

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

Friday, April 30, 1971

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

Prayer by the Rev. Mr. George T. Baggs of Ocean Park.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Communication: (S. P. 557)

April 26, 1971

TO THE MEMBERS OF THE 105TH LEGISLATURE:

The Committee on Inland Fisheries and Game was established by Joint Order No. 537 of the 104th Legislature. It was directed by the Legislature to make a detailed analysis of the functions, data and general operations of the State Department of Inland Fisheries and Game; to determine where possible, current levels of efficiency and the extent to which its funds are being properly utilized. The Committee has inquired at great length into those matters referred to it and has the honor to submit herewith its report to the 105th Legislature as charged.

The Committee wishes to acknowledge its appreciation of the cooperation and service rendered by the Department of Inland Fisheries and Game in connection with the study. The Committee sincerely hopes that the findings and recommendations herein contained will be of benefit to Members of the Legislature and the public at large.

Respectfully submitted,
(Signed) ALBERT W. HOFFSES
Senator

Albert W. Hoffses,
Chairman
Committee on Inland
Fisheries and Game

Came from the Senate read and with accompanying Report ordered placed on file.

In the House, the Communication was read and with accompanying Report ordered placed on file in concurrence.

**Reports of Committees
Ought to Pass**

Report of the Committee on Appropriations and Financial Affairs,

acting in accordance with Joint Order (S. P. 550) reporting a Bill (S. P. 556) (L. D. 1694) under title of "An Act Making Additional Appropriations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1971" and that it "Ought to pass"

Report of the Committee on Health and Institutional Services reporting "Ought to pass" on Bill "An Act relating to Fees and Compensation of the State Board of Administrators of Medical Care Facilities" (S. P. 238) (L. D. 754)

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed.

In the House, the Reports were read and accepted in concurrence, the Bills read twice and assigned the next legislative day.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act relating to Board of Examiners for the Examination of Applicants for Admission to the Bar and Applicants for Such Examination" (S. P. 178) (L. D. 530) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. TANOUS of Penobscot
HARDING of Aroostook
QUINN of Penobscot
— of the Senate.

Messrs. ORESTIS of Lewiston
LUND of Augusta
Mrs. WHEELER of Portland
Mrs. WHITE of Guilford
Mr. PAGE of Fryeburg
Mrs. BAKER of Orrington
Mr. 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:

Messrs. HENLEY of Norway
CARRIER of Westbrook
HEWES

of Cape Elizabeth
— of the House.

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

In the House: Reports were read.

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

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

The SPEAKER: The gentleman from Augusta, Mr. Lund, moves that the House accept the Majority "Ought to pass" Report in concurrence.

The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Ladies and Gentlemen of the House: I wish to state very briefly to you as a signer of the Minority Report some of the objections to the passage of this bill. I hope that you have had time to look at the bill and I wish to point out to you some of the inequities in the bill.

In the first place this bill asks that they increase the number of bar examiners from five to seven. This five to seven places a hardship on an applicant — seven members will be harder to please than five will be. It also says in the first half of the bill that they have to be competent lawyers. I haven't found any definition as to what competent lawyers are, but I don't doubt their ability or anything but — this is how this bill is all fouled up really.

On the second page in the first paragraph towards the end, of the membership of seven members, if this passes it says that a quorum will be three. Well I have never heard of three being a quorum of seven either. Maybe I haven't been around too much, but this is the way I look at it.

Now if I interpret Section 802, which is on the second page, right, this would actually eliminate anybody that would want to take a bar exam in the State of Maine, this is very common that they go to the State of Massachusetts to make their studies and they want to take a bar exam here. They have to domicile in Maine. Now many students have changed their domicile during their three years of study in Massachusetts. I think that under this thing here, in other words, this is limiting the number

that is to — unless you live in Maine you cannot have a lawyer's license in Maine. I don't think that this is right. I think that there are many lawyers right in this House here that have licenses to practice in Massachusetts and I don't see any harm in it at all. But this is one of the things that it does take out.

Now it also — it is not written in there, but this Section 803, two years ago, or four years ago, this Legislature passed a bill to help the crippled, the handicapped, to take the bar exam. But this bill, this is what they call the Don Seguin bill, and it just eliminates testing. In other words, what this eliminates without saying so is the fact that if there is somebody that is crippled and cannot actually take a bar exam, even if he has completed and passed a correspondence course.

Now in the last four years there is one — when we passed this four years ago, and I thought it was a good law, there is only one of them that has taken the bar exam since then and today he is making a good living. We have always mentioned and tried to help the handicapped, well I think this section right here is just the opposite of it.

You will also notice, if you have read this, that this eliminates a set fee, to take the bar exam. Now I think that most of you who have been on committees and have been subjected to somebody that wants to make a new board or licensing board, this is one of the main things you look for. How much does it cost for the applicant to take the bar? So in other words, there is no set fee; they could charge one person \$50, they could charge another one \$100 if they wanted to.

Now they also eliminated the passing rank, which was 70. They also eliminated that part. The average rank would be a passing grade established by the board. I don't think that this is fair. I think that anybody should know what he has to achieve in order to pass the bar, and I really believe that this is not good.

But the crux of this bill is, ladies and gentlemen, if you look on

page four and read the first few words. It says if you have "a card showing the proficiency he has attained in each branch or subject." Now this changes the situation, which will be changed as a matter of fact by amendment — it says here that "they were obliged to give you a mark in every subject that you take."

Now they haven't done, and this is the most important thing why I am against this bill. I claim, and they haven't denied it, that the bar examiners have broken the law for the last fifteen years, because this they have not done. And it is a pretty sad state of affairs when that comes within the bar examiners' place. I really think this is the worst part of the bill.

There are a lot of inequities, there are a lot of unpleasantries that could be said on this thing. I am not going to go into it. I think that this is an extremely bad bill. I think that one of the most important questions I thought was when one of the examiners was asked, "Well what does this do to qualify or to help an applicant?" And all we got in hearing was a mumble-jumble answer; we never did get the answer because this in no way helps any applicant.

I submit to you — I won't make a motion at this time, but I hope that you vote against the acceptance of the "Ought to pass" Report and then we can go on with the "Ought not to pass" Report.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: You all might be interested to know that the matter of admission to practice in the courts of our states are under the control of statute and the legislature has delegated the responsibility for conducting the bar examinations so-called, the written examinations that qualify a person to practice law and give legal advice and practice in our courts, this chore has been delegated to the group known as the Board of Bar Examiners.

I am somewhat touched by Carrier's comment about competent

lawyers, because if you look on page two of L. D. 530 you will see that the members of the Board of Bar Examiners are compensated for their services in the amount of \$10 per day; and perhaps there might be some serious question about the competence of these public-spirited men who carry on this work if they were doing it in fact for the \$10 a day which they are paid. But they are not; it is a labor of love, and the Board of Bar Examiners carry on this work willingly, and this measure, L. D. 530, was submitted with the recommendation of the Board of Bar Examiners and with the support of the Maine Bar Association.

I am not going to attempt to answer all of the complaints that are made in regard to this bill, except to say that at the hearing, as I recall it, there was not a great deal of objection—I don't recall if there was any objection raised to the bill other than by the gentleman from Westbrook, Mr. Carrier.

I think it represents an effort on the part of the Bar Examiners to improve the procedure which we now have for approving those people who are qualified to practice law in the state. I hope that you will vote in favor of the "Ought to pass" Report.

The SPEAKER: The Chair will order a vote. All in favor of accepting the Majority "Ought to pass" Report in concurrence on Bill "An Act relating to Board of Examiners for the Examination of Applicants for Admission to the Bar and Applicants for Such Examination," Senate Paper 178, L. D. 530, will vote yes; those opposed will vote no.

A vote of the House was taken.

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

The Bill was given its two several readings.

Committee Amendment "A" (S-108) was read by the Clerk and adopted in concurrence. Senate Amendment "A" (S-121) was read by the Clerk and adopted in concurrence, and the Bill assigned for third reading the next legislative day.

Non-Concurrent Matter

Bill "An Act Increasing Compensation for Members of the State Board of Barbers" (H. P. 907) (L. D. 1251) which was indefinitely postponed in non-concurrence in the House on April 21.

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

In the House:

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

Mr. ROSS: Mr. Speaker, I move that we recede from our former action and concur with the Senate.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that the House recede from its former action and concur with the Senate.

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

Mr. DYAR: Mr. Speaker, a parliamentary inquiry. Is it in order to move indefinite postponement of Senate Amendment "A"?

The SPEAKER: The Chair would advise the gentleman that the only motions that are in order on this particular item are recede and concur, insist and adhere.

Thereupon, the House voted to recede and concur.

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act relating to Disposition of Portion of Fees Collected by Maine State Park and Recreation Commission" (S. P. 20) (L. D. 48) which was recalled from the Governor to the Senate by Joint Order (S. P. 552) and which was passed to be enacted in the House on April 15 and passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" as amended by House Amendment "A" thereto on April 9.

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

In the House: On motion of Mr. Hancock of Casco, tabled pending further consideration and specially assigned for Tuesday, May 4.

Orders

Mr. Kelleher of Bangor moved that the House reconsider its action of yesterday whereby Resolution Proposing an Amendment to the Constitution to Provide for the Selection and Duties of a Lieutenant Governor. (S. P. 545) (L. D. 1678) failed of final passage.

Whereupon, on motion of Mr. Ross of Bath, tabled pending the motion of Mr. Kelleher of Bangor to reconsider and specially assigned for Tuesday, May 4.

**House Reports of Committees
Ought Not to Pass**

Mr. Silverman from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act relating to Operation of Motor Vehicles on Ice" (H. P. 778) (L. D. 1044)

Mr. Smith from same Committee reported same on Bill "An Act to Permit Municipalities to Promote Highway Safety by Adopting the Model Traffic Ordinance" (H. P. 780) (L. D. 1046)

Mr. Finemore from the Committee on Taxation reported same on Resolution Proposing an Amendment to the Constitution Limiting the Maximum Rate of the Sales Tax (H. P. 1197) (L. D. 1648)

Mr. Morrell from same Committee reported same on Bill "An Act relating to Persons Required to Make Returns of Income for Income Tax Purposes" (H. P. 1062) (L. D. 1453)

Mr. Ross from same Committee reported same on Bill "An Act Providing for State Contribution to Industrial Pollution Abatement" (H. P. 974) (L. D. 1335)

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

**Leave to Withdraw
Covered by Other Legislation**

Mr. Morrell from the Committee on Taxation on Bill "An Act relating to Relieving Elderly Persons from Increases in the Property Tax" (H. P. 34) (L. D. 66) reported Leave to Withdraw, as covered by other legislation.

Report was read and accepted and sent up for concurrence.

**Ought to Pass
Printed Bills**

Mr. Brawn from the Committee on Legal Affairs reported "Ought to pass" on Bill "An Act relating to Permits for Carrying Concealed Weapons" (H. P. 495) (L. D. 636)

Mr. Cote from same Committee reported same on Bill "An Act Repealing the New England Welfare Compact" (H. P. 603) (L. D. 805)

Mr. Collins from the Committee on Taxation reported same on Bill "An Act relating to Unorganized Territory Working Capital Fund" (H. P. 659) (L. D. 889)

Reports were read and accepted, the Bills read twice and assigned the next legislative day.

**Ought to Pass with
Committee Amendment**

Mr. Bragdon from the Committee on Appropriations and Financial Affairs on Bill "An Act to Allocate Moneys for Administrative Expenses of the State Liquor Commission for the Fiscal Years Ending June 30, 1972 and June 30, 1973" (H. P. 289) (L. D. 389) reported "Ought to pass" as amended by Committee Amendment "A" (H-204) submitted therewith.

Mr. Gill from same Committee on Bill "An Act Appropriating Moneys to Supplement Loans by Maine School Building Authority" (H. P. 1008) (L. D. 1387) reported "Ought to pass" as amended by Committee Amendment "A" (H-205) submitted therewith.

Reports were read and accepted and the Bills read twice. Committee Amendment "A" to each was read by the Clerk and adopted, and the Bills assigned for third reading the next legislative day.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Election Laws on Bill "An Act relating to Alternative Methods of Nominating Candidates" (H. P. 934) (L. D. 1288) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. MARTIN of Piscataquis
SHUTE of Franklin

MOORE of Cumberland
— of the Senate.

Messrs. ROSS of Bath
HANCOCK of Casco
BINNETTE of Old Town

Mrs. WOOD of Castine
Mrs. BOUDREAU of Portland

Mr. BUNKER of Gouldsboro
— of the House.

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

Report was signed by the following members:

Messrs. VINCENT of Portland
MARSTALLER

— of Freeport
Mrs. BROWN of York

— of the House.

Reports were read.

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

Mr. ROSS: Mr. Speaker, I move that the House accept the Majority "Ought to pass" Report.

Whereupon, on motion of Mrs. Brown of York, tabled pending the motion of Mr. Ross of Bath that the House accept the Majority "Ought to pass" Report and specially assigned for Monday, May 3.

Report on Initiated Bill

Mr. Ross from the Committee on Taxation on Bill "An Act Repealing the 'Maine Income Tax Law'" (I. B. 1) (L. D. 1536) reported that the Committee recommends that no action be taken by the Legislature with reference to passing the accompanying Bill and that no competing measure be submitted; that the Initiated Bill be submitted to the electors of this State in accordance with the Constitution; that a certified copy of this Report be transmitted to the Governor.

Report was read.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: No one in this Legislature has ever seen a committee report like this, because none of us have been here that long. Quite a lot of research went into the proper committee report. For initiated bills have not been very many. The latest one was on a Right to Work situation. We couldn't use that

wording because competing bills did go out at the same time.

However, in 1927, we found that the people had initiated a bill relative to primary elections. It had no competing measure and the wording of the committee was as ours is today. Again, in 1933, a bill was initiated to raise the excise tax on power companies. Again, the same wording was in the committee report.

Then going over these reports very carefully, I found a grammatical error. Both reports said that the initiated bill to be submitted to the 'election' of the State. Of course this didn't make any sense. They meant that it should be referred to the electorate or the electors of the State. We chose to use the new word 'electors'. It has been checked out with the Constitution and found to be constitutional, and now with this explanation I move that the House accept the committee report.

Thereupon, the Report was accepted and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act to Adopt a State of Maine Code of Military Justice" (S. P. 441) (L. D. 1279)

Bill "An Act relating to Bail or Personal Recognizance for Misdemeanors" (S. P. 555) (L. D. 1692)

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

Third Reader

Tabled and Assigned

Bill "An Act Providing Professional Immunity to Certain Persons in Emergency Cases" (H. P. 149) (L. D. 204)

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

Mr. Haskell of Houlton offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-199) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. HASKELL: Mr. Speaker and Members of the House: Very briefly, the effect of this amendment is

to reduce this bill, which was quite comprehensive in extending immunity against civil action, people involved in emergency first aid care, to a single category. The bill now is a bill to provide immunity to nurses, who provide emergency first aid care outside of a health facility.

The whole bill got caught up in the controversy between the two opposing viewpoints of indemnity versus immunity, but I think if you reflect a minute you will see that a nurse ordinarily is employed as a professional and is not employed by a municipality or the public generally. So it is difficult to apply the principle of indemnity.

We do at the present time, as I understand it, provide immunity to physicians, we provide it for ski patrol members, and we have passed a bill in this House which has not yet been signed by the Governor but which does provide immunity for ambulance personnel. The situation as far as a nurse is concerned basically is this. A nurse normally does carry malpractice insurance. This provides protection for her against suits for malpractice acts which she might perform while employed in a hospital, but it does not give coverage if a nurse volunteers to give gratuitous first aid in an emergency scene, for example in a highway accident.

The reason for my interest in this basically is that among the recommendations of the Federal Highway Administration in setting up a highway safety program is this, I will read from their recommendation, "Properly constituted Good Samaritan laws should be considered to protect persons giving first aid against unwarranted law suits. This should be done in concert with public education, emphasizing the value of Good Samaritan actions."

It seems to me that the only course that the Legislature can take to encourage nurses to provide very valuable first aid assistance at the scene of an accident is to give them the same immunity which we have given to physicians. Certainly they would be, in my view, the most expert people in the citizenry to give emergency first aid treatment. I

think it would be unreasonable to expect them to buy additional insurance coverage so that they could give this protection.

This coverage, from my best information, would run from fifteen to twenty-five dollars a year, and I think that for our own safety and our own protection that we should extend this immunity to nurses so they could provide first aid treatment at the scene of an accident without fear of an unwarranted law suit.

Thereupon, House Amendment "A" was adopted.

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

Mr. HEWES: Mr. Speaker and Members of the House: Now that House Amendment "A" has been adopted, so that the bill now in its entirety, as H-199, and that is that licensed registered nurses shall be immune for any civil liability for any negligence that they commit while acting as a Good Samaritan. The law has always been in this state that a person is accountable for his or her acts and this setting forth immunity for one particular class, nurses, would be contrary to our basic common law.

One might ask, why select nurses only? Well, the gentleman from Houlton, Mr. Haskell's original bill L. D. 204 did set forth a larger category and our committee felt 12 to 1 that it ought not to pass, and he has now amended it down to just nurses.

I submit that there is no need for this immunity here, that this is a foot in the door, that other people, other groups will be in for immunity in future years. He asked that the nurses be given the same immunity that the doctors have; I suggest that they do have that same immunity now. I say that doctors are accountable for their acts. I respectfully ask that you continue to have nurses accountable for their acts and vote against third reader at this time.

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

Mr. McTEAGUE: Mr. Speaker, I would ask permission to pose a question through the Chair to the

gentleman from Houlton, Mr. Haskell.

The SPEAKER: The gentleman may pose his question.

Mr. McTEAGUE: You stated, I believe, that physicians now enjoy this same immunity. I wonder if you could tell us the title and the section number in the Maine Revised Statutes that sets this out, and read it to us please, if you have it available.

The SPEAKER: The gentleman from Brunswick, Mr. McTeague, poses a question through the Chair to the gentleman from Houlton, Mr. Haskell, who may answer if he chooses. And the Chair recognizes that gentleman.

Mr. HASKELL: I am very sorry I am unable to. It has been my understanding that this was the case, that immunity had been extended to physicians. I may be in error; if I am I am sorry.

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

Mr. McTEAGUE: Mr. Speaker, in order that this point should be cleared up and that both Mr. Haskell and I can have a chance to check this. I wish that someone would consider tabling this for one legislative day.

Whereupon, on motion of Mr. Emery of Auburn, tabled pending passage to be engrossed and specially assigned for Monday, May 3.

Third Reader Tabled and Assigned

Bill "An Act relating to Requirement of Schools of Barbering and Training for Registration as a Barber" (H. P. 740) (L. D. 1002)

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

(On motion of Mr. Cooney of Webster, tabled pending passage to be engrossed and specially assigned for Tuesday, May 4.)

Third Reader Amended

Bill "An Act relating to Use of Hypodermic Syringes" (H. P. 1019) (L. D. 1398)

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

Mrs. Doyle of Bangor offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-207) was read by the Clerk and adopted, and the Bill was passed to be engrossed as amended and sent to the Senate.

Bill "An Act to Amend the Charter of the Presque Isle Water District" (H. P. 1212) (L. D. 1659)

Bill "An Act relating to Sinking Fund for Bath Water District" (H. P. 1282) (L. D. 1682)

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

Bill "An Act relating to Selling Certain Drugs" (H. P. 1292) (L. D. 1693)

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

Mr. Norris of Brewer offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-210) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: I stated on the floor of the House yesterday that if we accepted this bill, because of some of the people that I talked to about the bill, that I would offer the amendment. I said this on the floor of the House and it is in the record, that I would offer an amendment to make these drugs a prescription item only. I must add that I am not up tight about this. As I said then, I don't care whether this is added or not, but I am leaving it entirely to the discretion of the House.

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

Mr. DYAR: This morning the members of the Health and Institutional Services Committee got a letter which I think possibly clarifies the stand of the proprietary people and possibly many of the public in the State of Maine. I would like to read part of this letter.

"This letter is written because it is my understanding that there is an effort in the 105th Legislature to pass a bill which would allow a state agency (probably the pharmacy board) to designate any proprietary medicine as "subject to abuse" and in effect to restrict its sale to drug stores. This means that the Board of Pharmacy could list any proprietary drug (even aspirin, or cold tablets, or laxatives) on the schedule of controlled substances, and require that all sales be recorded and signed for. This would make it impossible for food outlets and discount chains to sell these proprietary medicines. The druggists can just create a monopoly for themselves at the public's expense. Many supermarkets and discount Health and Beauty Aid Stores sell these items at prices 15 to 20 per cent lower than the suggested retail price. If the druggist was to handle these items exclusively, the cost to the Maine public would be increased by the forementioned 15 to 20 per cent. In a state with a record of low paying jobs and a high cost of living, an additional burden would be placed on the Maine consumer for an unnecessary control."

It states further that "Practically all such monopolistic efforts have been concentrated at the state level, particularly in the state legislatures. The earliest arguments by the druggists' lobby were not too persuasive and failed to win much attention or support.

However, in recent years the druggists' arguments have become more sophisticated and therefore more effective with state legislators who lack experience and background in the field. The most recent arguments have been:

People are not using medicines properly. They are taking them when they shouldn't or are mixing them with other medicines which are not compatible.

It matters not whether the drug or medicine is purchased in drug-store or in a corner grocery; the fact is that, when a purchaser walks out of the store, all control over the drug or medicine passes from the seller, and from that time on the responsibility for

proper usage lies entirely with the purchaser.

Many over-the-counter products are subject to abuse, are being abused (particularly by the young), and such abuse can be precluded if those products with a potential for abuse are restricted to personal sale by a pharmacist (or to sale only in a drugstore.)"

I would submit that this letter brings out many of the points that I tried to argue here on the floor yesterday morning, and I would like to add one further point, that Mr. Norris did read from the back of a package of Contac. If he had had a box of Ex-Lax here yesterday morning, he would have read the same thing.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House; I am rather disturbed to see that this issue has been turned into an issue of the druggist versus the retailers, because I feel that the basic issue here is safety.

Now we heard some very important testimony yesterday about the dangers of belladonna and associated drugs. I feel that it would be very advisable to keep many of these products out of some of the retail stores, such as the discount stores, where they are readily available to everyone, regardless of age or intention. And I would hope that the House would as well adopt this House Amendment presented by the gentleman from Brewer and allow this bill to pass on to enactment. I think this is very important legislation, and I hope that you will all go along with me.

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

Mr. DRIGOTAS: Mr. Speaker, may this item be tabled until Tuesday, May 4?

Thereupon, Mr. Norris of Brewer requested a division.

The SPEAKER: A vote has been requested on the tabling motion. All in favor of this matter being tabled and specially assigned for Tuesday, May 4, will vote yes; those opposed will vote no.

A vote of the House was taken.

57 voted in the affirmative and 58 voted in the negative.

Whereupon, Mr. Drigotas of Auburn requested a roll call vote.

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 Auburn, Mr. Drigotas, that this matter be tabled and specially assigned for Tuesday, May 4, pending the adoption of House Amendment "A." If you are in favor of tabling you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Barnes, Bedard, Bernier, Berry, G. W.; Berube, Binnette, Bither, Boudreau, Bourgoin, Bragdon, Bunker, Carey, Carrier, Carter, Clemente, Conley, Cooney, Cote, Cyr, Dam, Donaghy, Dow, Drigotas, Dudley, Dyar, Emery, E. M.; Farrington, Fecteau, Gauthier, Genest, Henley, Kelleher, Kelley, R. P.; Keyte, Lawry, Lebel, Lessard, Lewis, Lincoln, Lizotte, Lucas, Mahany, Manchester, Martin, McCloskey, McCormick, McKinnon, McTeague, Millett, Murray, Payson, Pontbriand, Shaw, Sheltra, Shute, Simpson, T. R.; Slane, Smith, D. M.; Starbird, Theriault, Wheeler, Wight.

NAY — Ault, Bailey, Baker, Bartlett, Birt, Brawn, Bustin, Call, Churchill, Collins, Cummings, Curran, Curtis, T. S., Jr.; Doyle, Emery, D. F.; Evans, Finemore, Fraser, Gagnon, Good, Goodwin, Hall, Hancock, Haskell, Hawken, Hayes, Herrick, Hewes, Hodgdon, Immonen, Jutras, Kilroy, Lee, Lewin, Littlefield, Lund, Lynch, MacLeod, Maddox, Marstaller, McNally, Mills, Morrell, Mosher, Norris, Parks, Porter, Pratt, Rocheleau, Rollins, Ross, Santoro, Scott, Silverman, Simpson, L. E.; Smith, E. H.; Stillings, Susi, Trask, Tyn-

dale, Vincent, Webber, White, Whitson, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Berry, P. P.; Brown, Clark, Cottrell, Crosby, Curtis, A. P.; Faucher, Gill, Hanson, Hardy, Jalbert, Kelley, K. F.; Kelley, P. S.; Marsh, O'Brien, Orestis, Page, Rand, Tanguay.

Yes, 63; No, 68; Absent, 19.

The SPEAKER: Sixty-three having voted in the affirmative and sixty-eight having voted in the negative, with nineteen being absent, the motion does not prevail.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am not really sure I ought to get involved in this but I will. I happen to live in a very small town, and we just happen not to have a drug store, and I assume this may be true in the instance of many people. I would, I guess, have to drive twenty miles to get any of this stuff, and I am aware of the problems that we are trying to probably solve today. But I would pose a question to the gentleman from Brewer, Mr. Norris. Under his bill, could anyone else be authorized to sell this in a community that does not have a licensed pharmacist? And I say this with chagrin because I am probably in trouble by even mentioning the word pharmacist.

Also, in light of the same question, if that is the case that anyone else would not be allowed to sell, could we, under his bill, perhaps amend this portion to authorize someone that might be qualified to sell in a town where there is no one else that could do it?

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, 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 and Ladies and Gentlemen of the House: To answer the Minority Floor Leader, under my bill, as I understand it and the way it is written, this would be controlled by a pharmacist or his assistant. As far as the debate that we are having right now, I simply offered

this amendment to make this a prescription item. As I say on that, it is entirely up to the House whether they make it a prescription item or not. I am not all that up tight about it, and we can act on that.

Now I would suggest this, and as I said yesterday to Representative Martin, that we are talking about less than one percent of the proprietary medicines in the state, of the patent medicines, less than one percent, or maybe about half a dozen items that contain belladonna or scopolamine, whichever you prefer to call it, and this is a dangerous poison, and it is something that I don't feel — and I am not a pharmacist, and I think I pointed out yesterday, this is not a pharmacist bill, they assured me that they are not behind it a hundred percent at all — that I don't feel that this poison should be available to users that particularly abuse it and to older people who might be suffering from glaucoma and so forth and so on. Does that answer your question?

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I agree with the purpose of the bill, but again something else comes to mind. If in a small town they decide that no one is going to be allowed to have the ability to prescribe those six or seven drugs, that they can go to the drug store and pick them up, I am wondering whether or not it could not compound the problem in a small community when the parent says, "Well, I'm going to go down and bring six of these so that I will have them if I need them." And the child gets home and says, "Well, my dad has six boxes of these, he is not going to miss them, I will take a couple so I can get high on them." Aren't we compounding the problem?

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: To answer that, these particular drugs, as I submitted, are not a necessity. These particular

items are not a necessity to anyone's welfare. A couple of aspirin and a cup of hot tea will help you just as well as any one of them. So they are not a necessity, they are a poison that is on the market, and they should be regulated. That is my position exactly.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: I have had a cold since I have been here all week, and I have taken one every day. I haven't been poisoned yet.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I am wondering what the authority is that Mr. Norris speaks from. Is he a practicing pharmacist or M. D. to tell us what is good and what is bad? I think this is actually against the law what he is doing right now.

There are many things that are poison if you take them in improper quantities; and to name one very common one is common table salt. But as far as that goes, there are many things that are sold generally to the public, such as rat poison, roach poison, that sort of thing. Are we going to limit on someone's whim what shall or shall not be sold to the public? I certainly don't want my children or your children involved in something like this, but if this is not a proper drug to be dispensed I am sure the Food and Drug Administration of the United States would have done something about it long before this.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: This is getting more complex all the time, and I think perhaps when I get through it may be still more.

I voted for this bill yesterday feeling that restrictions were needed, we will say, in the sale of this type of drugs. I felt that our druggists would handle this properly, and would not distribute these drugs to children, or perhaps to

old people whom they felt should not have them. Certainly this would not happen if they were sold in our supermarkets.

I still can't bring myself to vote for this bill with Mr. Norris's amendment, because I do not feel that we should go that extra step which, if I understand it correctly, then have to go to a doctor to get these under prescription. I think perhaps before I sit down I would move the indefinite postponement of Mr. Norris's amendment.

The SPEAKER: The Chair understands the gentleman from Perham, Mr. Bragdon, moves the indefinite postponement of House Amendment "A". The Chair will order a vote. All in favor of indefinite postponement of House Amendment "A" will vote yes; those opposed will vote no.

A vote of the House was taken.

114 having voted in the affirmative and 10 having voted in the negative, the motion did prevail.

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

Mr. DONAGHY: Mr. Speaker, I now move indefinite postponement of the bill and all its accompanying papers.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, now moves that L. D. 1693 be indefinitely postponed.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: Now that the apparently offensive amendment has been taken care of I certainly don't feel that we ought to make a step backward. We gave this bill quite a resounding vote yesterday, 100 to 25, as a matter of fact. And I can't believe that people have changed their minds to that extent today.

Now I think the intent of this bill is very good, and it will remove some of these very dangerous drugs from the hands of people who shouldn't have them. And it will put the regulation of the sale of these particular materials in the hands of people who are competent to handle them. It in no way restricts the sale of these drugs to people who need them.

As I understand it, anyone who has a cold and feels that they need Contac or some of these other drugs that have belladonna and other drugs in them can go to the pharmacist and on the pharmacists' discretion he can obtain them. Now I won't belabor the point any more, but I certainly hope you will vote against indefinite postponement.

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

Mr. DRIGOTAS: Mr. Speaker and Members of the House: I would like to pose a question through the Chair to whomever might want to answer or care to answer. Has anyone any documented information as to how many deaths have occurred from over dosages of this type of medicine in the State of Maine?

The SPEAKER: The gentleman from Auburn, Mr. Drigotas, poses a question through the Chair to any member who may answer if they choose.

The Chair recognizes the gentleman from Bangor, Mrs. Doyle.

Mrs. DOYLE: Mr. Speaker and Members of the House: I don't believe that there have been any fatalities from this particular type of medication, but at least three percent of the cases that have been reported to the Rap Centers involved these drugs. And there are other cases that have been reported through the Poison Control Center, and I gave federal figures on those yesterday.

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

Mr. DYAR: Mr. Speaker and Members of the House: In answer to Mr. Drigotas' question, the federal figures show, I believe, 36 cases that have been brought to the attention of the federal government, out of 200 million people in the country.

But one thing Mr. Norris brought up this morning is the fact that the pharmacist or his assistant could dispense these items. A short while ago in this House we voted against a bill which would allow a 17-year old to sell beer without supervision. I would submit this morning that a 17-year old in a

drug store could be the druggist's assistant.

The SPEAKER: The pending question is on the motion of the gentleman from Lubec, Mr. Donaghy, that Bill "An Act relating to Selling Certain Drugs," House Paper 1292, L. D. 1693, be indefinitely postponed. The Chair will order a vote. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

51 having voted in the affirmative and 77 having voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

Bill "An Act Providing for a Feasibility Study for Future Highway Improvements in the U. S. Route 1 Corridor from Warren to Belfast" (H. P. 1295) (L. D. 1696)

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

Third Reader

Tabled and Assigned

Bill "An Act relating to Winter Maintenance of State Aid Highways and Town Ways by Municipalities" (H. P. 1296) (L. D. 1697)

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

Mr. Rollins of Dixfield offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-209) was read by the Clerk.

(On motion of Mr. Lee of Albion, tabled pending the adoption of House Amendment "A" and specially assigned for Monday, May 3.)

Amended Bills

Bill "An Act to Authorize the Hallowell Water District to Collect and Treat Sewage" (S. P. 452) (L. D. 1375)

Bill "An Act to Amend the Marine Worm Tax" (H. P. 559) (L. D. 735)

Bill "An Act relating to Fixing Boundaries or Locations for Highway Purposes" (H. P. 951) (L. D. 1314)

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 and Assigned**

Bill "An Act relating to Hunting from Vehicles, Aircraft, Boats and Snowmobiles" (H. P. 1147) (L. D. 1588)

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

(On motion of Mr. Mills of Eastport, tabled pending passage to be engrossed and specially assigned for Tuesday, May 4.)

Resolve Designating a Certain Road in Northeastern Maine as John F. McDevitt Road (H. P. 978) (L. D. 1340)

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

Bill "An Act to Reconstitute School Administrative Districts Numbers 12, 22, 59, 73, 74, 75, 76 and 77" (H. P. 646) (L. D. 376)

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

Engrossed in Non-Concurrence

Bill "An Act Creating Oxford County Commissioner Districts" (S. P. 270) (L. D. 798)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

Bill "An Act to Require Notice to Public Utilities of Certain Excavations" (S. P. 549) (L. D. 1688)

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

Mr. Williams of Hodgdon offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-200) was read by the Clerk and adopted.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

**Passed to Be Enacted
Emergency Measure**

An Act relating to Permits for Keeping Certain Wild Animals in Captivity. (S. P. 375) (L. D. 1111)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected by the House being necessary, a total was taken. 120 voted in favor of same and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure
Tabled and Assigned**

Act relating to Size Limit of Trout (S. P. 548) (L. D. 1687)

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

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Bither.

Mr. BITHER: Mr. Speaker and Members of the House: I hate to see items tabled right and left here today. But I have a very important research project going on this weekend in relation to the size limit of trout, and I wish somebody would table this for two legislative days.

Whereupon, on motion of Mr. Farrington of Old Orchard Beach, tabled pending passage to be enacted and specially assigned for Tuesday, May 4.

Passed to Be Enacted

An Act to Clarify the Regulation-making Power of the Environmental Improvement Commission (S. P. 311) (L. D. 904)

An Act relating to Theft of Trade Secrets (S. P. 379) (L. D. 1134)

An Act Creating Aroostook County Commissioner Districts (H. P. 91) (L. D. 135)

An Act Regulating Hunting from Certain Public Ways (H. P. 98) (L. D. 142)

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
Tabled and Assigned**

An Act Creating York County Commissioner Districts (H. P. 553) (L. D. 729)

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

(On motion of Mr. Sheltra of Biddeford, tabled pending passage to be enacted and specially assigned for Tuesday, May 4.)

An Act to Extend the Period of Anticipatory Borrowing by Municipalities (H. P. 712) (L. D. 958)

Was 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
Tabled and Assigned**

An Act relating to Acquisition of Land by Conservation Commissions (H. P. 714) (L. D. 959)

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

(On motion of Mr. Donaghy of Lubec, tabled pending passage to be enacted and specially assigned for Tuesday, May 4.)

An Act relating to Name Maine Yacht Racing Association, Inc. (H. P. 941) (L. D. 1300)

An Act relating to Payments to the Law Libraries in the Several Counties of the State (H. P. 1284) (L. D. 1683)

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.

Order Out of Order

From the Senate: The following Order:

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Monday, May 3, at 4 o'clock in the afternoon. (S. P. 562)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

Orders of the Day

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

HOUSE DIVIDED REPORT — Report "A" (6) "Ought to pass" in New Draft — Report "B" (5) "Ought not to pass" Committee on Legal Affairs on Bill "An Act relating to the Design of Buildings by Architects and Engineers" (H. P. 235) (L. D. 317) — New Draft (H. P. 1293) (L. D. 1695) under new title "An Act relating to the Design of Buildings Constructed by the State or Political Subdivisions"

Tabled — April 28, by Mr. Norris of Brewer.

Pending — Acceptance of either Report.

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

Mr. CAREY: Mr. Speaker and Members of the House: After having talked to Mr. Niran Bates of the BPI, who tells me that architects and engineers are treated equally when it comes to the possibility of constructing buildings for the state, after getting a copy of the letter which went to Judge Quinn, who is the Chairman of the Legal Affairs Committee, saying that the Attorney General questioned the possibility of defining what was to be a prime professional, and another area which said that architects and engineers would have to be competent to do the job and there was a question of who would determine who would be competent.

After noting that there were no signers from the other body of the Report A which "Ought to pass," I want to thank those signers who did sign Report A, all of whom are members of this House, and I would now move indefinite postponement of both reports and bill.

Thereupon, both Reports and Bill were indefinitely postponed and sent up for concurrence.

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

An Act relating to Chiropractic Treatment under Workmen's Compensation Law (S. P. 538) (L. D. 1615)

Tabled — April 28, by Mr. Collins of Caribou.

Pending — Passage to be enacted.

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

Mr. LUND: Mr. Speaker, I move that the rules be suspended for the purpose of reconsideration of engrossment.

The SPEAKER: The gentleman from Augusta, Mr. Lund, moves that the rules be suspended for the purpose of reconsideration of engrossment. Is there objection? (Cries of "Yes")

The SPEAKER: The Chair hears objection. A two-thirds vote is required for suspension of the rules. All those in favor of suspending the rules will vote yes; those opposed will vote no.

A vote of the House was taken.

55 having voted in the affirmative and 60 having voted in the negative, the rules were not suspended.

The SPEAKER: The pending question is passage to be enacted.

The Chair recognizes the gentleman from Caribou, Mr. Collins.

Mr. COLLINS: Mr. Speaker and Ladies and Gentlemen of the House: I now move the indefinite postponement of this bill together with all of its accompanying papers, and I would speak briefly to my motion.

The SPEAKER: The gentleman from Caribou, Mr. Collins, moves the indefinite postponement of L. D. 1615.

The gentleman may proceed.

Mr. COLLINS: Mr. Speaker and Members of the House: First of all I think I should like to report that I did relent last week and I did give the House Chairman from Westfield a ride home in spite of the fact that he did vote against

me. However, today he has got to be a little more careful.

We debated the pros and cons of this bill at some length last week, and I know that it is Friday afternoon and that you would all like to go home soon, so I will not belabor the argument. I was disappointed that you did not see fit to reconsider because we had hoped to offer an amendment that would have perhaps been a compromise and would have at least satisfied my objection, which is, of course, that in an accident case, the very first thing that is necessary to do it seems to me is to medically diagnose the injured person. This amendment would have provided this.

Now I would say that if you agree with me that the chiropractor is not medically competent to do this, then you must vote against the bill and for indefinite postponement.

Mr. Mills of Eastport requested a division on the motion.

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

Mr. HODGDON: Mr. Speaker and Ladies and Gentlemen of the House: As Representative Collins just stated, this bill was well discussed last week, both pros and cons were presented. I have no desire to make a lengthy debate out of this this afternoon. I rise only for the simple purpose of reminding the ladies and gentlemen of this House of the issues that we are going to vote on, and they are two. Number one, the right of an individual to receive from his insurance carrier payments under the Workmen's Compensation Law. And number two, the freedom of choice for the citizens of the State of Maine to select the practitioner of his choice.

I was very pleased with the way the vote went last week. I would implore you to vote with me again today and defeat the motion for indefinite postponement.

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

Mr. JUTRAS: Mr. Speaker, Ladies and Gentlemen of the House: I concur one hundred percent wholeheartedly with the gentleman

from Kittery, Mr. Hodgdon. In this case, anyone who votes against this bill today is voting against the people of Maine.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. McLeod.

Mr. MacLEOD: Mr. Speaker and Members of the House: I would like to concur with the gentleman from Caribou, Mr. Collins. And at this time, I think I would like to have on the record the 1968 Report of the U. S. Department of Health, Education and Welfare.

"Chiropractic theory and practice are not based upon the body of basic knowledge related to health, disease and health care that has been widely accepted by the scientific community.

Moreover, irrespective of its theory, the scope and quality of chiropractic education do not prepare the practitioner to make an adequate diagnosis and provide appropriate treatment."

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

Mr. MORRELL: Mr. Speaker and Ladies and Gentlemen of the House: It may not be exactly germane to this discussion, but in our debate on the 23rd of this month comment was made relative to the Maine Medical Association that I think ought to be cleared up. The comment was that this Medical Association is opposed to the 44-hour week, child labor laws, social security for the aged and Medicare. I have a letter from Dr. Daniel Hanley, who was the Executive Director of that Association, and he makes this comment.

"This Association opposed none of these measures, and the physicians of this Association have in the past three years set up utilization and review committees for the Government in an attempt to make Medicare work. And I think that to the degree that those comments were made and perhaps disparaged the Association to a degree, I would like to have it on the record that they were not correct."

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

Mr. SANTORO: Mr. Speaker, Ladies and Gentlemen of the

House: I have no words to describe or characterize the remarks of Mr. Jutras and I have no words to add to them.

Mr. Morrell of Brunswick requested a roll call vote.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I rise to speak for the welfare and the health of the people of the State of Maine. I want to ask you to help indefinitely postpone this bill. The only ones who would really profit from this are the insurance agents whose rates would go up because of such a thing. And as I said, I am going to ask you to please go along with the indefinite postponement.

I do feel there is another correction that should be made. It was implied that one of the major insurers in the State of Maine was in favor of this. Actually it was a letter written by one of their agents on their stationery. That company referred to not only did not take that stand, but also is not in the Workmen's Compensation business.

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

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: We are not here to pass judgment on the art of chiropractic. We have already licensed them to practice in the State of Maine, and the question is simply freedom of choice.

None of us are experts on chiropractic, and as Mr. Donaghy should point out, anyone who speaks on this issue, including himself, is breaking the law.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins:

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: When you consider the fact that 48 states already recognize the chiropractor, that the committee report was 10 to 3 "ought to pass," that these people have been licensed since the 1920's, the vote last week was 75 to 55 in favor, then I would hope that we

could pass this bill with no more arguments.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I voted against this bill for, I guess, some 20-odd years or more, and I have had quite a fight with myself to determine whether I was going to vote for it this time. I guess I have decided.

To me, is is all well and good to talk about freedom of choice, but the thing that we miss here, we who talk about freedom of choice, it is all right for a person to select a chiropractor if they wish to that are going to pay the bill. There are two people, two parties concerned here in this particular item—the person who is injured and the person who is going to pay the bill. They do not agree as to the ability of the chiropractor. And I am going to continue to vote this time as I have always voted in the past, against the bill.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: Just so that the lady from Bath, Mrs. Goodwin, will not have the police out after me, although I am not a chiropractor I had an aunt who was, God rest her soul. I have had her work on me.

I also know that in Workmen's Compensation very few cases actually affect the spine, and this is the only part of the body on which chiropractors are licensed to pursue their art of subluxation and so forth.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: I have been going to doctors since December 24. I have had about 40 different varieties of pills. I have had pain all over. Last night I decided to go to a chiropractor; today I am throwing the pills away and I am going back to the chiropractor.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: When we last debated this bill I told you of my own personal experience with my wife who was in agony for a long period of time, and was cured by a chiropractor for a \$10 bill. Ladies and gentlemen, I have had her with me for 12 years. This morning she is sitting right up there.

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 Caribou, Mr. Collins, that An Act relating to Chiropractic Treatment under Workmen's Compensation Law, Senate Paper 538, L. D. 1615, be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Ault, Baker, Barnes, Berube, Bither, Bragdon, Brown, Bunker, Call, Carrier, Carter, Churchill, Collins, Crosby, Cummings, Curran, Curtis, T. S. Jr.; Donaghy, Drigotas, Emery, D. F.; Fraser, Hancock, Haskell, Henley, Immonen, Kelley, R. P.; Lawry, Lee, Lewis, Lincoln, Lund, Lynch, MacLeod, Morrell, Mosher, Murray, Norris, Page, Payson, Porter, Pratt, Ross, Santoro, Scott, Smith, E. H.; Susi, Tyndale, White, Wood, M. W.; Woodbury.

NAY — Albert, Bailey, Bartlett, Bedard, Bernier, Berry, G. W.; Binnette, Birt, Boudreau, Bourgoine, Brawn, Carey, Clark, Clemente, Conley, Cooney, Cote, Cottrell, Cyr, Dam, Dow, Doyle, Dudley, Dyar, Emery, E. M.; Evans, Farrington, Fecteau, Finemore, Genest, Good, Goodwin, Hall, Hawkens, Hayes, Herrick, Hewes, Hodgdon, Jutras,

Kelleher, Keyte, Kilroy, Lebel, Lewin, Littlefield, Lizotte, Lucas, Mahany, Manchester, Marstaller, Martin, McCloskey, McCormick, McKinnon, McNally, McTeague, Millett, Mills, Parks, Rollins, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Smith, D. M.; Stillings, Tanguay, Theriault, Trask, Vincent, Wheeler, Whitson, Wood, M. E.

ABSENT — Berry, P. P.; Bustin, Curtis, A. P.; Faucher, Gagnon, Gauthier, Gill, Hanson, Hardy, Jalbert, Kelley, K. F.; Kelley, P. S.; Lessard, Maddox, Marsh, O'Brien, Orestis, Pontbriand, Rand, Rocheleau, Starbird, Webber, Wight, Williams.

Yes, 50; No, 76; Absent, 24.

The SPEAKER: Fifty having voted in the affirmative, seventy-six in the negative, with twenty-four being absent, the motion does not prevail.

Thereupon, the Bill was passed to be enacted.

Mr. Hodgdon of Kittery moved the House reconsider its action whereby the Bill was passed to be enacted.

The SPEAKER: The gentleman from Kittery, Mr. Hodgdon, now moves that the House reconsider its action. All those in favor say yes; those opposed say no.

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

Thereupon, the Bill was signed by the Speaker and sent to the Senate.

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

An Act to Provide an Implied Warranty and Covenant of Habitability in Leases of Dwellings (H. P. 1273) (L. D. 1674)

Tabled — April 28, by Mr. Carrier of Westbrook.

Pending — Passage to be enacted.

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

Mr. SUSI: Mr. Speaker, I move this item be tabled two days, please.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves that L. D. 1674 be tabled and specially assigned for Tuesday, May

4, pending passage to be enacted. Is this the pleasure of the House? (Cries of "No")

The SPEAKER: The Chair will order a vote. All in favor of this matter being tabled will vote yes; those opposed will vote no.

A vote of the House was taken.

97 having voted in the affirmative and 17 having voted in the negative, the motion did prevail.

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

An Act Creating Piscataquis County Commissioner Districts (H. P. 1279) (L. D. 1679)

Tabled — April 28, by Mr. Trask of Milo.

Pending — Passage to be enacted.

On motion of Mr. Trask of Milo, retabled pending passage to be enacted and specially assigned for Tuesday, May 4.

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

An Act Prohibiting the Driving of Deer While Hunting (H. P. 1280) (L. D. 1680)

Tabled — April 28, by Mr. Herick of Harmony.

Pending — Passage to be enacted.

On motion of Mr. Porter of Lincoln, retabled pending passage to be enacted and specially assigned for Tuesday, May 4.

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

Bill "An Act Creating the Cumberland County Recreation Center" (S. P. 404) (L. D. 1221) — In Senate, passed to be engrossed as amended by House Amendment "A" (H-161) — In House, House Amendment "A" adopted. Passage to be engrossed reconsidered. House Amendment "B" adopted (H-186).

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

Pending — Passage to be engrossed.

Thereupon, the Bill was passed to be engrossed as amended by House Amendments "A" and "B"

in non-concurrence and sent up for concurrence.

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 29, by Mr. Martin of Eagle Lake.

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

On motion of Mr. Martin of Eagle Lake, retabled pending adoption of House Amendment "A" and specially assigned for Tuesday, May 4.

On motion of Mr. Porter of Lincoln,

Adjourned until Monday, May 3 at four o'clock in the afternoon.