pay my own Blue Cross my recollection is, and I paid it when I was single, the rate is more than twice as high for the family plan as it is for the individual

plan. So assuming that most state employees are married, really even if we pass this we won't be going to 50% of the total cost of the family health package. And that is the normal per cent that I believe private employers pay.

Another point I would like to make about this bill is this: We don't know what shape if any the final pay raise for state employees will take. But we do know that we have some state employees that make only about \$4,000 a year, and we have others that make in excess of \$20,000 a year. One very good feature in addition to the fact that it isn't a taxable income, about providing health insurance coverage is this; you give as much to the man who really needs it, the man making \$4,000 or \$5,000 a year, as you do to the man making \$20,000 a year.

Another factor, Mr. Speaker, particularly perhaps in regard to some of those making only \$4,000 or \$5,000 a year, the funds that aren't paid, the hospital bills, and so forth, that aren't paid through Blue Cross and Blue Shield probably will end up being paid one way or the other by the public. It will either be tacked onto our own hospital bills or it will be paid through welfare in some other way.

I hope, Mr. Speaker, that we will vote to keep the matter alive and send it to the Appropriations table.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I shan't belabor the point, but I did point out in earlier debate that it has only been since the last special session that the state employees received the first 50% benefit. Now the implication has been that private industry does this for their employees. Now let's remember that this isn't an organization that hopefully makes money. We are spending taxpayers' money.

Beyond this, let's take our own responsibility and give priority to these things. Let's not do this deal of passing it on and let the Appropriations Committee set the priorities. It is our responsibility, and I do hope that when the new pay plan comes along that we can

do something, make a real contribution on this.

But on a deal like this, let's let it go at least for another session. Because this is too soon to bump this benefit that we just put on in the last special session, not even a whole biennium ago.

The SPEAKER The Chair recognizes the gentleman from Webster, Mr. Cooney.

Mr. COONEY: Mr. Speaker and Ladies and Gentlemen of the House: As a majority signer of the Committee on State Government, this is the only bill I believe we have given passage to as a state employee request. It is a priority item; it is a more or less standard benefit. And I think the idea expressed by the gentleman from Augusta, Mr. Lund, is a good one, that we ought to preserve it so that it does lie on the table in the case that it is necessary.

The SPEAKER The Chair recognizes the gentleman from Sanford, Mr. Jutras.

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: In good conscience I cannot vote for this bill today, because a salary income limit has not been determined for those who should receive a full exemption. A million dollars a year voted, taken away from the taxpayers, is not consistent with what we were saying yesterday before the people, the elderly people who came to Augusta to look for a little bit of help. In voting for this I would be voting against the elderly people, and in all honesty I cannot vote for it.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Members of the House: Just briefly to make a couple of comments on what has been said. First off I don't feel that we should pass all the responsibility along to the Appropriations table. Those of you who have been here several sessions and realize the hectic last days of the session when we have hundreds of bills, money bills in there, can realize what a tremendous problem it is to make those decisions. And I don't feel that

they should all be left to a small group in there.

As Mr. Donaghy says, I think we should make that decision here and now. If you people want the state taxpayer to pay 100% of Blue Cross for state employees, let's vote for it. But I am not going to vote for it.

Another thing I say is that this is sort of a creeping thing. It is easy enough for one of the people to say that were recently talking, "Well, this only pays for the employee himself, it does not cover the family." Well, we have gone from 50% to 100% in two sessions. What are we going to do the next time? Pay for the whole family?

Now one more point. I think we talk too loosely here about welfare. We know that there is a tremendous problem in welfare, but why should we put suggestions in people's minds that if they can't find a good way to pay a bill, why the welfare will pay it for them? I think that is one of the worse things in the world, that impression, that we can give. Now I think most of the state employees who are receiving \$4,000 and upwards should find a way to live in that \$4,000. I have done it for a heck of a lot less than that, and I know a lot of you have.

Now the idea of saying, "Well, we will either pay it out in insurance or they will come onto us for welfare" is very poor example, and I am very critical of it.

Now again, I think we can wait at least another session before we go to crowding on and paying the other half of this insurance. Let them do a little bit for themselves.

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

Mr. BERNIER: Mr. Speaker and Members of the House: I will be very brief, but this is something somehow that I really cannot go along with. I favor most, or rather all labor legislation. But a good thing can be pushed too far.

I worked for the government 30 years in civil service. And I never got over 25% of my health insurance. I don't see why here in the State of Maine we should start

all of a sudden to pay all of it. I mean let them do a little something for themselves. We need money for other very important plans, as it was said, for the elderly. And somehow, I mean, we have to divide this evenly.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Wight.

Mr. WIGHT: Mr. Speaker and Members of the House: I would only warn you that as the State takes the lead that the counties are very likely to follow suit, and it would also become necessary in the counties and in our towns and cities that this extra expense of health insurance be added to these budgets. So I warn that perhaps if we are passing this it will generate down to our county government as well.

Mr. Lund of Augusta requested a roll call.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: I think this point that I am about to make has probably been made in this debate. As we go merrily on our way appropriating a million dollars here, and yesterday I guess we appropriated three or four million dollars, I think there is one point that we should not lose sight of. We have got to face up to the fact that any of these amounts that we appropriate, we have got to face up to the fact that we are going to pass taxation measures to finance them.

I think that the fact that if you wish to establish your own priorities, if you feel that these taxation measures are going to be rather meager, that you should be cautious, we will say, in voting and sending bills to the Appropriations table, for certainly you must be aware that in so doing you have abdicated your right to select the priorities that will be established on these bills.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a

roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Norway, Mr. Henley, that An Act to Pay for One Hundred Percent of Health Insurance Plans for State Employees, House Paper 364, L. D. 471 be indefinitely postponed in non-concurrence. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEAS — Albert, Bailey, Baker, Bartlett, Bernier, Berry, G. W.; Berube, Binnette, Birt, Bourgoin, Bragdon, Brawn, Brown, Carter, Churchill, Cottrell, Crosby, Cummings, Curtis, A. P.; Cyr, Donaghy, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Finemore, Gagnon, Gauthier, Hall, Hardy, Haskell, Hawkens, Henley, Hewes, Hodgdon, Immonen, Jutras, Kelley, R. P.; Lawry, Lebel, Lee, Lewis, Lincoln, Littlefield, Lizotte, MacLeod, Maddox, Mahany, McCormick, McNally, Millett, Mosher, Norris, O'Brien, Page, Parks, Payson, Pratt, Rand, Rocheleau, Scott, Shaw, Shute, Simpson, L. E.; Simpson, T. R.; Susi, Theriault, Trask, White, Wight, Williams, Wood, M. W.; Woodbury.

NAYS — Ault, Barnes, Bedard, Bither, Boudreau, Bunker, Bustin, Call, Carrier, Clark, Clemente, Collins, Conley, Cooney, Cote, Curran, Curtis, T. S., Jr.; Dow, Doyle, Dri-gotas, Farrington, Faucher, Fecteau, Fraser, Genest, Gill, Good, Goodwin, Hayes, Herrick, Kelleher, Keyte, Kilroy, Lessard, Lewin, Lucas, Lund, Lynch, Manchester, Marsh, Marsteller, Martin, McCloskey, McKinnon, McTeague, Morrell, Murray, Orestis, Pontbri-and, Rollins, Ross, Santoro, Sheltra, Silverman, Slane, Smith, D. M.; Smith, E. H.; Starbird, Stillings, Tyndale, Vincent, Webber, Wheeler, Whitson, Wood, M. E.

ABSENT — Berry, P. P.; Carey, Dam, Evans, Hancock, Hanson, Jalbert, Kelley, K. F.; Kelley, P. S.; Mills, Porter, Tanguay.

Yes, 73; No, 65; absent, 12.

The SPEAKER: Seventy-three having voted in the affirmative, sixty-five voting in the negative, with twelve being absent, the motion does prevail.

Sent up for concurrence.

Mr. Henley of Norway moved that the House reconsider its action whereby L. D. 471 was indefinitely postponed.

The SPEAKER: The gentleman from Norway, Mr. Henley, now moves that the House reconsider its action whereby this measure was indefinitely postponed. The Chair will order a vote. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken. 54 having voted in the affirmative and 74 having voted in the negative, the motion did not prevail.

An Act relating to duties of the Assistant Chief of the Division of Inspection for Sardines (H. P. 629) (L. D. 891)

An Act relating to Fish and Fisheries Product Inspection (H. P. 901) (L. D. 1239)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

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

Mr. MARTIN: Mr. Speaker, on page 9, item one, bills in the third reading, Bill "An Act Appropriating Funds for Educational Costs for Maine Students in Private Schools of Higher Education," House Paper 475, L. D. 836, which was passed to be engrossed this morning, I now move that we reconsider our action and would speak to my motion.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves that we reconsider our action whereby this Bill was passed to be engrossed.

The gentleman may proceed.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think that in view of the action that we are taking the last couple of days, it is important to note that

this particular item is going to add to the costs of state government \$3 million plus a year. If we are indicating that items such as these ought not to be on the Appropriations table so that a determination can be made, then I think it is wise that we determine before they go any further the course of action we want to take.

I would point out to you that this particular item has not been debated in this House at any length at all. Not a single word has been said. I would hope, therefore, that you would reconsider this action, and if you do not wish to table this item this morning, then that we do debate it, because I think the overall cost of state government is indeed involved with this particular item.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I for one don't particularly appreciate the tactic of getting at one bill through another one, and I don't think it is fair to assume that we are not aware of what the contents of these bills are nor what the implications are. I hope that you would vote against the reconsideration.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would point out to the Majority Floor Leader that it is not my intent to get back at anyone for a bill or any other bill before this body. I would point out to the gentleman from Pittsfield that I did not discuss the previous bill at all. This is not my intent whatsoever. What I am merely pointing out to you is that we have not debated the issue on this particular bill, which in the long run will cost a minimum of \$3 million a biennium. I am, therefore, suggesting that we ought to debate it, and that is why I made the motion to reconsider.

The SPEAKER: The Chair will order a vote. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

66 voted in the affirmative and 72 voted in the negative.

Whereupon, Mr. Martin of Eagle Lake requested a roll call.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that the House reconsider its action whereby this Bill was passed to be engrossed. If you are in favor of reconsideration you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Bedard, Bernier, Berry, G. W.; Berube, Binnette, Boudreau, Bourgoin, Bunker, Bustin, Call, Carey, Carrier, Carter, Churchill, Clemente, Conley, Cooney, Cote, Cottrell, Curran, Cyr, Dow, Doyle, Drigotas, Dudley, Emery, D. F.; Farrington, Faucher, Fecteau, Finemore, Fraser, Gauthier, Genest, Goodwin, Jutras, Keyte, Kilroy, Lebel, Lesnard, Lizotte, Lucas, Lynch, Mahany, Manchester, Martin, McCloskey, McKinnon, McTeague, O'Brien, Orestis, Pontbriand, Rocheleau, Rollins, Ross, Santoro, Sheltra, Slane, Smith, D. M.; Smith, E. H.; Starbird, Theriault, Webber, Wheeler.

NAY — Ault, Bailey, Baker, Bragdon, Brawn, Brown, Clark, Collins, Crosby, Cummings, Curtis, A. P.; Curtis, T. S. Jr.; Donaghy, Dyar, Emery, E. M.; Gagnon, Gill, Good, Hall, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Kelleher, Kelley, R. P.; Lawry, Lee, Lewin, Lewis, Lincoln, Littlefield, Lund, MacLeod, Maddox, Marsh, Marstaller, McCormick, McNally, Millett, Morrell, Mosher, Murray, Norris, Page, Parks, Payson, Porter, Pratt, Rand, Scott, Shaw, Shute, Silverman, Simpson,

L. E.; Simpson, T. R.; Stillings, Susi, Tyndale, Vincent, White, Whitson, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Berry, P. P.; Dam, Evans, Hancock, Hanson, Jalbert, Kelley, K. F.; Kelley, P. S.; Mills, Tanguay, Trask.

Yes, 64; No, 75; Absent, 11.

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

Orders of the Day

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

HOUSE DIVIDED REPORT — Majority (8) "Ought not to pass" — Minority (5) "Ought to pass" in New Draft — Committee on Health and Institutional Services on Bill "An Act relating to Selling Certain Drugs" (H. P. 116) (L. D. 160) — New Draft (H. P. 1292) (L. D. 1693) under same title.

Tabled — April 27, by Mr. Santoro of Portland.

Pending — Motion of Mrs. Payson of Falmouth to accept Majority Report.

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

Mr. SANTORO: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to speak against the motion of the gentleman from Falmouth, Mrs. Payson, to indefinitely postpone this bill. I have agreed many times with the nice lady of Falmouth, but today our thoughts flow in different directions.

I am going to give you a little background on what atropine is, what belladonna is, what the components of this drug are.

Atropa belladonna is the most used one. It is called different names in North America and England. They are called Jamestown, Jimson weed, Stink weed, thorn apple, devil's apple. But it is from this plant that belladonna comes from, and the alkaloid is atropine.

Preparations of belladonna were known to the ancient Hindu. They

were using them for medication. They have been used by many physicians for many centuries in Europe and all over the world. Poisoners of the middle ages frequently used the "deadly nightshade" plant to cause obscure and often prolonged poisoning. This prompted Lime to name the *shrupatropa belladonna*. By the name *atropas*, it was one of the oldest in the Greek Mythology.

The Greek imagination created the fictitious existence of three ladies called Fates, destiny, who were to run man's life. Life to them was nothing but a piece of thread. Clotho the youngest one, was to spin the thread. Lachesis was to give the thread to men, and Atropos, the oldest of the three sisters, was always armed with a shear to cut the thread in the men's life.

Atropine and scopolamine are the most important drugs of the anti-cholinergic group, and from the standpoint are very poisonous especially to infants and children. Cases of intoxication have resulted from merely putting a few drops in the eye or in the nose to treat colds or other infectious conditions of the eye.

Scopolamine might cause an edema of the throat or the lips and breathing respiration.

Silirium or toxic psychosis have been reported in normal doses in sensitive adults. Fatalities are rare. Occasionally one sees one in children.

The major side effect of belladonna alkaloids are directly attributable to this anti-cholinergic action. Any side effects are of importance because of the subjective unpleasantness to the patient. Nevertheless, a number of side effects can be serious under certain circumstances, and I mention those to you now. One, dryness of the mouth; blurred vision; photophobia, this is intolerance to light; tachycardia. These can rarely be avoided even with small doses.

Anhydrosis also is produced by such a drug with heat intolerance. The drug is dangerous in glaucoma and chronic long standing glau-

coma can become acute glaucoma by the use of this drug.

Also, these drugs can cause constipation, bowel obstructions, urinary infections, and sexual impotence in young males using belladonna has been found.

Belladonna helps dilate the pupil, but it causes paralysis of the accommodation process. Accommodation process is the process of adjusting your pupil to see right. If you take some of this drug and you are driving a car, you will have a little hard time to stay on the road.

For all these reasons, I believe that such poisonous drugs should be put under proper control, and this bill will do just that. I hope you vote for the passage of this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Bangor, Mrs. Doyle.

Mrs. DOYLE: Mr. Speaker, Ladies and Gentlemen of the House: I spoke against Mrs. Payson's motion on Tuesday regarding this bill and I rise to do so again. As I said on Tuesday, this bill is not a panacea for the drug problem, but it will help control the over the counter sale of these drugs. I do not think that the passage of this bill will hurt the proprietary drug industry at all, because the efficaciousness of these drugs has not been proven. I am sure that the proprietary drug industry will find other drugs less dangerous to treat cold symptoms and insomnia.

On Tuesday I read in part from a letter of a parent in my area whose thirteen-year old child almost died one year ago March from an overdose of this type of medication. I would like to read a bit more from her letter.

She says, "I guess a natural question for a parent to ask is why? So I asked. He said he had heard about these things and that they could make you feel good or high. He kept trying, thinking that if one didn't work, maybe the next one would; or if one made you feel too high, the next one would calm you down. Almost all of the drugs he took, he bought at large supermarkets or corner grocery stores."

She goes on to say that she asked his permission to write this letter to us, and he was very much in favor. "One year has passed and he looks back on what he did as stupid. But he readily admits that there are still a lot of kids trying it. It is very easy to buy a lift, these drugs off the counter in most markets, and according to my son, once you start you want to keep trying more and more, or to quote him, 'experimenting.'

"When I look back, the whole thing is nightmarish and unbelievable, but it did happen to me or, I should say, to him, and it has, can and will happen to others, maybe your children, with more serious results."

I hope you vote against the motion of my House Chairman, the gentlewoman from Falmouth, Mrs. Payson.

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

Mr. WEBBER: Mr. Speaker and Members of the House: I have a letter here from an office of the Chief of Police in the City of Belfast I would like to read to you. It says:

"Dear Sir: I am forwarding this letter concerning L. D. 160 in answer to a call from Representative Doyle requesting further statistics on the misuse of pills containing belladonna. We have about 2,000 school children in this district. Consequently many concerned parents contact me for information and advice on drug abuse.

"I have received in the past year more than a dozen confidential reports of ingredients of Contac pills being put into cigarettes and smoked by teenagers. On several occasions this has involved the operation of motor vehicles and near accidents. I have been informed that the inhalation of this smoke causes a form of intoxication and hallucinations.

"At present we have neither sufficient laws to cope with persons under the influence of drugs nor the personnel qualified to recognize the symptoms. I realize that only about a dozen instances concerning a couple of thousand children is a small percentage.

But you must consider that for each one I have heard of there are many that have gone undetected.

"I understand that the use of belladonna in Contac pills is quite effective in the control of mucus in nasal passages. But I wonder if the effect is important enough for the continued use of it. I do not feel qualified to recommend the type of control to cover this sale of drug. However it is my opinion as a law enforcement officer that the sale by prescription would help us considerably with this situation."

Signed by Harold W. Higgins, police officer of the City of Belfast, authorized by Richard Lawless, Chief of Police.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Smith.

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: When most of us speak of drugs and drug users we usually think of the more exotic hard drugs which come by a variety of common and generic names. Many people hold the erroneous view that these illegal drugs which are illegally manufactured and produced and procured constitute the entire problem of drug abuse. This perhaps is more nearly true when we speak of addicts of drugs at all ages in all segments of society.

But when we direct our concern to our own young people, high school and college students, with whom I am particularly familiar, with the exception of the rather widespread use of marijuana, a substantial percentage of the so-called drug use by our own young people is initially both manufactured and procured legally.

I speak of the common down drugs which contain compounds described by Representative Santoro, which are used beyond the recommended dosage, or are easily broken down and extracted. And I assure you that this practice is well known and common among a large segment of our young people for the purpose of producing hallucinogenic effects. A more stringent control of these drugs is desirable and necessary if we are really concerned with

the mounting serious drug problem and if we wish to fulfill our responsibilities as law makers to the young people in this very important area.

I hope you will oppose the motion to accept the Majority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker and Members of the House: I have great respect for the gentleman who wrote the letter from Belfast. He also testified at our hearing that young people in the State of Maine were forcing peanut butter, mayonnaise, and other substances into their systems with hypodermic needles in order to get a hallucinating effect.

We realize the problem is here with the belladonna based drugs, that the children can get hold of this type of drug. There is nothing in this bill that will prohibit them going to their folks' medicine cabinet or their neighbor's medicine cabinet and picking up these drugs. I think that possibly the bill does have merit. If it was amended to the point where a person had to be 18 years old or older to pick up these drugs in a proprietary shop I could go along with it. At the present time, when they have to be 20 in order to be able to buy beer and wine, etcetera.

We also have to realize that we do have a large population of senior citizens here in the state. We have areas here in the state very remote from drug stores, and these people would be jeopardized from getting Contac, Sominex, Sleepeze, and so forth, that they may want. They may have to travel 50, 60 miles to the local pharmacy in order to get it. By passing this bill this morning I think it will be a very very feeble effort to control the drug problem here in the state.

The fact that marijuana and the harder drugs have been mentioned here this morning, yesterday at Farmington State College, the State Police made a raid and they picked up five students up there, three of whom were growing marijuana plants in the closet under artificial light. I am quite sure if

our college students at 19 years of age can grow marijuana in closets that certainly our young people who are nine, ten, eleven years of age can do the same thing.

I certainly hope this morning that you will vote to accept the Majority "Ought not to pass" Report.

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

Mr. McCLOSKEY: Mr. Speaker and Ladies and Gentlemen of the House: You are presented this morning with another problem dealing with drugs, and if you are in the same position as I am, you are not quite sure at all times what the exact effect of your voting on a measure such as this will be in the long run; whether it will actually help solve the drug problem or prohibit the sale of drugs, you are not quite sure. But I think that we must try to take measures which seem reasonable, and if they do have a reasonable chance of stopping the use of drugs by our young children, then we should at least try this legislation.

Therefore, I oppose the motion to accept the "Ought not to pass" Report. I might also state that I have a letter from the principal of the Garland Street Junior High School who supports this legislation, and he says that youngsters are naturally curious, and that there is pressure among young children within their peer groups to buy these drugs and to try these experiments.

So we have a number of letters from a number of different high school principals who are probably most familiar with this problem, and about the widespread use of this drug. Therefore, if they think that this type of legislation might help stop the use of these drugs, then I would support this type of legislation.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: I am the sponsor of this legislation, and I was quite surprised at the committee report. Of course I sponsored the bill at

the public hearing. There was a room full of proponents represented by doctors, pharmacists, legislators, including the Speaker, who referred to belladonna as the good doctor does as the "deadly nightshade of the ancients", citizens and law enforcement officers. There were only two opponents present: a Mr. Merciel, who is a Washington attorney, representing the Proprietary Association, and Mr. Wayne James, an employee of LaVerdiere's Drug Stores.

Now the crux of their testimony was that if this is a problem, all patent medicines with belladonna derivatives should be made prescription items. I would now address myself to some of the remarks that the chairman of the committee made in the House the other day, and I would answer it this way, inasmuch as I went to a pharmacist. He said that it had come to my attention that the statement was made on the floor of the House that a person could take as many as 50 Contac capsules without ill effects. This might be true of Paul Bunyan, but even there I would beg to disagree. These are facts that are presented to me by the makers of Contac — Smith, Kline and French, through their local representative. For most people the contents of the granules containing belladonna alkaloids of five Contac is enough to hallucinate, and the contents of eight to ten enough to be fatal.

My concern for the people who use these patent medicines with compounds of the "deadly nightshade of the ancients", let me read to you from the Contac package, the warnings and the dosages. It says "Caution: Children under 12 should use only as directed by a physician; if symptoms persist and are unusually severe see a physician. Do not exceed recommended dosage. Not for frequent or prolonged use. If excessive dryness of the mouth occurs, decrease dosage."

Now this is going to be pretty hard to do because you take one of these capsules for 12 hours. I don't know what you do after you have taken the capsule if this symptom occurs.

I would go on to say that the opinion was brought up in the committee that as far as the cold remedy goes that a couple of aspirin and a cup of hot tea would be just as effective as this drug.

You have heard your testimony from the good doctor who I consider a drug expert in the House. You have heard testimony from the police chief down in Belfast, and you have heard testimony from several of the schools in the Bangor area. Now if this bill gets to the third reader, I have no opposition at all to amendment by Representative Dyar. As a matter of fact I will present an amendment to make all belladonna derivatives a prescription item and let the House decide whether or not they want this.

I hope that you will go along with me in defeating the motion of the gentlewoman from Falmouth, that I may offer a motion to accept the Minority "Ought to pass" Report.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: I think it is interesting to note that the four House signers against treatment of minors for drug abuse without parental consent signed "ought not to pass" on this legislation. How can anyone vote not to help kids get treatment and yet vote to keep selling dangerous drugs over the counter? I hope you reject the Majority Report.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Emery.

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: I would like to rise this morning in complete support of Mr. Norris' bill. The sale of so-called patent medicines in the open market, in drug stores, or Mammoth Mart, or grocery stores, has disturbed me for a long time.

For one thing I don't think that the average man on the street is competent to decide what medicine he needs when he has a cold; or even sometimes to determine whether or not he has a cold. And the availability of many of these

products to school kids, I think, is a very bad thing.

Now some people may be afraid that this bill is going to eliminate all cold remedies. Well, of course, this isn't the case, because you still will be able to buy aspirin, bufferin, and many of these other products which are commonly used in the treatment of colds. It is aimed mainly at belladonna, as you have heard testimony this morning, which is dangerous.

Now in reference to the letter that Mr. Norris read from the person referring to someone taking 50 Contac capsules without having any effect, it seems to me if they have no effect at all he might as well take candy or Life Savers for all the good they do for his cold.

I think it is a little bit foolish sometimes when we consider that these medicines are harmless and shouldn't be by prescription. I would like to see them by prescription, and I would hope that you would go along with the Minority "Ought to pass" Report.

The SPEAKER: The Chair recognizes the gentlewoman from Union, Mrs. McCormick.

Mrs. McCORMICK: Mr. Speaker and Members of the House: In answer to Mrs. Goodwin's question as to how you could sign one report one way and one the other; if you read the backs of those packages, if those drugs are taken as you are supposed to take them they are not dangerous. It is these kids that abuse them. And that is not going to solve the problem. It is the medicine cabinet, not the druggist that is going to clamp down on these. They are getting more at home than they are buying them.

The SPEAKER: The Chair recognizes the gentleman from Webster, Mr. Cooney.

Mr. COONEY: Mr. Speaker and Ladies and Gentlemen of the House: This debate has been really quite fine. I can't help but think that I would agree with anybody who would say they want to keep dangerous drugs out of the hands of young people, and I am sponsoring some legislation later on to help do that.

But I would like to pose a question through the Chair to Mr. Norris of Brewer, or anyone who would care to answer. Can a teenager, under the original proposal, or the rewritten bill, now go into a drug store, under this particular proposal, and get a patent drug such as Contac? Under this bill can they do that?

The SPEAKER: The gentleman from Webster, Mr. Cooney poses a question through the Chair to the gentleman from Brewer, Mr. Norris, who may answer if he chooses; and the Chair recognizes that gentleman.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen: In answer to Mr. Cooney's question, my understanding is that this bill as it is written now restricts the sale so that anyone who would get one of these dangerous remedies would have to get it from the druggist or his assistant—he would have to go to the drug counter. He couldn't go to the counter, take it in his hand, walk to the checkout stand, if that were the thing, and buy the drug and go on his way. He would simply have to pass to the rear of the store to the prescription counter. He doesn't have to have a prescription under this bill as it is now. Simply ask for the drug, then the authorized person who would be the druggist, as I said, a physician, or his assistant, would then ask questions and find out who it was, his age and so forth and so on.

The SPEAKER: The Chair recognizes the gentleman from Webster, Mr. Cooney.

Mr. COONEY: Mr. Speaker, well perhaps I didn't phrase my question clearly enough. Could the pharmacist refuse to sell the drug that was requested?

The SPEAKER: The gentleman poses a further question to the same gentleman; and the Chair recognizes the same gentleman.

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen: I would understand that the pharmacist can refuse to sell anything in the store that he would consider dangerous to anyone.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker and Members of the House: I would like to add to the conclusion that Mr. Norris has just given. The owner of an independent store also has that same right. If a minor comes in and wants to buy a product, he can refuse to sell it.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Members of the House: I would like to tell you a little experience I had with Contac. In the 104th Legislature I lost one full session, one half session, due to Contac tablets. I took five, it says to take eight, and I took five and in a matter of two days and a half I was forced to go over here to the Augusta General Hospital with a blood pressure way out of reach, 230; when it stays about 165; and I was told never never to take another Contac. I believe that some young people, who don't know what they are doing, take this much Contac, they are apt not to be here after taking them.

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

Mr. MURRAY: Mr. Speaker and Ladies and Gentlemen of the House: I think that one point should be made here today. The drug problem in our grammar schools and junior high schools and high school, the main thing is, in a lot of cases these kids are on legal drugs, not illegal drugs. We hear a lot about marijuana and hard drugs, but we seem to be ignoring the real problem, the over-the-counter sale of legal drugs kids can walk in and buy.

This is the purpose of Mr. Norris's legislation and I think it is very good and we should go along with it.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Members of the House: I am sorry to have to admit this, but I can't get up tight about this to the extent that some of you folks are. I go back to the days of Sterno canned heat, bay rum, that sort of thing which was experiment-

ed with. Even I heard of alcohol being drained out of radiators and strained through bread.

Now I have a problem that none of you seem to recognize and I am sure that if you think I am not alone. I represent eleven communities. There is only one drugstore in all that area. This is a pretty good sized territory from Cooper down through Crawford and Pembroke and Dennysville and Marion; down along the coast to Pembroke and Cutler and back up around again. Now there is only one drugstore there and if modern medicine has made some of these things available I think perhaps there must be some way that they can be given to our people except through a drugstore.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: I would like to ask a question through the Chair. If we passed that bill, would it stop me from getting my Geritol?

The SPEAKER: The Chair considers that a facetious question.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: I would address myself to my good friend Mr. Donaghy from Lubec, and if he read the printout that I had put on the desks this morning you will find that we are talking about less than one percent, less than one percent — that is five eighths of one percent of all the proprietary medicines available in the State of Maine. So this isn't going to create a problem in my estimation for anyone, because what this would do away with is readily available under other names and without the deadly belladonna acids in it.

The SPEAKER: The pending question is on the motion of the gentlewoman from Falmouth, Mrs. Payson, that the House accept the Majority "Ought not to pass" Report on Bill "An Act relating to Selling Certain Drugs," House Paper 116, L. D. 160. If you are in favor of accepting the Majority Report you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

25 having voted in the affirmative and 100 having voted in the negative, the motion did not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted, the New Draft read twice and tomorrow assigned.

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

HOUSE DIVIDED REPORT — Majority (12) "Ought not to pass" — Minority (1) "Ought to pass" — Committee on Judiciary on Bill "An Act Providing Professional Immunity to Certain Persons in Emergency Cases" (H. P. 149) (L. D. 204)

Tabled — April 27, by Mr. Hewes of Cape Elizabeth.

Pending — Acceptance of either Report.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Page.

Mr. PAGE: Mr. Speaker, I move that we accept the Minority Report.

The SPEAKER: The gentleman from Fryeburg, Mr. Page, moves that the House accept the Minority "Ought to pass" Report.

The Chair recognizes the gentleman from Houlton, Mr. Haskell.

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill, and before we debate it I am going to offer an amendment which will change the complexion of the bill markedly. So I now offer House Amendment "A" to House Paper 149, L. D. 204.

The SPEAKER: The Chair would advise the gentleman that amendments are not in order at this time.

The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members of the House: To explain what is happening here. As the gentleman from Houlton, Mr. Haskell says, he supported this bill originally and it included police officers, firemen, nurses and other groups, and came out of committee 12 to 1 "ought not to pass." He would like now to offer

an amendment just to have it apply to nurses' immunity — the Good Samaritan law apply to nurses at the scene, and he would like to offer that amendment at some appropriate time, and I believe the third reader is the appropriate time. And that is why he wanted to have the "Ought to pass" Report even with that only one person accepted today and then tomorrow debate the other.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: I was contacted by a very beautiful and a very attractive nurse last night and she wanted me to see what we could do with this bill, so I hope you will go along and keep it alive and we will see what we can do with Mr. Haskell.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Members of the House: I can verify that, because I was there.

The SPEAKER: The Chair will order a vote. All in favor of accepting the Minority "Ought to pass" Report will vote yes; those opposed will vote no.

A vote of the House was taken.

94 having voted in the affirmative and 25 having voted in the negative, the motion did prevail.

The Bill was given its two several readings and tomorrow assigned.

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

HOUSE DIVIDED REPORT — Majority (8) "Ought to pass" — Minority (5) "Ought not to pass" — Committee on Health and Institutional Services on Bill "An Act relating to Licensure of Physical Therapy Assistants and Temporary Permits Under Physical Therapy Law" (H. P. 416) (L. D. 543)— In House, Minority Report accepted.

Tabled — April 27, by Mr. Bunker of Gouldsboro.

Pending — Motion of Mrs. Boudreau of Portland to reconsider.

Whereupon, Mrs. Boudreau of Portland withdrew her motion to reconsider.

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

HOUSE DIVIDED REPORT — Majority (8) "Ought to pass" — Minority (5) "Ought not to pass" — Committee on Health and Institutional Services on Bill "An Act relating to Licensure of Physical Therapy Assistants" (H. P. 530) (L. D. 692) — In House, Minority Report accepted.

Tabled — April 27, by Mr. Scott of Wilton.

Pending — Motion of Mrs. Payson of Falmouth to reconsider.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Payson.

Mrs. PAYSON: Mr. Speaker, I withdraw my motion to reconsider this bill. It is covered by an order passed this morning. This is in concurrence with the wishes of the sponsor of the bill, Mr. JAlbert of Lewiston.

Thereupon, Mrs. Payson withdrew her motion.

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

HOUSE DIVIDED REPORT — Majority (8) "Ought not to pass" — Minority (5) "Ought to pass" — Committee on Health and Institutional Services on Bill "An Act relating to Use of Hypodermic Syringes" (H. P. 1019) (L. D. 1398)

Tabled — April 28, by Mr. Gill of South Portland.

Pending — Acceptance of either Report.

The SPEAKER: The Chair recognizes the gentlewoman from Bangor, Mrs. Doyle.

Mrs. DOYLE: Mr. Speaker and Ladies and Gentlemen of the House: I move that we accept the Minority Report and would speak to my motion briefly.

The SPEAKER: The gentlewoman from Bangor, Mrs. Doyle moves that the House accept the Minority "Ought to pass" Report. The gentlewoman may proceed.

Mrs. DOYLE: Mr. Speaker and Members of the House: I would

just like to say that this type of legislation already exists in many if not most other states. Yet again, as all of our drug bills, it is not an answer to the drug problem, but it will help to control it.

At the present time in some hospitals and drugstores people can and do come in and help themselves to syringes and needles. With the passage of L. D. 1398 these items would not be so readily available to those who would abuse the usage. It has been argued that this legislation would inconvenience people who need syringes, such as diabetics. This is not the case. Anyone with a legitimate reason for possessing a syringe and needle, could still obtain these on a prescription basis.

Therefore, I have made the motion that we accept the "Ought to pass" Report.

Thereupon, the Minority "Ought to pass" Report was accepted, the Bill read twice and tomorrow assigned.

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

Bill "An Act relating to Suspension of Motor Vehicle Operator's License for Speeding Violation" (H. P. 1151) (L. D. 1602)

Tabled — April 28, by Mr. Marsteller of Freeport.

Pending — Passage to be engrossed.

Mr. Gagnon of Scarborough offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-203) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. GAGNON: Mr. Speaker and Members of the House: It seemed to me that one of the major objections from some of the opponents on this measure was that there wasn't any allowance made for the possible error in a speedometer or the possible pickup for an unintentional few miles an hour over and above the speed limit. To facilitate this view, I didn't feel it would have an objective result on this intent to amend it to read "any violation ten miles an hour or more." I would hope that you

would go along with this bill as it is amended in view of the fact that it is a safety measure and vote it through in third reading.

Thereupon, House Amendment "A" was adopted and the Bill passed to be engrossed as amended and sent to the Senate.

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

Bill "An Act relating to the Administration of Welfare Programs" (H. P. 1271) (L. D. 1672)—In Senate, passed to be engrossed. — In House, passage to be engrossed reconsidered.

Tabled — April 28, by Mr. Martin of Eagle Lake.

Pending — Adoption of House Amendment "A" (H-183)

On motion of Mr. Martin of Eagle Lake, retabled pending the adoption of House Amendment "A" and tomorrow assigned.

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

SENATE REPORT — "Ought to pass" with Committee Amendment "A" (S-91) — Committee on County Government on Bill "An Act Creating Oxford County Commissioner Districts" (S. P. 270) (L. D. 798) — In Senate, Report accepted and Bill passed to be engrossed as amended by Committee Amendment "A."

Tabled — April 28, by Mr. Immonen of West Paris.

Pending — Acceptance in concurrence.

Thereupon, the Report was accepted in concurrence and the Bill read twice.

Committee Amendment "A" (S-91) was read by the Clerk.

Mr. Immonen of West Paris offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-201) was read by the Clerk and adopted. Committee Amendment "A" as amended by House Amendment "A" thereto was adopted in non-concurrence and the Bill assigned for third reading tomorrow.

The Chair laid before the House a matter tabled earlier and later today assigned:

Bill "An Act relating to Suspension of Motor Vehicle Operator's License and Registration" (S. P. 192) (L. D. 553.) (C. "A" S-93) (S. "A" S-104)

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

Mr. DUDLEY: Mr. Speaker and Members of the House: This bill now has two very conflicting amendments on it. It is so dis-

torted that I doubt if the sponsor would recognize his own bill. And to expedite matters, I move that it be indefinitely postponed and I don't think anything more needs to be said except that you read the two amendments.

Thereupon, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

On motion of Mr. Cottrell of Portland,

Adourned until twelve o'clock noon tomorrow.