

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume II

April 23, 1973 to June 5, 1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, May 10, 1973

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

Prayer by the Rev. Mr. Kenneth Brookes of Augusta.

The journal of yesterday was read and approved.

Papers from the Senate Tabled and Assigned

From the Senate: The following Joint Order: (S. P. 606)

WHEREAS, a fundamental obligation of the Maine Legislature is to review programs which it has approved in order to insure that programs approved by the Legislature are administered effectively, efficiently and economically and in accord with legislative intent; and

WHEREAS, a continuing review of legislative spending is desirable to curtail the spiraling cost of State government and to insure that programs are not continued in operation unless they are working efficiently and meeting proven needs; and

WHEREAS, improvement in our current budgetary system is essential to provide services to Maine people at realistic costs within reasonable levels of taxation; and

WHEREAS, the citizens of Maine have a right to demand effective budgetary control; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs is hereby directed to make a continual review and evaluation of the State budget with the goal of determining what changes, if any, should be made in current practices and programs; and be it further

ORDERED, that the Committee evaluate the possibility of adopting an annual budgetary system providing for continuing review and assessment of all State spending; and be it further

ORDERED, that the Joint Standing Committee on Appropriations and Financial Affairs study and report as soon as practicable to the Legislature the feasibility of

the adoption of so-called "zero-based" and program budgeting in order to enable the process of budget review and spending to be placed under direct review and control of the Committee on Appropriations and Financial Affairs acting for the Legislature; and be it further

ORDERED, that to help implement the Maine Management and Cost Survey Report for cost-savings and improved management practices, the Committee on Appropriations and Financial Affairs is hereby directed to establish in September 1973 continuing liaison with the Survey team which is now analyzing the efficiency of State government as authorized by H. P. 1564 of the 105th Legislature; and be it further

ORDERED, that the study of any subject or matter adjudged by the Committee to be relevant or germane to the subject of this Order shall be deemed within the scope of the Committee's inquiry; and be it further

ORDERED, that the Committee report its findings and recommendations to the 106th Legislature as soon as practicable.

Came from the Senate read and passed.

In the House, the Joint Order was read.

(On motion of Mr. Simpson of Standish, tabled pending passage and specially assigned for Monday, May 14.)

Reports of Committees Ought Not to Pass

Report of the Committee on Election Laws on Bill "An Act Determining Position of Names of Candidates on Primary and General Election Ballots" (S. P. 480) (L. D. 1547) reporting "Ought not to pass"

Report of the Committee on Legal Affairs reporting same on Bill "An Act Relating to the Selection of Architects, Engineers and Land Surveyors" (S. P. 532) (L. D. 1685)

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

Leave to Withdraw

Report of the Committee on State Government on Bill "An Act Relating to Legislative Counsel or Agents" (S. P. 557) (L. D. 1721) reporting Leave to withdraw.

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted in concurrence.

Covered by Other Legislation

Report of the Committee on Election Laws on Bill "An Act Pertaining to the Posting of Voting Lists" (S. P. 282) (L. D. 829) reporting Leave to withdraw as covered by other legislation.

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted in concurrence.

Ought to Pass in New Draft

Report of the Committee on State Government on Bill "An Act Placing Control of Pineland Hospital and Training Center under an Independent Board of Trustees" (S. P. 12) (L. D. 69) reporting "Ought to pass" in New Draft (S. P. 609) (L. D. 1907) under new title "An Act Creating the Pineland Center Advisory Board"

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-112).

In the House, the Report was read and accepted in concurrence, and the New Draft read once. Senate Amendment "A" (S-112) was read by the Clerk and adopted and the New Draft assigned for second reading tomorrow.

Divided Reports

Majority Report of the Committee on Legal Affairs on Bill "An Act to Provide a Portion of all Public Places and Transportation Vehicles to be Set Aside for Non-smokers" (S. P. 322) (L. D. 989) reporting "Ought to pass" as amended by Committee Amendment "A" (S-108).

Report was signed by the following members:

Messrs. JOLY of Kennebec
ROBERTS of York
— of the Senate.
EMERY of Rockland

CAREY of Waterville
COTE of Lewiston
CONNOLLY of Portland
SHAW of Chelsea

— of the House.

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

Report was signed by the following members:

Mr. ALDRICH of Oxford
— of the Senate.

Messrs. SHUTE
of Stockton Springs
BRAWN of Oakland
DUDLEY of Enfield
FAUCHER of Solon
FECTEAU of Biddeford

— 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. Emery of Rockland, the Majority "Ought to pass" Report was accepted in concurrence.

The Bill was read once, Committee Amendment "A" (S-108) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

Order Out of Order

Mrs. Clark of Freeport presented the following Order and moved its passage:

ORDERED, that Peggy Davis, Deborah Thompson, Moria Douglas, Pamela Krause, Carol Krause and Margaret Pooters of Freeport be appointed Honorary Pages for today.

The Order was received out of order by unanimous consent, read and passed.

Divided Reports

Majority Report of the Committee on Health and Institutional Services on Bill "An Act to Expand the Authority of Pharmacists to Dispense Drugs by Their Generic Names" (S. P. 505) (L. D. 1589) reporting "Ought not to pass"

Report was signed by the following members:

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

Mrs. McCORMICK of Union
BERRY of Madison
MORIN of Old Orchard
Messrs. SOULAS of Bangor
DYAR of Strong
LEWIS of Bristol
SANTORO of Portland
LaPOINTE of Portland
—of the House.

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

Report was signed by the follow-
ing members:

Messrs. WHITZELL of Gardiner
GOODWIN
of South Berwick
—of the House.

Came from the Senate with the
Majority Report accepted.

In the House: Reports were
read.

On motion of Mr. Dyar of Strong,
the Majority "Ought not to pass"
Report was accepted in concur-
rence.

Non-Concurrent Matter

Joint Resolution Memorizing
Richard M. Nixon, President of
the United States of America, to
Lift the 18-Month Moratorium on
Federal Housing Programs (H. P.
574) which was adopted in the
House on February 7.

Came from the Senate having
failed adoption in non-concurrence.

In the House:

The SPEAKER: The Chair recog-
nizes the gentleman from Dover-
Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker and
Ladies and Gentlemen of the
House: This resolution has been
tied up some place else that I can-
not mention for a long time now.
Apparently there are a lot of peo-
ple in the State of Maine who do
not think that housing is a very
important issue. This is a very
innocuous resolution that was re-
drafted, having once been intro-
duced. I do not think that it is an
offense to anybody. It simply man-
ifests a concern on the part of the
Maine Legislature and requests
that the President reexamine the
18-month moratorium without mak-
ing any demands or without mak-
ing any kind of embarrassing re-
quest for him to make any drastic
change. We are simply asking for
a reexamination of this policy and

for him to perhaps make an effort
to do something that is a little bit
more conducive to our needs here
in the state.

I would hope that this body
would be as responsive to this
thing as it was in the past and
send it back to the Senate and let
them know at least that we think
this is a very important issue in
the State of Maine, one that is go-
ing to mean many thousands of
jobs and one that is going to mean
millions of dollars to the Maine
economy.

So Mr. Speaker, I would move
that we insist.

The SPEAKER: The Chair recog-
nizes the gentleman from Stand-
ish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker and
Ladies and Gentlemen of the
House: I would move that we re-
cede and concur and face the facts
of life.

The SPEAKER: The gentleman
from Standish, Mr. Simpson,
moves that the House recede and
concur.

The Chair recognizes that gentle-
man.

Mr. SIMPSON: Mr. Speaker and
Ladies and Gentlemen of the
House: I concur with the gentle-
man from Dover-Foxcroft that
housing is a very serious problem
in this state and I believe that we
have done a pretty good job of
housing in this state in the manip-
ulation of the 235 and 236 programs
and the Farm Home Administra-
tion Programs. But nationally
these programs have been a real
dismal failure just filled with
graft, corruption and everything.
I believe the President has done
the right thing and if you talk to
the people who are involved in the
program, they will tell you that
he has done the right thing by put-
ting a moratorium on it.

Just recently, I believe this
weekend, we read in the paper
where we have five projects in the
State of Maine right now that the
moratorium has been lifted on
them and they are going to be able
to continue. I do not believe that
a memorial should be sent to the
President or to Congress and that
we should recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Standish, Mr. Simpson, seems to agree with the bureaucrats in Washington that you can sit in New York City or you can sit in Chicago and you can make judgments about the State of Maine. I think that being responsible legislators here in the State of Maine we should call the attention of the President to the fact that we do not want to be lumped in with New York and Chicago and Los Angeles and all of these other places where admittedly there have been some failures.

These programs in the State of Maine have been largely very successful, particularly the Farmer's Home Administration Project and I would hope that we would not submit to this sort of thing.

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

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: I would like to correct just one question left by the gentleman from Standish, Mr. Simpson. He indicated, I believe his words were that the moratorium had been lifted for five projects. What happened was when this moratorium was put on in January, there was some concern at that time whether or not the applications that were already in the pipeline would be allowed to continue.

There were some bills introduced in this session and they are still in committee waiting to see just what the end results of the moratorium will be as far as the application of the pipeline. There were five projects that were announced last week, there were five projects that have been in the pipeline and they are allowed to continue. This was in no way a lifting of the moratorium. Pretty much all projects that are in the pipeline have been allowed to continue in both the 235, 236 and Farmer's Home Programs. So really, the construction effort will not be felt until late this summer or next summer.

If this moratorium is not lifted and if we do not have any substitute programs here in the State of Maine, next summer the effect of this moratorium will be felt and felt substantially here in the State of Maine. I hope you support the resolution.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that the House recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken, Thereupon, Mr. Greenlaw of Stonington requested a roll call vote.

The SPEAKER: A roll call has 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 those 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 Standish, Mr. Simpson, that the House recede and concur on House Paper 574. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Baker, Berry, G. W.; Birt, Bragdon, Brawn, Briggs, Cameron, Chick, Churchill, Conley, Cottrell, Cressey, Curtis, T. S., Jr.; Davis, Donaghy, Dunn, Dyar, Evans, Farley, Farnham, Ferris, Finemore, Garsoe, Good, Hamblen, Haskell, Herrick, Hoffses, Hunter, Immonen, Jackson, Kauffman, Kelley, Kelley, R. P.; Knight, Lewis, E.; Littlefield, MacLeod, Maddox, McMahon, McNally, Morton, Murchison, Norris, Palmer, Parks, Perkins, Pratt, Rollins, Ross, Shaw, Simpson, L. E.; Sproul, Susi, Tyndale, Walker, Willard, The Speaker.

NAYS — Albert, Berry, P. P.; Berube, Bither, Boudreau, Bustin, Carrier, Carter, Chonko, Clark, Cote, Crommett, Curran, Drigotas, Emery, D. F.; Farrington, Fec-

teau, Fraser, Gahagan, Gauthier, Goodwin, H.; Greenlaw, Hancock, Hobbins, Jacques, Jalbert, Kelleher, Keyte, LaCharite, LeBlanc, Lynch, Mahany, Martin, Maxwell, McHenry, McKernan, Merrill, Mills, Morin, L.; Morin, V.; Mulkern, Murray, Peterson, Ricker, Rolde, Silverman, Smith, D. M.; Smith, S.; Soulas, Strout, Talbot, Tanguay, Theriault, Wheeler, Whitzell, Wood, M. E.

ABSENT — Ault, Binnette, Brown, Bunker, Carey, Connolly, Cooney, Dam, Deshaies, Dow, Dudley, Dunleavy, Faucher, Flynn, Genest, Goodwin, K.; Henley, Hewes, Huber, Kilroy, LaPointe, Lawry, Lewis, J.; McCormick, McTeague, Najarian, O'Brien, Pontbriand, Santoro, Sheltra, Shute, Stillings, Tierney, Trask, Trumbull, Webber, White.

The **SPEAKER**: Fifty-eight having voted in the affirmative and fifty-six in the negative, with thirty-six being absent, the motion does prevail.

Non-Concurrent Matter

Resolve Providing Funds for the Maintenance of Ocean Beaches (S. P. 278) (L. D. 826). The House accepted the Minority "Ought not to pass" Report on May 8.

Came from the Senate with that body insisting on their action whereby the Bill was passed to be engrossed in non-concurrence.

The **SPEAKER**: The Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. **FARLEY**: Mr. Speaker, I move the House recede and concur.

The **SPEAKER**: The gentleman from Biddeford, Mr. Farley, moves the House recede and concur.

The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. **McMAHON**: Mr. Speaker and Ladies and Gentlemen of the House: I realize this bill has been lobbied very effectively and I was witness yesterday to a vote, the effectiveness of lobbying. However, I would hope you vote against the motion to recede and concur so that we can vote to adhere.

My reasoning for this is that I feel, with no disrespect to the authors of the bill or the people

who represent these towns, but I feel this is a pork barrel bill, pure and simple, and I also feel its sets a very poor precedent.

We discussed with some levity the other day here in the House what would happen if this were passed and amended to include all coastal municipalities and perhaps we shouldn't have been humorous about it. If this does manage to get through, I would suggest that every representative from a coastal community seek to amend this bill to include funds for his or her community. It is putting those of us who represent similar communities in a very awkward position.

I would request a roll call.

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

Mr. **SIMPSON**: Mr. Speaker and Ladies and Gentlemen of the House: I would request that the House not recede and concur but that we possibly insist and ask for a Committee of Conference. I believe that there is some good merit in this particular bill and that the municipalities that are involved in it have done their homework, they have put the bill before us and let's give them the opportunity to work it out and see what can be accomplished for the beaches.

The **SPEAKER**: A roll call has 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 those 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 Biddeford, Mr. Farley, that the House recede and concur with the Senate. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, P. P.; Berube, Binnette, Bither, Boudreau, Brawn, Briggs, Bustin, Carrier, Chonko, Churchill, Clark, Conley, Cottrell,

Cressey, Crommett, Curran, Davis, Deshaies, Donaghy, Dow, Drigotas, Emery, D. F.; Farley, Farrington, Fecteau, Ferris, Fraser, Gahagan, Good, Goodwin, H.; Greenlaw, Hamblen, Hancock, Henley, Hobbins, Huber, Jackson, Jalbert, Kauffman, Kelleher, Kelley, R. P.; Keyte, Knight, LaCharite, Lewis, F.; Lewis, J.; MacLeod, Mahany, Martin, McHenry, McKernan, McNally, Morin, L.; Mulkern, Murray, Norris, O'Brien, Palmer, Peterson, Rollins, Ross, Silverman, Smith, D. M.; Soulas, Talbot, Tanguay, Theriault, Trumbull, Tynedale, Wheeler, Whitzell, Willard, Wood, M. E.

NAY — Albert, Baker, Berry, G. W.; Birt, Bragdon, Carter, Chick, Cote, Curtis, T. S., Jr.; Dunn, Dyar, Farnham, Finemore, Garsoe, Gauthier, Haskell, Herrick, Hoffses, Hunter, Immonen, Jacques, LeBlanc, Littlefield, Lynch, Maddox, Maxwell, McMahon, Merrill, Mills, Morin, V.; Morton, Murchison, Parks, Perkins, Pratt, Ricker, Shaw, Simpson, L. E.; Smith, S.; Sproul, Strout, Susi, Walker.

ABSENT — Ault, Brown, Bunker, Cameron, Carey, Connolly, Cooney, Dam, Dudley, Dunleavy, Evans, Faucher, Flynn, Genest, Goodwin, K.; Kilroy, LaPointe, Lawry, McCormick, McTeague, Najarian, Pontbriand, Rolde, Santoro, Sheltra, Shute, Stillings, Tierney, Trask, Webber, White.

Yes, 75; No, 43; Absent, 31.

The **SPEAKER**: Seventy-five having voted in the affirmative and forty-three in the negative, with thirty-one being absent, the motion does prevail.

The Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. **FARLEY**: Mr. Speaker, I now move for reconsideration and hope everyone votes against me.

The **SPEAKER**: The gentleman from Biddeford, Mr. Farley, moves the House reconsider its action whereby it voted to recede and concur with the Senate. All in favor will say yes; those opposed will say no.

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

Non-Concurrent Matter Later Today Assigned

Bill "An Act Providing for Payment of Sales Tax on Motor Vehicles at Time of Registration" (H. P. 1477) (L. D. 1902). The House accepted the Minority "Ought to pass" in New Draft Report and passed the Bill to be engrossed on May 4.

Came from the Senate with the Bill indefinitely postponed in non-concurrence.

In the House:

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

Mr. **FINEMORE**: Mr. Speaker, I move we recede and concur with the Senate.

On Motion of Mr. Martin of Eagle Lake, tabled pending the motion of Mr. Finemore of Bridgewater to recede and later today assigned.

Orders

Mr. Mills of Eastport was granted unanimous consent to address the House.

Mr. **MILLS**: Mr. Speaker and Members of the House: You have had a paper left on your desks this morning called The Maine Times. I am referring to the picture on page 5, and this is a black and white picture called "Eastport, A Good Place for Super Tankers." This is one of the means that is being employed to stop Eastport from having a refinery. For your information, I will tell you that this is the most eastern part of Campobello Island. The inlet that you see there is what is called Head Harbor. There isn't a boat can go up that narrow gut without over a 12-foot draft.

In the other part of the picture I will show you all Canadian shore. This is only one of the means that is being used to block off Eastport.

House Reports of Committees Ought Not to Pass

Mr. Dam from the Committee on Taxation on Bill "An Act Removing Carrabassett Valley from the Maine Forestry District" (H. P. 596) (L. D. 787) reporting "Ought not to pass."

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

Leave to Withdraw

Mr. Churchill from the Committee on County Government on Bill "An Act Providing Aroostook County Funds to Implement Food Stamp Program" (H. P. 1325) (L. D. 1751) reporting Leave to Withdraw.

Mr. Stillings from the Committee on Liquor Control reporting same on Bill "An Act Relating to Carrying Firearms by Officers who Enforce the Liquor Laws" (H. P. 995) (L. D. 1314)

Same gentleman from same Committee reporting same on Bill "An Act Relating to Special Permit for Entertainment in Clubs" (H. P. 1041) (L. D. 1363).

Reports were read and accepted and sent up for concurrence.

**Ought to Pass
Printed Bill**

Mr. LaPointe from the Committee on Health and Institutional Services on Bill "An Act to Expand Human Resources by Rehabilitating Recipients of State Aid" (H. P. 1363) (L. D. 1819) reporting "Ought to pass"

Report was read and accepted, the Bill read once and assigned for second reading tomorrow.

**Ought to Pass with
Committee Amendment**

Mr. Briggs from the Committee on Natural Resources on Bill "An Act to Establish a Water Quality Related Great Ponds Program in the Department of Environmental Protection" (H. P. 730) (L. D. 936) reporting "Ought to pass" as amended by Committee Amendment "A" (H-357)

Report was read and accepted and the Bill read once. Committee Amendment "A" (H-357) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

**Ought to Pass in New Draft
New Drafts Printed**

Mr. Donaghy from the Committee on Business Legislation on Bill "An Act Relating to Expenses for Examination of Insurer" (H. P. 492) (L. D. 646) reporting "Ought to pass" in New Draft (H. P. 1494) (L. D. 1922) under same title.

Mr. Morton from the Committee on Taxation on Bill "An Act Repealing the Distribution of the Bank Stock Tax" (H. P. 551) (L. D. 732) reporting "Ought to pass" in new draft under new title "An Act Repealing the Bank Stock Tax" (H. P. 1491) (L. D. 1919)

Mr. Susi from the Committee on Taxation on Bill "An Act Exempting Trucks Purchased by Non-residents from the Sales Tax" (H. P. 1272) (L. D. 1646) reporting "Ought to pass" in new draft under new title "An Act Exempting Motor Vehicles Purchased by Non-residents from Sales Tax" (H. P. 1493) (L. D. 1921)

Mr. Dam from the Committee on Taxation on Bill "An Act Exempting New Machinery and Equipment used for Manufacturing and Research from Sales and Use Tax" (H. P. 221) (L. D. 294) reporting "Ought to pass" in new draft under new title "An Act Exempting New Machinery and Equipment Used for Manufacturing and Research from Sales and Use Tax and Increasing the Corporate Income Tax" (H. P. 1492) (L. D. 1920)

Reports were read and accepted, the New Drafts read one and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Legal Affairs on Bill "An Act Revising the Law Relating to Rules and Regulations of the Board of Chiropractic Examination and Registration" (H. P. 468) (L. D. 616) reporting "Ought to pass" in new draft (H. P. 1490) (L. D. 1918) under new title "An Act to Clarify Certain Ambiguities in the Chiropractic Licensing Law and to Revise Certain Provisions Relating to the Board of Chiropractic Examination and Registration."

Report was signed by the following members:

Messrs. ROBERTS of York
ALDRICH of Oxford
— of the Senate.
Messrs. CONNOLLY of Portland
CAREY of Waterville
EMERY of Rockland
PECTEAU of Biddeford

SHUTE

of Stockton Springs
FAUCHER of Solon

— of the House.

Minority Report of the same
Committee on same Bill report-
ing "Ought to pass"

Report was signed by the fol-
lowing members:

Mr. JOLY of Kennebec
— of the Senate.

Messrs. BRAUN of Oakland
SHAW of Chelsea
COTE of Lewiston
DUDLEY of Enfield
— of the House.

Reports were read.

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

Mr. EMERY: Mr. Speaker, I
move acceptance of the Majority
"Ought to pass" Report in new
draft and would speak to my mo-
tion.

The SPEAKER: The gentleman
from Rockland, Mr. Emery, moves
the acceptance of the Majority
Report.

The gentleman may proceed.

Mr. EMERY: Mr. Speaker,
Ladies and Gentlemen of the
House: If you will bear with me
for a few minutes, I would like
to explain the reasons and intent
of the two reports of the Legal
Affairs Committee and hopefully
to explain some of our reasons
and hopefully to clear up some
misconceptions and some untruths
that have been spread among
members of the legislature by
the lobby during the past two
days.

First of all, I want to let every
one of you know that the Com-
mittee on Legal Affairs does not
intend in any way by either re-
port to put chiropractors out of
business in the State of Maine.
Neither report in any way, shape
or form accomplishes that par-
ticular goal. This is not our intent
whatsoever.

We reported the MacLeod bill,
L. D. 1258, unanimously out of
committee "ought not to pass."
It had a 17-A. It is dead for this
session. There is no legislation
pending before the 106th Legis-
lature that would attempt to put
chiropractors out of business.

We have studied the licensing
laws and code of ethics for two
professions this year. One of them
related to optometrists, the other
to chiropractors, and we intend
to apply the same standards to
both professions in our legislation.

The new draft, 1918, accomplish-
es essentially three things. The
first, and I would refer you to
Section 3 of the bill, which ap-
pears on the second page of the
redraft. The redraft is 1918 and
I hope you will take a minute
and look it over. Section 3 refers
to accreditation. It would require
that any man wishing to enter
the practice of chiropractic in the
State of Maine be a graduate of
a college or school that meets at
least one of three requirements.
One, that that school be approved
by a national accrediting agency;
two, that he have a diploma
recognized by the National Board
of Chiropractic Examiners; three,
that he has held a license in an-
other state that has similar stand-
ards to those enforced in the State
of Maine. Again, Section 3 has
absolutely no effect whatsoever on
chiropractors that are presently
licensed to practice in Maine. It
affects only people who wish to
apply for a license who wish to
practice in Maine. It is complete-
ly grandfathered, as the gentle-
man from Oakland will be glad
to know, and it has absolutely no
effect in removing any chiroprac-
tor from practice. The majority
of the committee was very con-
cerned at this apparent lack of
accreditation.

We did discuss some language
in committee that would have re-
quired that in order to practice
in Maine, the school from which
an applicant is graduated would
be recognized by the National Ac-
crediting Agency in the Depart-
ment of Health and Welfare. But
we found out that there were no
chiropractic schools in the country
that were recognized by Health
and Welfare. This I find a little
bit alarming, considering that in
order to be a lawyer, in order to
be a dentist, in order to be an
M. D., in order to be an electrical
engineer, most standards require
that you graduate from an ac-

credited school. And the members of the committee felt that it was a necessary protection for the consumer, for the health care of Maine citizens, to put in some accrediting standards comparable to other professions. In fact, this particular section, every word in this particular section was written by one of the chiropractic lobbyists.

I will just merely summarize that this Section 3 merely keeps up the accreditation section of the chiropractic law and applies only to those people who wish to apply for a chiropractic license.

Sections 4, 5, and 6 of this bill are somewhat similar. In fact some paragraphs are identical to the language in L. D. 616 which has to do with professional conduct and ethics. But there again, it is being done. And this language also is practically identical to language in L. D. 1107 which has to do with optometrists. It requires certain ethical standards to be written into the law and this is what the chiropractors are in favor of. They want certain standards built into the law. They support 616 and this merely beefs up that particular section.

Look down through it. Look in Section 5, some of the conduct deemed unprofessional, fraud, obtaining any fee by fraud or misrepresentation or the practice of any deception of fraud upon a patient, practice outside chiropractic, offering health services outside the field of chiropractic, solicitation, employment of solicitors. It sets down that the telephone listings shall be in small print and that the professional cards offered by chiropractors shall be of a certain size and contain certain information. It regulates advertising. It prevents fee splitting. These are exactly, exactly the same standards that are applied to other professional fields that I have mentioned, the same standards that generally apply to M.D.'s or dentists, surgeons, other fields of health care and also other professions like engineering and law.

In Section 6 of the bill it goes into other points of conduct and the process or reprimanding some-

one who is in violation. And there again, these same principles apply to other professions. These are some of the prohibitions on practicing in the state. The convictions, conviction in this state or in other states or in the federal court of a felony or a crime involving moral turpitude. Fraud, fraud in procurement of a license or certificate under this chapter, unprofessional conduct, essentially as identified in the first section. Mental illness, dishonorable or immoral conduct, conduct unbecoming a licensed chiropractor, gross and repeated malpractice, all the same standards of conduct that apply to the other professions, and we feel that in order to treat chiropractors equally and justly under the law, we ought to apply the same standards to everyone. This is what L. D. 1918 attempts to do.

You can check the language that presently is law in the other professions. You can look at L. D. 1107 to see that we are applying exactly the same standards to optometrists. And incidentally, the optometrists are unanimously in favor of the concepts and the wording of the ethics code that we hope to pass into law.

Now I would like to address myself to Section 2 of this bill and some of the hysteria that has spread in the lobby during the past two days. At least one member of the chiropractic lobby has been going to legislators and to committee members and trying to give them the impression that there is something in Section 2 that puts chiropractors out of business. Well, I will stake my personal reputation that this is positively untrue. It is positively and absolutely untrue. And I refer to the phrase that appears on the first page of the bill in Section 2 where it is crossed out "in treating diseases of the human body." This section applies not to licensed chiropractors, not to applicants for a chiropractic license, but only to the prohibition for unlicensed people to practice chiropractic in the State of Maine and we consider that this phrase represents a loophole that might possibly allow someone to practice chiropractic without a license. The

problem comes with the definition of the word disease.

I think that most people would consider a disease to be a viral or bacterial infection such as measles or chicken pox. We would consider this to be a disease, but we would consider a slipped disc or a pulled muscle or a sprain to be an injury.

Going to the dictionary doesn't do any good because the dictionary meaning for a word and its legal meaning are often two different things. And rather than try to define in the Legal Affairs Committee the definition of disease, we felt that we would remove this phrase. So essentially, with this phrase removed, we close this loophole. We protect the professional integrity of practicing chiropractors and we protect the consumer, because we prevent the possibility that someone might open up an office; and when the law comes around and says, well, you have to close up, you are in violation of Title 32. He says, oh, no, I am not treating a disease I am treating an injury. With this phrase removed, this loophole is closed. It protects the professional integrity of a licensed chiropractor in the State of Maine.

The one other change that L. D. 1918 accomplishes is the removal of the word "science" in Section 451.

If you will look at the L.D., it refers to the system, or method or science commonly known as chiropractic. We feel that to identify chiropractic or any other branch of healing art as specifically a science is somewhat inaccurate. Biology is a science, anatomy is a science, physiology is a science. The application of these sciences may well be chiropractic or medicine. But in itself, it does not determine a science, it is not a science. Physics is a science, electronics is not a science, but it is the application of a science. But there again this is rather a picky point, and I am not too upset on whether science is left in or taken out. It does not really accomplish anything.

The main points of this bill that I hope that you will consider favorably today are first, the in-

clusion of accrediting standards; second, the inclusion of a strong code of ethics that is the same as in other professions; and third, the closing of this loophole that I mentioned relative to the prohibition of practicing without a license.

Ladies and gentlemen, I hope that you have not been misled by the hysteria in the lobby that has been trying to perpetrate the idea that we are trying to put chiropractors out of business. This is absolutely not true. In fact, I have gone to the Attorney General's office, and I hope that by the end of the day I will have a letter that will clarify this point. I have already received that information from one attorney in the Attorney General's office, but I am waiting to get it in writing.

I hope that you would support the majority report. We have done a great deal of work. Mr. Speaker, when the vote is taken, I ask it be taken by the yeas and nays.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: First, I would like to apologize, because I am going to have to give you a little of this in smaller language. I am not going to be any where near the orator. I do not even hope to compete with the gentleman from Rockland who is a very able orator. I do not even hope to in this field. I am sure that there are fields that I can compete with him in but this is not one of them.

Now, let me tell you the first thing, let me shoot a few holes in what he said. The first big hole I want to shoot to the top is at the present time in the United State of America in which we live and are part of, there are no accredited schools for chiropractors, none. He cannot deny this. So that shoots a big hole in all the conversation that he has made. So how are the chiropractors going to get accredited to a place where there is no such thing. And how are you going to get M.D.'s to accredit chiroprac-

tics. This is in my opinion, asking for an impossibility.

Now, this redraft, if you compare it with the original MacLeod bill, you will see that it does nearly everything, not everything, now do not misunderstand me, but it does nearly everything the original MacLeod bill did.

Let me tell you, this referred to their malpractice, this referred to their other practices that are not aboveboard possibly; but let me tell you, I was at the hearing all day. I never missed all the afternoon. There was not one patient there that said there was any malpractice; not only did the insurance people say — in 20 years they have not had a malpractice suit against a chiropractor. There are only 46 of them in the state, by the way; and you cannot find 46 M.D.'s anywhere in the State of Maine, I don't believe, in the last 20 years that has not had a malpractice suit. I thought this in itself was worth mentioning.

Now, I hope you do not support this redraft. I think it is an injustice to ask something to be done that is impossible, number one. Number two, I do not think the chiropractors have anything in common with an eye specialist or an optometrist. So I do not think that we should put them to the same test as an eye specialist or an optometrist or an M.D. They do not give pills, they do not operate on people and they never proved in the committee that they ever did this. They were accused of treating cancer, but it was proven that they did not treat cancer in the committee beyond reasonable doubt. They treat patients that have cancer, but they are treating them for a sprained back or a lame ankle or a sore arm; and that patient may also have a cancer; and if this man notices it, he would probably tell the patient to see a physician, because we think that you have other problems. But if you go to a dentist and he opens your mouth and he sees some irregularity there that he doesn't understand and it might be cancerous, he will also send you to an M.D. and say I think that you should have something I see in your mouth checked.

They do not accuse — I have not heard the dentist being accused of treating cancer, but they do accuse chiropractors and that accusation was made that they treat cancer patients. They did not say that they did not treat cancer patients. They said, "Certainly we take cancer patients but not for cancer."

I would like to be fair with everybody involved. I do not go to a chiropractor, but I am a great man to believe in freedom of choice. This is involved in this legislation. You people here, I want everyone of you and your ancestors and your constituents to have freedom of choice when they go to see somebody. If Oral Roberts wants to practice in this state, I would be the first one to say, go ahead, talk all you want to and if you can cure some patients here in the state, good. I would not go to him, but if he makes people feel better and can cure somebody, there is people here that need to be cured. If he can do it, more power to him. And I say the same thing about chiropractors. I never got any treatment from them, but more power to them. If they make people feel better — and they must because you should have seen the hordes of people at the hearing. And everyone of them spoke highly. Look at the people in my area that are so upset about this MacLeod bill, and they do not want it in redraft; even if it is doctored a little bit or a whole lot, they still do not want it.

I think that if you will take the time this morning, that you just want to be fair and you just want to try to get this thing going, next session we may want to put a little more teeth after we get an accredited school. After we get accredited schools somewhere in the United States of America that these people can go and get accredited to, then we probably could go along with something a little more drastic.

I hope that we can talk long enough amongst us here this morning so that the people in the House will have time to read 616, the original bill. I am for the original bill. I think it does a lot to im-

prove chiropractor service in the State of Maine, and I think after this accredited school is established, there is a chance to do even more in the next legislative session or sometime soon.

Up home in our common little talk we would call this putting the cart before the horse, and where I come from we figure the horse has to go in front of the cart. And if you tried to put a bill like the gentleman from Rockland would like to do, you would be doing just that. You would be putting the cart before the horse. Where I come from this does not work.

I am not going to go into detail and make a long drawn out speech like he just did, because I could not anyway if I wanted to. But I will tell you what I will do, I will be available to answer questions that you want to know; and a lot of you people was at the hearing and know what I am telling you is true.

I have lots of things, notes here but I am not even going to use them. I am going to use your good common sense and good judgment, and I just want to ask you to do this thing: compare what I am asking you to do — I am asking you to consider the original bill and consider the MacLeod bill. Compare it and compare MacLeod's bill to the new draft, and you will see what I am telling you is very much the truth.

So I hope this morning that you will not accept the new draft, that you will accept the original bill that is before you here that is known as the minority report — and then we will move on from there. In another year, if they get an accredited school, we will try to put some more teeth in it and try to say that they go to an accredited school. But I just do not know how we are going to get this accredited school. They have tried for years to get it, and I understand that they think they are going to get one soon. But so far it is pretty hard to find a man in physics or in some other field that is qualified to make the school accredited. There probably will have to be some M.D.'s on the board, and they have not found

them yet. But they may do it, they think that they are going to do it. They think they are going to do it relatively soon. I will confess to that. They do not know how soon, it is one of those things that they hope will come to pass. They think it is going to come to pass, and it may come to pass but it hasn't come to pass. It is as simple as that. Until that has come to pass, that is why I signed the minority report; and I think in your good judgment that you will support 616.

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

Mr. ROLLINS: Mr. Speaker, and Ladies and Gentlemen of the House: Mr. Dudley talked so long, I guess I have forgotten my speech; but anyhow, this fee splitting is what I would like to mention. In the 105th Legislature, I introduced a bill for fee splitting, and it did not even get out of committee.

The gentleman from Rockland, Mr. Emery, has stated on the floor this morning that the chiropractors have the same standards of other professions, and I would like to ask him where he got his information on fee splitting.

The SPEAKER: The gentleman from Dixfield, Mr. Rollins, poses a question through the chair to anyone who may answer if he or she wishes.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: I am not aware of the bill that the gentleman from Dixfield refers to relative to fee splitting. It was the intention of the committee in this redraft and also in the other bill to prevent the practice of allowing a chiropractor or an optometrist—I use those two because those are the two professions we are concerned with — from forming, shall I say, an entangling alliance with a member of another profession with a mutual benefit.

We believe this is not ethical conduct, and it was our intention in this bill that if two chiropractors wanted to go into business together and split fees, that is fine

but would not permit a chiropractor from going into business with an osteopath or an M.D. or some other branch and mutually refer patients back and forth to each other where they share the fee. We believe that this is unprofessional conduct. I am sorry if I cannot answer the gentleman further, but this was our intention.

While I am on my feet, I would like to also clarify another point that was raised by the gentleman from Enfield a few minutes ago. You will recall that I told you that there were no chiropractic schools in the country that were approved by the accrediting agency of the Department of Health, Education and Welfare in Washington. This is why we did not use the previous language in the accrediting section. I guess all the chiropractic schools are recognized by the National Board of Chiropractic Examiners. And this therefore, is covered in the legislation.

I would also remind the gentleman that this piece of legislation, this section was drafted by the chiropractors. So if they are not in favor of what they draft, they are really mixed up.

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

Mr. GAUTHIER: Mr. Speaker, through the Chair, I would like to ask Mr. Emery if a chiropractor has received a license this year, is he restricted under this bill.

The SPEAKER: The gentleman from Sanford, Mr. Gauthier poses a question through the Chair to Mr. Emery who may answer if he wishes.

The Chair recognizes the gentleman.

Mr. EMERY: Absolutely not.

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

Mr. DYAR: Mr. Speaker, Members of the House: The gentleman from Rockland, Mr. Emery has eloquently discussed his views on L. D. 1918, which, in my mind, is a continuation of the MacLeod Doctrine, whether he likes it or not.

He started with Section 3 defining Section 3 through the end of the bill and then he did come back

to Section 1 and Section 2. I am wondering if we will follow suit this morning in the other phases of medicine, and if we will prohibit the dentists from treating gum disease, disease of the teeth. I am wondering if we will prohibit our eye doctors from diagnosing and treating glaucoma. I am wondering what he will do with the Christian Science practitioner, if he will take the "science" out of Christian Science.

It seems to me that L. D. 1918 is a redraft of the Committee on Legal Affairs. In talking to members of this committee, some of whom signed the report favorable to 1918, the past couple of days they are confused as to what is within this piece of legislation. It would seem to me that we should carefully review the implications, the repercussions that may come about if we accept this particular document.

I said no harm is being done, but I would say to you that if you take the spark plugs and gas tank out of an automobile, possibly you are doing no harm to the car, but I am darn sure nobody is going to drive it.

I hope this morning that you will defeat the motion to accept L. D. 1918, accept the minority report on L. D. 616.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: As I sit here this morning in my chair I hear my good friend from Rockland refer to my grandfather. Yes, my grandfather is gone, my grandmother is gone, my father is gone, my mother is gone, and this was years before we ever heard of chiropractors. So you can't blame that on them.

If you walk by a medical doctor's place, you will see it says, "Practicing Physician." How many of you have watched the practice game? It is not the real thing. You know that just as well as I do.

Now on the surface of this new draft, you would think it had merit and justification. After we had the hearing, which was all one-sided in favor of the chiropractors at

the Civic Center, we came back and only one member in our Legal Affairs Committee stood out, in other words, we would have had it out before. They wanted a new draft and they wanted to talk with the author. Now I don't care what the testimony was in that hearing, that particular person would have done the same.

When they say here the chiropractors are lobbying, gentlemen, I have heard both sides lobby because they both lobbied me here, but I think you all know me well enough to know that if I stand alone I will vote for what I believe in and what my people want me to. They can't buy my vote, because this is as high probably as I ever intend to go in life. But I believe that this is a free country and that you or I or anyone else should have a chance to employ those who you want to work for us or who you want to treat us. When you say that I cannot have this person, this is taking away my rights as an American citizen.

I think here this morning that when you are telling about accreditation, let me tell you a little about accreditation. It is just a word; it means nothing because I can show you schools that were accredited. Accreditation means the number of volumes of books you get in your libraries in some cases, it doesn't mean what you know. There isn't any accreditation. This is just a few little people who are jealous of somebody else.

I remember just a few short years ago when the osteopaths were starting out. I remember the same forces trying to force them out of business. It didn't work. As I have told you before, I have never been to a chiropractor, I have never been inside their offices, I don't hunt with one, I don't fish with one, so I have no ties with them whatever. But I still say that this is America and I hope when you people vote this morning that you will go along with the wishes of the people who appeared at that hearing and you will vote for 616, the minority report.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I stand to support the new draft, 1918, because I believe as the members of this House believe, I am sure that what we want for the people of the State of Maine is what is good for them.

There has been some reference here this morning concerning the bill that was put in by a very fine gentleman in the other body whose prime interest was to improve the health care of the people of this state. I have no objections to it and I am sure that no members have any objections to it. That particular L. D. was defeated. There was another bill that was in before the Legal Affairs Committee. It came out with a new draft that Representative Emery has spoken of this morning. It was signed by the majority of the committee and they simply added, in my estimation, to the original bill some very reasonable safeguards.

I am sure that every member in this House has been lobbied as much as I have, primarily from the chiropractors themselves and by some of the very patients who are being treated by these individuals. The people who called me, believe me, were very much misinformed by the chiropractors as to what the intent of 1918 does. It was extremely unfair to these people.

I had several calls the other evening and the people were informed that if we passed 1918 we would be eliminating the chiropractors in this state. And as Mr. Emery has stated this morning, it is not so.

Yesterday afternoon I was talking to a very capable lady from my home town whose husband is a chiropractor. In talking with this young lady I said, "I understand, and I mean I understand, that your husband and his profession treat people for such things as epilepsy, heart trouble, diabetes and high blood pressure." The lady said, "Yes, he does to some degree only if it is minor

and my husband and these very able people are able to treat them." Well, ladies and gentlemen, I do not go to an eye doctor to have my teeth checked, and I submit that the legislation before us this morning protects the people of this state and it also protects the chiropractors.

I believe these gentlemen who are worrying unnecessarily about their profession have been alarmed and are spreading rumors that the very people that Mr. Brawn says should have the right to free choice are going to be denied them. It certainly is not going to deny them. We are not eliminating the chiropractors, we are simply setting down safeguards that I think the people of this State of Maine of ours should have. I wholeheartedly endorse 1918 in this House this morning.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I haven't imposed upon your time too much this session, but somehow or other, after listening to the presentation of the gentleman from Rockland, Mr. Emery, I feel compelled to say something in favor of this bill. I think he made the best presentation indicating that the committee had given it a complete study in the interest of all the people in the State of Maine. It is as good a presentation as I have heard and as good a one as I expect to hear during the complete session of the committee report on the bill.

I wholeheartedly endorse the report of the committee and I hope you go along with me.

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

Mr. LYNCH: Mr. Speaker, I would like to ask a question. Does the word — it says, "present evidence of having become a diplomat of the National Board of Chiropractic Examination." Is this a term given to all chiropractors or is this a term limited to a certain group of chiropractors?

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, poses a question through the Chair

to anyone who may answer if he wishes.

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

Mr. EMERY: Mr. Speaker and Members of the House: Very simply, that is a misprint. There is supposed to be an "e" on that. It is supposed to read diplomate, which means a man who has a diploma. Tomorrow, when this bill gets to second reading as I hope it does, I believe it will be necessary to present a House amendment to add an "e" on diplomat so that we can make it "diplomate" out of the "diplomat."

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. McNally.

Mr. McNALLY: Mr. Speaker and Members of the House: I am glad that I am getting along in years and that I was able when I was young to go to some of these shows that came around during the days when we had opera houses and not civic centers, and they used to have a play where there was Simon Legree's in it and the dogs used to chase little Eliza across the ice, I believe. Well, I can't help but looking at this kind of like the Simon Legrees might be the AMA's and their assistants and little Eliza could very well be the chiropractors.

I want to congratulate the Simon Legrees for their obtainance of so astute a sympathizer for their cause and to harass poor little Eliza. I hope you have not been misled by this sympathizer in his oratory, and I can tell you that he was very careful in not saying to you that in Section 1 of this particular bill they have carefully removed the word "science" thereby stopping all investigations of anything in the line that would help them out in the future. They no longer can be considered in the science field.

They do have a national board of chiropractic examiners and they also have a Board of Accreditation for Chiropractors, and the HEW would never go along with the chiropractors because they are laying down in the arms of the AMA.

The only reason I am speaking for this bill 616 is the fact, if I have understood things correctly,

this was the bill that was recommended by the Legislative Research Committee. It was written according to their direction. It was given to the Legal Affairs, it went to the Attorney General and was approved by him. Then it came out with five votes in the committee. Then the redraft was made and this redraft has come out with eight votes for it.

I know of several people at home, several people who have contacted me who go to chiropractors. I have never had the good fortune to go to the chiropractor, so let's say I have had the good fortune of never having to have to go to a chiropractor. But since those folks that I know being materially helped by the chiropractors, I don't want to see them being prevented from going to whom ever they want to go to, whether it be Christian Science or Guru or anybody else to get treatment for health. And I hope that you folks will give this a little thought. Just think of poor Eliza going across that ice and just think of that very fake bunch of Simon Legrees known as the AMA with all their money and affluence chasing her.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I will give you my reasons for supporting 616. In the first place, as it was mentioned by the eloquent orator from Rockland, Mr. Emery, which was a beautiful oratory but not too logical in my estimation, we have no accrediting agency that exists, there is none that exists through the Health and Welfare or any of the departments in Washington, and why is this? We have heard this morning about the lobby of yesterday or the day before, but the greatest lobby in the world, the one with the most money, is the American Medical Association, and they are all centered in Washington and that is the reason why there is no accrediting agency for chiropractors.

I don't know why, but at the hearing, where there were over 800 people present, there were two paid people from the AMA. One of them was a doctor out of Wash-

ington, I believe, who admitted he was prejudiced against chiropractors. We asked him questions and he admitted it and he laughed at them. He did everything that a doctor shouldn't do, in my opinion, and that is why I am for 616. I think that I attended every meeting of the Research Committee about chiropractors. I have seen a gentleman come down from Chicago, he gave one of the greatest presentations I have ever heard, who asked questions of himself and answered them and everybody left that meeting feeling that they had heard one of the greatest orators of the times at the Research Committee. And it is not alarming to me that the lobbyists who are chiropractors or not are for 616 because, as I said, the AMA is the greatest lobby in the world in Washington and that is why these schools are not accredited.

My next reason is freedom of choice. I have said this all along. I think an individual who wants to see a chiropractor should be able to see a chiropractor. I think in 616, if you accept this minority report people would be protected under this bill. If they are not protected enough, as it was stated before, when they do have an accreditation agency in Washington then we can always amend the bill and rewrite it and put more safeguards into it if we have to.

It has been stated here that the chiropractors have done a good job in this state. Somebody said there were only 46 of them. They said it wouldn't put them out of business; that is probably true. But it also would limit them. No others could come into this state. Some of our pupils now from the State of Maine that I have received letters from are in some of these schools. They wouldn't be able to practice under this because they couldn't be accredited.

So I believe that 616 is the logical answer to the whole problem and I hope you support the minority report.

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

Mr. WOOD: Mr. Speaker and Members of the House: I hope the members of this House today will

not be too misled by the statement that everything we do here in the legislature is in the best interest of the people in Maine. To some extent that is just not so. I have been here a long time and I have seen a lot of things done in this House that turned out to be a detriment to the people of the State of Maine.

L. D. 616 is a good bill. It is a good bill for the chiropractors; it is a good bill for the people who use chiropractors. But it seems to be that every time there is a bill that affects chiropractors in any way, there is always somebody ready to say, "I don't use chiropractors but I think that I should have something to say about a law that affects the people that do have to go to chiropractors."

I have been lobbied for the last week, in fact, more or less all winter, but not by the chiropractors, by the citizens of this State of Maine who use chiropractors. I have had call after call in the last week from former servicemen who served in the Armed Forces in the Second World War that use chiropractors. They know that this redraft of 616 is nothing but harassment for the chiropractors and also for the people who use them.

I could give you example after example of people who have had the services of chiropractors that have gotten well after being doctored for weeks and weeks and paying out hundreds and hundreds of dollars to medical doctors.

On the first page of this bill they have crossed out "in treating diseases of the human body." My good friend from Rockland tried to tell you what was called diseases of the human body. We have a disease called mental disease.

I can tell you the story about a young girl who had a mental disease. She was in our mental institution. She was doctored for a long time, had shock treatments. Finally she was a little better and she came home, but that girl never recovered or got well until she had the services of a chiropractor. A medical doctor had to admit that the manipulation of

the spine and the nerves that are in the spine probably contributed to the recovery of that girl.

I can tell you the story about my own wife, who was in the hospital, went in all right, had an operation, and when she came out she couldn't walk. The medical doctors let her come home. They doctored her for a month and said she never would walk without an operation and they wouldn't guarantee that to be too effective. But they did send her to a specialist, considered one of the best specialists in the State of Maine, and she doctored for another month. He told her the same thing, that you never will walk without an operation and of course we can't guarantee that you will be well then. A chiropractor was recommended to her and she took that up with her doctor. He said, "No, don't go to the chiropractor because this is a problem for the medical profession," but finally she did. A chiropractor over here in the City of Hallowell was recommended to her and I brought her over and lugged her into the office and she walked out. She doctored with him for about ten weeks once a week. In ten weeks she was practically free from pain and able to work and get around. It was several years before she had any more trouble.

Since then there have been times when she has had some trouble and had to go to a chiropractor for treatment. But today she is well and the medical doctors said she never would be without an operation.

I think that this bill, 616, is the bill that we should pass, and we should pass it for the chiropractic profession, for the people who are served by chiropractors. It is a good bill; it does most of the things that I believe we should do. But this redraft is a foot in the door, it is a step to eliminate further the services the chiropractors can give to our citizens.

I don't go along with the idea that we should protect our people from themselves too much; let them protect themselves. I believe that if a patient wants to go to a veterinarian or any other kind of a doctor, it is his own privilege.

We can't protect people all the time from themselves. If there are thousands of people in the State of Maine who want to go to a chiropractor and believe that they are helped and are able to work and be comfortable, I don't think we should do anything to hinder them from doing such.

I hope that you people believe some as I do and will defeat this redraft and then we will pass 616, which is a good bill. It is good bill for the chiropractors and it is a good bill for the people who use chiropractic services.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: Having spoken previously and having said enough, I just wanted, as I said when I spoke before, I wanted you to have the time to compare the documents before you and I hope you have had the time now.

Now I would like to ask one question, at least. What is so wrong with 616? 616 was recommended by the Research Committee and in the Research Committee Report it is on pages 14, 15, 16, 17 and 18 of their report. This report refers to 616, and the chiropractors wanted to go even further than that, they wanted it enforced by the Attorney General. So the only thing the chiropractors had in 616 was the ethic code would be enforced by the Attorney General of the State of Maine. They didn't only want this code set up, they wanted it enforced.

I said before there are 46 of them in the state and the people in opposition to these people have decided they are pretty well rooted, they are pretty strong in the State of Maine, so they haven't tried to do anything to the 46 that are now practicing in the State of Maine. They decided that was futile. It was impossible and impractical, so they made a grandfather clause. So anything we are talking about today, bear in mind doesn't affect the 46 that are practicing today. They decided that was hopeless. What they are talking about is expanding it, let

in more, broaden the scope. So I wanted to point this out.

Now this bill 616, we haven't in the past done much to regulate chiropractors, truly, and there should have been something done and the Research Committee recommended that there be something done and they recommended 616. It goes a long ways to putting something on the books to do something for the chiropractors to get them accredited and enforce their ethics and so forth. It is what I call a long step.

Now from the first time I spoke until now if you haven't had time to compare them, you haven't had time to read them, I hope you have had time to listen, and if you haven't heard, you haven't seen, I hope you can smell the difference.

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

Mr. MULKERN: Mr. Speaker and Members of the House: I don't pretend to know a great deal about chiropractors and their methods. However, I can relate one story to you, an experience that I had a few months back.

I attended a meeting of the Maine Medical Association at the Holiday Inn at Portland. At this meeting the matter under discussion was the whole question of the practice of chiropractic in the state of Maine. I asked one member of the medical profession one simple, direct question, "What do you have against chiropractors." The answer this gentleman gave me was that chiropractors practice unscientific medicine. Naturally my next logical question would be, "Sir, are you acquainted with any of the currently used chiropractic techniques?" His answer to me was a very simple "No." Now I submit to you that this answer and his whole reasoning process was extremely unscientific. I think, really, I get the impression that many of the members of the medical profession have no acquaintance whatever with chiropractic techniques and they are making statements that they are unscientific.

I realize that perhaps they should be regulated, but I don't think I can really go along with this new draft. I think 616 is a satisfactory beginning and I am going to support L. D. 616. I hope the rest of the House goes along.

The SPEAKER: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Members of the House: I would just like to clear up a little matter. I was the chairman of the Subcommittee of Legislative Research that studied chiropractic. The only bill that we sponsored in the legislature this session was L. D. 372. This had to do with the code of ethics of the chiropractors, and the chiropractors submitted a code of ethics to our committee for study; and we studied it and approved it. But it is not included word for word in 372. L. D. 372 covers that proposed code of ethics.

We had nothing to do with L. D. 616, nothing whatsoever in the Legislative Research Committee. That bill was prepared by someone other than the Research.

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

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: I am the sponsor of a controversial piece of legislation. I would like to clarify for purposes of discussion here that is taking place this morning that L. D. 616 was prepared by the Attorney General's office at the request of the chiropractic association.

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

Mr. CROMMETT: Mr. Speaker, Ladies and Gentlemen of the House: I have voted for the chiropractic bill and on occasion have spoken for it. I truly did not intend to speak today, but the words "code of ethics" brought this story to my mind.

During the 101st or 102nd, I have forgotten which, I went to Waterville with a friend of mine who was visiting a friend of his. While we were there, a gentleman came in, and I do not know his name. But he was a teacher in Thomas

College and a part time photographer. After visiting a while, he felt so good with himself for what he had done for the American Medical Association doctoring up pictures in their behalf, he told us a story.

Code of ethics was mentioned in that apartment. I have a medical doctor. If something the matter is wrong with me medically, I go see him. But this idea of doctoring up pictures just doesn't set too good with me.

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

Mr. NORRIS: Mr. Speaker, I would ask any member of the Legislative Research Committee, whereby they did study this bill, what their findings were, and which draft would they recommend that we support. Apparently, they spent much more time on this than any of us have here if they care to answer.

The SPEAKER: The gentleman from Brewer, Mr. Norris, poses a question through the Chair to any member of the Legislative Research Committee who may answer if he or she wishes.

The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, Members of the House: I think I spoke for the subcommittee when I said that we recommended L. D. 372. We recommended to the chiropractors that they need to go on record as to what their code of ethics was exactly. They agreed with us. They prepared a code of ethics and brought it in, and we studied it and approved it. We didn't recommend it word for word in L. D. 372, but we put in a paragraph that would cover it. They were to supply the code of ethics, which they were willing to do. That was the extent of it.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I have heard it said here "code of ethics." I am wondering how many of you attended up at the Civic Center this chiropractor hearing? I saw the example of

the code of ethics. I saw a little boy who was a cripple that the medical doctor said was a vegetable. He gave him up. He had had irons upon his legs, upon his feet. He went to this chiropractor, and the chiropractor treated his spine. This little fellow got so he could talk. He even called the doctor by his name before us there, because they all heard it.

So after the chiropractor had done all he could do in his power for the little fellow, he said, "You have got to have braces on your legs because you never can creep, you never can walk without them." But he said, "I am not qualified to do this. You have to go to a medical doctor."

So, he asked the young lady, "Where did you get the braces before?" And she told him about the doctor, she called the doctor by name; and she came up and substantiated it before us that this was the doctor.

So she took the little fellow back to him and said, "This child can now talk. He has advanced. Now he needs braces so he can creep or walk." He said, "If you are going to a chiropractor, don't come to me. I'm not going to do anything for you." And he sent her home. And this little child has no braces today. Because of this one example which we all saw there, there was heart tearing. I hope that you will go along with 616.

Mr. Emery of Rockland was granted permission to speak a third time.

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: As a point of clarification, L. D. 372 was also before the Legal Affairs Committee, but we gave it a leave to withdraw report. Therefore, the only matter relating to chiropractic that is pending before us now is the matter that we are discussing at the present time.

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

Mr. LAPOINTE: Mr. Speaker and Ladies and Gentlemen of the House: In an attempt to answer

Mr. Norris' question, it was felt in my opinion as I understood the decision that was made by the Legal Affairs Committee that L. D. 616 was stronger than — more strongly worded than the bill that was submitted by the Committee on Legislative Research.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: On the bill we have before us, if you study it closely and the legal phraseology that is being used in this document, on a total you will find that it is a bill of harassment. We all know who is opposing the chiropractors being allowed to practice in the State of Maine. In the previous sessions they were named as the doctors in the State of Maine versus the chiropractors.

Now, as far as I am concerned, I will submit to you that when a chiropractor makes a mistake, his mistake is exposed. When a doctor makes a mistake, that one is buried. There is no question in my mind that chiropractors are a very necessary thing for the State of Maine and the people in the state.

I will give you my own experience in my own family, which is back 14 odd years ago in another state when my wife was seriously crippled. She was so badly crippled by whatever was the matter with her — I never could figure it out — but she was twisted clean over to her left side, was in constant pain day and night. I had had her to two of the best doctors in that state. I had paid an awful lot of money and used an awful lot of pills. Nothing was curing her. She was a dying woman.

Now then, on the advice of two people that I respected, I took her to a chiropractor who had a very good reputation. We went in about seven o'clock at night. I walked in and helped her to get in there, and then the chiropractor asked me to leave, to go out and sit in the car. I said, "Why?" He says, "I'm afraid of what you might do when you hear her."

Well, he had a point there, and I went out and sat in the car. It was pretty near an hour and a half before he came and called me in. I was quite amazed at what I saw. My wife was no longer twisted over sideways. She was standing up and smiling. The pain was gone from her face.

Now, if it hadn't been for a chiropractor who knew what he was doing, I wouldn't have her with me today. I think every member of this House is acquainted with my wife. They see her here most every day sitting up in the gallery. They see her condition, they see her nature. If we pass this thing we have got in front of us today, this little gem here, we are going to be losing people who are dear to us.

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

Mr. DRIGOTAS: Mr. Speaker, Members of the House: Because I would like to have this made crystal clear to everyone who is in the House, I would want to know — and I believe the members of the body would want to know — will this outlaw the practice of chiropractic in the State of Maine? Will this, in other words, put 46 people out of practice?

The SPEAKER: The gentleman from Auburn, Mr. Drigotas, poses a question through the Chair to anyone who may answer if he or she wishes.

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

Mr. EMERY: Mr. Speaker, Members of the House: Absolutely, positively, unequivocally no.

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

Mr. COTE: Mr. Speaker, Members of the House: I agree with the gentleman from Rockland. The present chiropractors would not be limited. But any new people who are now going to school who want to come into the state and practice the art and the science of chiropractic will be stopped from doing it, because they can't get accredited through a school that doesn't exist.

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

Mr. LYNCH: Mr. Speaker, Members of the House: I am beginning to understand the confusion that existed here yesterday in regard to banking bills. Being one of just average intelligence, I am thoroughly confused by what is going on, and I am beginning to wonder if we ought to accept either bill.

The SPEAKER: A roll call has 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 those 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 Rockland, Mr. Emery, that the House accept the Majority "Ought to pass" in New Draft Report on L. D. 1918, An Act to Clarify Certain Ambiguities in the Chiropractic Licensing Law and to Revise Certain Provisions Relating to the Board of Chiropractic Examination and Registration. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Berry, G. W.; Berube, Bragdon, Briggs, Brown, Connolly, Cooney, Cressey, Curran, Curtis, T. S., Jr.; Deshaies, Donaghy, Drigotas, Dunn, Emery, D. F.; Farnham, Flynn, Gahagan, Garsoe, Gauthier, Hancock, Haskell, Hoffses, Huber, Jackson, Kelleher, Lawry, MacLeod, Mad-dox, Maxwell, McKernan, McMahon, Murchison, Murray, Najarian, Peterson, Pratt, Ross, Shute, Simpson, L. E.; Soulas, Susi, White, Willard

NAY — Albert, Berry, P. P.; Binnette, Birt, Bither, Boudreau, Brawn, Bunker, Bustin, Cameron, Carey, Carrier, Carter, Chick, Chonko, Churchill, Clark, Conley, Cote, Cottrell, Crommett, Dam, Davis, Dow, Dudley, Dunleavy, Dyar, Evans, Farley, Farrington, Fecteau, Ferris, Finemore, Fraser,

Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Henley, Herrick, Hobbins, Hunter, Immonen, Jacques, Jalbert, Kauffman, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaPointe, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, Mahany, Martin, McCormick, McHenry, McNally, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulhern, Norris, O'Brien, Palmer, Parks, Ricker, Rolde, Rollins, Shaw, Silverman, Smith, D. M.; Smith, S.; Sproul, Stillings, Talbot, Tanguay, Theriault, Tierney, Tyndale, Walker, Wheeler, Wood, M. E.

ABSENT — Ault, Faucher, LaCharite, Perkins, Pontbriand, Santoro, Sheltra, Strout, Trask, Trumbull, Webber, Whitzell

Yes, 45; No, 92; Absent, 12.

The **SPEAKER**: Forty-five having voted in the affirmative and ninety-two having voted in the negative, with twelve being absent, the motion does not prevail.

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

Mr. **DUDLEY**: Mr. Speaker, I now move that we accept the minority report, otherwise known as L. D. 616.

The **SPEAKER**: The gentleman from Enfield, Mr. Dudley, moves the acceptance of the Minority "Ought to pass" Report, L. D. 616.

Mr. Lynch of Livermore Falls requested a vote.

The **SPEAKER**: The pending question is on the motion of the gentleman from Enfield, Mr. Dudley, that the House accept the Minority "Ought to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Soulas of Bangor requested a roll call.

The **SPEAKER**: A roll call has 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 those 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 Enfield, Mr. Dudley, that the House accept the Minority "Ought to pass" Report in form L. D. 616. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Albert, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Brawn, Briggs, Bunker, Bustin, Cameron, Carey, Carter, Chick, Chonko, Churchill, Clark, Conley, Connolly Cooney, Cote, Cottrell, Cressesey, Crommett, Curtis T. S., Jr.; Dam, Davis, Donaghy, Dow, Dudley, Dunleavy, Dyar, Evans, Farley, Farnham, Fecteau, Ferris, Finemore, Flynn, Garsoe, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Haskell, Henley, Herrick, Hobbins, Huber, Hunter, Immonen, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Keyte, Kilroy, Knight, LaCharite, LaPointe, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Maddox, Mahany, Martin, McCormick, McHenry, McKernan, McMahan, McNally, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulhern, Murray, Norris, O'Brien, Palmer, Parks, Ricker, Rolde, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Soulas, Sproul, Stillings, Talbot, Tanguay, Theriault, Tierney, Trumbull, Tyndale, Walker, Wheeler, Wood, M. E.

NAYS — Brown, Carrier, Curran, Deshaies, Drigotas, Dunn, Emery, D. F.; Farrington, Fraser, Gahagan, Gauthier, Jackson, Kelley, R. P.; Lawry, Lynch, MacLeod, Maxwell, Murchison, Najarian, Peterson, Pratt, Rollins, Susi, White, Willard.

ABSENT — Ault, Bragdon, Faucher, Perkins, Pontbriand, Santoro, Sheltra, Strout, Trask, Webber, Whitzell.

Yes, 113; No, 25; Absent, 11.

The **SPEAKER**: One hundred thirteen having voted in the affirmative and twenty-five having voted in the negative, with eleven being absent, the motion does prevail.

Thereupon, the Bill was read once and assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Health and Institutional Services on Bill "An Act Relating to the Prohibition of the Advertising of Drug Prices" (H. P. 930) (L. D. 1227) reporting "Ought not to pass"

Report was signed by the following members:

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

Messrs. DYAR of Strong
SOULAS of Bangor
LEWIS of Bristol
SANTORO of Portland
Mrs. McCORMICK of Union
BERRY of Madison
MORIN of Old Orchard
— of the House.

Minority report of the same Committee on same Bill reporting "Ought to pass"

Report was signed by the following members:

Messrs. GOODWIN of Berwick
WHITZELL of Gardiner
LaPOINTE of Portland
— of the House.

Reports were read.

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

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

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

Mr. LaPOINTE: Mr. Speaker, Members of the House: I signed the minority report "ought to pass" on this bill, and I think it is a good bill. I would like to take this opportunity to share with my fellow members of the House this morning some material made available as a result of some research concerning a case in the State of Pennsylvania, and the case was the Pennsylvania State Board of Pharmacy versus Edward Robert Pastor, June 7, 1971.

I would like to quote from this court decision in the State of Pennsylvania a few things to help you make your decision this morning relative to lowering the cost of prescription drugs and allowing for advertising in the state and

supporting the bill before you at this time. "There is an obvious need for patients to be able to determine readily the prices charged by various pharmacies in their community. This appears to be particularly important in the case of long-term maintenance drugs. The task force recognizes the difficulties in making such information easily available. Nonetheless, if the patient is to maintain the right to select a pharmacy, he also has a right to know the prices it charges and to compare these prices with other prices.

"The task force recommends there is a need for medical associations, pharmacy associations and consumer groups working together at the local level to develop mechanisms whereby patients may obtain information on local prescription drugs, especially the long-term maintenance drugs."

The poor and particularly the elderly cannot afford this lack of information, and you are all well aware of the economic situation of a number of people in the State of Maine.

Now, I would like to also read another part of this report, this Supreme Court case in Pennsylvania, relative to advertising. I can't find it. Essentially, what it says — and I will paraphrase — is that the idea of advertising prescriptions is not professionally unethical. In fact, it would be more conducive to professional ethics.

I would also like to point out to you this morning that I signed the minority report — majority report, "ought not to pass" on generic drugs, because I felt very strongly that the bill, the way it was written allowing for the prescription of generic drugs, would not lower the cost of drugs for the people in the State of Maine who do not benefit from low-cost prescription drugs. I felt that generic drugs and the state of the market right now is such that people would not be able to benefit from good quality control.

However, I feel very strongly, ladies and gentlemen of the House, that drug advertising or prescription drug advertising would have some effect on the cost of pre-

scription drugs in the State of Maine.

I would like to cite to you an example of a situation that occurred in my home town of Portland. We had an organization put together called the Drug Co-op. This Drug Co-op was putting prescription drugs on the market to the people in the Portland area at cost plus ten. Mind you, they could not advertise these prescription drugs. That is very important to remember. However, when it became known that this organization was selling drugs at discount prices through the natural communication of the market place, the drug people, the professional pharmacy people, immediately engaged in a campaign whereby they had signs up, and they were advertising in newspapers that prescription drugs would be available to senior citizens at 10 percent off the price, the regular price. Now, I think that is a very very fine example of discount prices being made available to one segment of the population and the effect that it had in the market place with the regular pharmacies.

I submit to you this morning that this is a good bill. If you are interested in making an attempt at lowering the prices of prescription drugs for all people in the State of Maine, I suggest you support — not support the majority “ought not to pass” report but support the minority report.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the motion made by the gentleman from Strong, Mr. Dyar, to support the “ought not to pass” report.

Now, advertising of prices is an excellent practice in most businesses, and it might work with many items in drug stores. But it would be difficult, because there are so many different items. When it comes to pills, it would be almost impossible.

For years I have taken four different kinds of pills a day. This keeps me perking pretty well in spite of my age and infirmities. Now, some of these prescriptions

call for 29, 40 or 50 pills in each order—not to be taken but in each order at one time. This would not only be a nuisance; but for the pharmacist, it would be almost impossible, because there are so many different quantities.

Now furthermore, as generic drugs have been mentioned this might encourage drug sales in order to convince customers that one store offers lower prices for approximately the same thing which purports to have the same effect. Now, generic means a general kind as opposed to a specific kind. I happen to trust my doctor more than I do a pharmacist, and in order to discourage this temptation and since people can find out the prices of these drugs by inquiring or a simple phone call, I hope that you support the “ought not to pass” report.

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

Mr. LAPOINTE: Mr. Speaker, Members of the House: I would ask you not to be totally misled by Mr. Ross' remarks in making reference to generic drugs. Look very carefully at the legislation before you this morning.

Number one, it is permissive legislation. It would allow for the druggist to engage in advertising, if he so desired, number one.

Number two, the druggist is always dealing with a prescription. The prescription comes from a medical doctor. I think that Mr. Ross is suggesting that there might be some abuse here. Remember the relationship between the pharmacist and the prescribing physician has built in an element of regulation so that there would be no abuses involved. The prescription is prescribed by a physician. If the physician is prescribing a generic drug, then he is doing it within his best medical judgment. So do not confuse the issue of generic drugs and the likelihood for abuse here, because it has built-in safeguards, and it has built-in regulations.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I dislike taking issue with my young friend from Portland, the gentleman from Portland, Mr. LaPointe. I think probably if I read the gentleman from Bath correctly, any one of those who has to take several prescription drugs every day—assuming, for instance, that I read this, I would see an ad in the newspaper; and the way it is brought out to me, it would almost appear to be something that would be like some type of capsule or pill that I would take, and I decide, well, at the price of the prescription, I am going to go to this. Through ignorance, I might make a catastrophic error, to me at least, maybe not to some others. But in any event, I think this is a very dangerous bill, and I think we ought to accept the “ought not to pass” report.

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

Mrs. BERRY: Mr. Speaker, Members of the House: We heard two of these bills in our hearing in regard to pricing. One of the sponsors of the bill had made a survey, he said, in calling different pharmacists over the state. He used a well-known drug so that perhaps the pharmacist could really know what he was talking about. You know, if I took one of my doctors prescriptions and called up, I would say to him—and my doctor doesn't write very plainly—I would say, “I think it says this.” And he might say, “How many does it say?” I might say, “Well, I think it says 20.” I don't think you can do things over the phone. We know that our doctors don't always write too well in their hurry.

Also, different prescriptions call for different potencies of a drug, different grams or centigrams, however they do go. The chemical analysis of two drugs might be the same but some of the others might not be in regard to potencies or even the coloring of some pills will affect people.

I do not think that drug pricing, you could tell exactly what you were getting for the price. I think

you would have to take your prescription to the pharmacist and find out just what was on the prescription. I think that most druggists at that point would tell you what the price of the prescription would be. And I think this would be a much better plan than to have prices which there could be a discrepancy in posting them.

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

Mr. DYAR: Mr. Speaker and Ladies and Gentlemen of the House: I will try to be brief on this. Last session in seat 100 we had the late Ted Gill, a man I had deep respect for, and he made a statement at one time that there were many types of pills. A pill you could place in your mouth that would dissolve and have the desired effect. There was also the type of pill that you could put in your mouth, it was flushed down the toilet. I think he made a good point there. You can buy quality at a price that is effective or you can cut corners and buy something cheaper and have no effect whatsoever.

At the public hearing a gentleman testified about a customer coming into his store, having a prescription filled and being very critical of the price of the prescription which was \$5. She spent much of his time harassing him about the price of the prescription which she eventually paid for. She walked over to the cosmetic counter and picked up a \$5 jar of face cream, brought it back to the checkout, placed it on the counter with another \$5 bill and paid it. In this case, as in many cases, the outside looks of the person is far more important to them than is the importance of what they put into their system to take care of their problem.

If you want to pass this type of legislation this morning, I am quite sure that in several months you go into your local drug store, there will be a big billboard up there which we forced him to place, having him list maybe 100 or 150 of their most prominent prescriptions. If you want to see some real fast action, you are going to see

a lot of fast prices on these billboards. They are going to be competitive. They are going to put a price up there for a product at X-number of dollars or X-number of cents. They are not going to tell you the contents of that product. They are not going to tell you how many. That might be the price of the twenty pills, it might be the price of 25, it might be the price of 50, it might be the price of 100.

I hope this morning you will go along with the majority "ought not to pass" report.

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

Mr. McKERNAN: Mr. Speaker and Ladies and Gentlemen of the House: This is my bill that we are discussing and the problem which this bill tried to solve was brought to my attention by the Attorney General. He gave me some background on the prohibition against allowing drug stores to advertise the cost of their prescription drugs. Presently there are 37 states which have anti-advertising laws but in 25 of these, the laws are under attack either in the legislature or in the courts. And as Representative LaPointe mentioned, Florida and Pennsylvania courts have already struck down these laws.

So the trend today is toward allowing advertising of prescription drugs. In fact, this movement really got its start after a 1968 Health and Welfare report. That report stated and I quote, "If a patient is to maintain the right to select a pharmacy, he also has the right to know the prices it charges and to compare these with other prices." A March 1972 Consumer Report article stated that the Justice Department is considering anti-trust action against the American Pharmaceutical Association. The reason is that they are afraid that group might "be a party to a contract, conspiracy or combination to suppress price competition in the retail medicine market."

Now it certainly is not my contention that the Maine Druggists Association would be a party to any conspiracy but I do think that allowing the advertising of pre-

scription drugs will lower the price and also help the consumer.

I am also the sponsor that Mrs. Berry was talking about, who conducted the survey. And she is right that I did use a commonly known drug. But I think that is important because if it were not a commonly known drug, the consumer would have no way under the present laws of finding out the difference in the cost. I chose a commonly known drug so that I would be able to find out the difference over the phone, otherwise, if I hadn't been able to read my prescriptions with the advertising ban as it now exists, then I would have had to go around to all these stores.

I called 22 drug stores around the state and the price variations were significant. In the Greater Bangor area, the difference for a bottle of 100 Chloratrimaton, 4 milligrams, varied from \$3.65 to \$5.30 for the same bottle. In the Augusta-Gardiner area the difference for the same bottle was \$4.40 to \$5.30. In the Portland area the difference was \$4.00 to \$4.50.

An Assistant Attorney General who testified in favor of my bill had a person conduct a survey in Augusta for a drug called Polycillin, which is a little more expensive. On the main street of Augusta, the difference for the same amount of that drug varied from \$4.80 to over \$12. That is for the same amount.

This isn't isolated in Maine. For instance, the American Medical Association turned up prescription drug prices in Chicago varying up to 1200 percent. A New York Congressman found variations of more than 350 percent. In Boston, Acromycin is sold for anywhere from \$2.60 to \$8. So you can see that this is a universal problem.

The aspect of the problem that is so aggravating to me appears when you look at who is the consumer that is being affected by this. It is obviously the person who is either sick or elderly, or both. And neither of these two conditions is conducive to shopping around to find out where you can get this prescription drug the cheapest. So I feel that by allowing the advertising of prescription drugs, the competitive pricing

which will occur, will lower the price. It is going to be argued that it will not lower the price. And to that I say that even if it doesn't lower the price substantially, at least the consumer, through the advertising, will know where he or she can get the drug for the cheapest price.

So as stated, this problem exists in Maine and I hope that you will accept the minority report and not accept the majority report because I think it is important that we protect especially the consumers in this case who are the elderly and the sick. I would request a division.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker and Ladies and Gentlemen of the House: I think perhaps the gentleman from Portland, Mr. LaPointe, and the gentleman from Bangor, Mr. McKernan, have given some excellent arguments this morning on the need for this type of bill.

In the small community of Stonington we have a businessman who is a pharmacist and he is concerned, I think, with providing the general public medication at the lowest cost and he has provided me with some information which I think I would like to share with you for just a minute, and it concerns advertising. He writes, "I wish you would be against the advertising of prescription prices. This will not save the public money. The chain stores do the most advertising and according to Lilly Digest Studies, the average chain store operates on nine-tenths of one percent net profit. This means that at less than one percent net profit they cannot pass on savings to their customers. What happens is that stores drop the prices of drugs most commonly known to the public and to compensate they must raise the price of less familiar drugs at least double or triple to save profit." And this is the point I think that is worth noting, "The mid-west states advertise prices and their average prescription is \$4.33." New England does not advertise and the average price is \$4.00. The additional 33 cents

you are paying in the mid-west is for advertising.

I think I would probably agree with the gentleman from Bangor and the gentleman from Portland, but I think this is an argument that I think should be considered and I would appreciate it if either one of those gentlemen would care to respond to that.

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

Mr. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: I am afraid that I disagree with my good friend from Stonington, Mr. Greenlaw. At present the drug industry right now is spending over \$4 billion a year in advertising. That is in just good will advertising and that type of thing, already. I do not feel that necessarily it is going to increase the cost that much.

I feel, and I feel that is what our whole system in this country is based on, is free enterprise and competition and I feel that when we have free enterprise and competition the public benefits. I believe that we need some type of regulations so that we are able to keep this competition.

One thing that I like about this bill and I would like to bring it to the attention of the House is, if you read the bill, it states — first of all, this is placed into the laws relating to the Pharmaceutical Board that is already on the books now. It states that they may make laws which are neither inconsistent with the laws of the state nor prohibit or unreasonably restrict the advertising of drug prices. I read this as allowing the Pharmaceutical Board in this state to set up reasonable guidelines for advertising of drugs. And I feel that I would like to give them a chance to see if they can't set up some regulations and see if they can't begin to police their own business.

I would also like to state that we just spent little over an hour debating on whether or not to allow people to have the freedom of choice in what doctor they want to go to and I submit to you that this bill here would give people

a chance to decide which pharmacist they want to go to and I would hope that the people who voted for the chiropractors will also go along with this. I feel it is basically in the same vein, it is to help the people, the sick or the people who are chronically ill or aged who really cannot afford to pay these high prices for drugs.

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

Mr. GAUTHIER: Mr. Speaker and Ladies and Gentlemen of the House: I buy drugs, prescription drugs, called Menamin and I appeared before the committee and I mentioned that to the committee. I felt that this was a good bill. All the different drug stores in Sanford and Portland where I used to buy this drug, I paid \$9 for 100 and today I have found one drug store that will sell it to me for \$5.95. And I think for the elderly, this makes quite a difference when they go to buy their prescription drugs and at those prices.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mr. Willard.

Mr. WILLARD: Mr. Speaker and Ladies and Gentlemen of the House: I have a son who is a doctor in Princeton, New Jersey. He graduated from Princeton in 1960 and he hung out his shingle this last July. He spends part of his time in research for the Squibb Pharmaceutical Company who has their laboratories in Princeton. They spend \$200,000 a year to maintain five or six beds in Princeton Hospital to not only test new drugs but to keep the standards of their old drugs, the drugs they have been making.

That explains partly why the drug prescriptions are so high that the doctors prescribe and they also, at this time, are importing drugs from across the water and they are cheap and the results might be cheap. If you needed a certain drug and you bought one of those, it wouldn't do what it is supposed to do.

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

Mr. GOODWIN: Mr. Speaker and Members of the House: I would just like to clarify one point. This bill is not going to change any dealings of the type of drugs, the quality of drugs or the relationship between the physician and the pharmacist. All this bill will allow is it will allow pharmacists, if they wish and if the Pharmacy Board sets up a type of regulation to advertise drug prices they want and if people then can make a choice as to which pharmacy they want to go to, it is as simple as that. All this bill does is it gives a person a chance to make a choice based on the cost of that particular drug, that is all.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker and Members of the House: "I support the minority 'ought to pass'" report for one simple reason. At the beginning of the session I was taken with an illness and now I am using a prescription drug when I have colds or sore throats to prevent another reinfection. And I find penicillin, which is a very simple common drug, it is not a very complex drug, penicillin, I can buy it at the Maine Medical Center in Portland for \$1.25 for 50 pills, \$1.25 for 50 pills. I went to a drug store, a very large chain drug store which can buy in the same supply as the Maine Medical Center can, I am sure, and that same prescription cost me \$6.75, more than five times what I can buy it for in the hospital.

Now the reason I can get it at the hospital is because my wife happens to be a nurse. I think most of the people aren't so fortunate, possibly, to have a wife who is a nurse and can buy these prescription drugs at a hospital. But it seems fantastic to me that for the same brand penicillin, the same brand name, made by the same company and the exact same tablets, they are getting more than five times what I can buy it for in another place. Now it seems to me somewhere along the line their overhead is a little too high and possibly advertising and entering a little competition into this

field might reduce the price of drugs.

Those people who are on prescription drugs are mostly elderly people who are on fixed incomes. These people need some kind of relief. I know that there is a very effective lobby lobbying against this bill and I would like to correct an impression left by the Dean of the Democrats here. He is not going to make a mistake and go get the wrong drug at a drug store that advertised because he still has to have the prescription from his doctor when he goes to the pharmacy.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I can assure the young man that I am not going to make a mistake. I am going to get my prescription from my doctor. I am going to go to a druggist he is going to fill it and I am going to take it, and my wife is no nurse.

The SPEAKER: The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker and Members of the House: As a member of the committee who signed the "ought not to pass" report or the majority report, I was influenced primarily by the testimony given at the hearing. I think the safety feature here involved is primarily why I signed the "ought not to pass" report.

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

A vote of the House was taken.

Thereupon, Mr. Connolly of Portland requested a roll call vote.

The SPEAKER: A roll call has 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 those 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 Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I support this bill and I think you are being misled in what the issue really is here today. The issue isn't as the opponents of this bill would have you believe, the filling of quality prescriptions, the issue is business and business monopoly by pharmacists. That is what the issue is.

I want to give you an example of how it works with the Pharmaceutical Association in the state. I was one of the people who helped put together the Drug Co-op in Portland. The Druggist Association and the Pharmaceutical Association in the City of Portland opposed the formation of that co-op from the word go. And as Mr. LaPointe has already explained to you, the way that co-op works, in filling prescriptions it charges cost of filling the prescription plus 10 percent. The average price of drugs in the City of Portland is approximately \$2 to fill. The co-op, therefore, would charge a 10 percent markup, that is a \$2.20 charge to the consumer. If you went to a regular drug store, the lowest you could get a \$2 prescription filled for would be 100 percent markup or another \$2, and that is \$4. Price ranges go from 100 to 200 to 300 to 400 percent markup.

In order to get the drug co-op program off the ground in Portland, it was necessary to have a proposal funded through the Model Cities Program and that required approval of the city council in the City of Portland. When that proposal was heard before the city council, the pharmacists were out in force saying that it would hurt their business. The reason they were opposed to the proposal and to the co-op was because it would hurt their business. They would be forced to close down drug stores. That proposal passed by one vote in the Portland city council.

Then the Pharmaceutical Association hired high-priced attorneys and tried to have the contract void-

ed by HUD in Washington before it was finally approved and they lost again. The people in HUD said that they understood the problem, they understood the program, and since it was going to benefit mainly low income and elderly people it was legitimate and that it should be funded.

Then the pharmacists took out their final guns, their big guns. In order to get the co-op off the ground it was necessary to hire a pharmacist, and there were advertisements made in national publications and in almost every newspaper in this state. Whenever a pharmacist indicated that he might be willing to take the job at the co-op, he was approached by an investigator or by someone from the Board of the State Pharmaceutical Association and invariably went through his application for the job.

The program was in danger of not becoming funded because the time period was about to lapse in January of this year. You may remember reading about it in the paper, when finally a young, long-haired, hippy freak pharmacist operating in the City of Portland said, "I will take the job." and now that co-op is operating and low income people and elderly people are benefiting from it.

It is the same kind of lobby that opposes the co-op that is opposing this bill today. I would hope that you would change your vote, those of you who voted "ought not to pass," and vote for this bill in the name of decency and humanity.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker and Members of the House: It is impossible for me to sit here and honestly represent my constituents and not speak on this bill. I have elderly, I have low income people who come to me as legislator and say, "We have only so much to spend in our weekly and monthly budget and we have to put so much into drugs to maintain our stability and a decent, healthy life and we can't afford on our budget to pay the prices for drugs in this state that is asked of us and we have no other alternative." Then

they can show me a catalogue from a mail order house with the same prescription or the same drug or something similar which they are using that is \$3 a bottle less.

I can also show you druggists that are sitting in the most comfortable incomes in this state because people are sick and people need drugs. And sooner or later there is going to be a political issue in the state, mark my word, there is going to be a political issue in this state that the cost of drugs in this state to people with low incomes who need these drugs, with elderly and senior citizen people who have to pay for these drugs there is going to be a political issue that the costs of these drugs have to come down.

The commercial industrial system that we have, I am certain, can still make a profit, can still make a profit and lower the cost of drugs to the people who need them and also to the taxpayers of this state who are paying taxes and through Health and Welfare are paying drug stores and so forth for prescription drugs to people on health and welfare and we the taxpayers are paying this bill, too, which might be a little too large.

So at this time I would like to say that I would hope the members of this House start recognizing that a change is in the wind, that the day of not even being able to advertise prescription drugs to make it competitive. This is not a safety factor, this is prescription drugs by a doctor to make it competitive. If this is illegal in this state, boy, we are not representing the many people in the state who need drugs at a good price, a price they can afford according to their income.

I would ask you to change your vote and vote for this bill.

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

Mrs. McCORMICK: Mr. Speaker and Members of the House: First of all, I will be sure and get my names straight today. I believe Mr. Connolly in the back row was the one who brought up the situation of the drug co-op in Portland.

Anybody with a half an ounce of common sense could see that one of the problems they had why they could sell drugs at a much less cost through the co-op is that the co-op is being federally funded and the druggists aren't. It said that they couldn't set up the co-op until they had gone through Model Cities and I believe Model Cities is federally funded.

Mr. Silverman also said that he believed in lower prices for drugs and he said that some of his constituents had come to him with catalogues where they could order the same drugs or similar drugs and I think this is the point that I want to express, similar drugs.

If all of you people sitting in this House could have seen one of the film strips that we saw in committee on the making of similar drugs, you wouldn't want them no matter how much money you could save. You would want a good qualified drug and you would rather pay for them.

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

Mr. GOODWIN: Mr. Speaker and Members of the House: I wasn't going to mention this, but I saw that movie and it was the biggest laugh that I have ever had in my life. I realize that was in the discussion, generic drugs, and that movie showed a supposed factory that supposedly was turning out generic drugs and was supposedly doing it very dirtily and all that. I don't really think that has any relation to this particular bill, in fact as I remember that, that was on a different bill and that bill we already killed on generic drugs.

I would like you to keep in mind that the issue at hand here is the issue to me of our free enterprise system in allowing competition within the market place, and this to me is all it is. I feel this is where and when the people benefit.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I hate to prolong this, but I feel I should make one point and

that is that all this talk about this bill on the safety factor really has no bearing on the bill. In fact, the druggists didn't even make the safety factor argument. The safety factor argument came with the generic drug bill, and to me this is a separate bill. The only question we have here is whether or not we are going to allow free competition in the prescription drug industry. And you have to remember that these drugs are prescribed by a doctor and it is not anything that the pharmacist can do in giving a lower price and substituting a drug because the doctor has to prescribe that drug for the patient.

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

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: Since the word elderly seems to be in every other sentence, I felt that perhaps I should say something.

Seventy million dollars a year is spent in Maine on health care costs for the elderly. Sixteen percent of this is on drugs, or \$11.2 million a year.

The 105th Legislature killed the prescription drug Medicaid bill and now Congress has killed the prescription drug under Medicare. I think the least we can do is make a small start to help the elderly with their drug care costs and I would urge you to oppose the "ought not to pass" motion.

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

Mr. DYAR: Mr. Speaker and Members of the House: I have a very deep concern for the elderly here in this state. If we pass this bill this morning we are going to stab those people right in the back.

We have heard the word free enterprise and so forth tossed about in this House this morning as being a good thing, which I think it is, and I think they are using the term "free enterprise is a good thing" and in that case is a misleading thing.

Any business in this state is in business for a profit, a normal

profit so they can make a living. The gentleman from Portland got up this morning and told you about the Model Cities Program down there. It is a good deal. Uncle Sam is paying the pharmacist, he is paying the heat bill, he is paying the lights, he is paying for everything and the people are getting drugs at cost — a good deal. There are only about 100,000 people there, how about the other 900,000 people in this state?

I think the average druggist, if he has a poor person or an elderly person come into his drug store that cannot afford the prescriptions which might cost the druggist \$8, his actual cost, in many cases you will find he charges this person \$5 and takes a loss or he doesn't charge the person at all.

I am amazed at Mr. Silverman here this morning, a businessman, getting up on the floor of this House and endorsing this piece of legislation. What would happen if the federal government came in across the street from this gentleman and put in a clothing store, they paid the help, they paid the overhead and were in direct competition with this gentleman, I am quite sure he would sell out his business just as fast as he could because he couldn't compete with them. Certainly the federal government can sell at cost.

This is the question here this morning, are we going to kill the free enterprise system, pass legislation such as this and stab our own people in the back? Sure, any businessman will give a person a bargain to get him in the store. They will sell him a prescription drug at cost, but when they have to buy their needs, they are going to pay for it, they are going to pay right through the nose. No merchant, I don't care who he is, he is going to operate at a profit or he is going to go out of business.

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

Mr. LaPOINTE: Mr. Speaker and Members of the House: I would like to add to a few comments before we vote on this, and I know it is getting late. Mr. Wil-

lard from Bethel made some comments about the high costs of maintaining the research facility for brand name drugs. I would like to take this opportunity right now, before you vote on this issue, to add a little bit to that relative to the high cost of drugs in this country. I would like to quote from a Senate Small Business Subcommittee, chaired by Gaylord Nelson from Wisconsin, in which he says, "The purchase of prescription drugs by 200 million people in this state is controlled by 200,000 physicians and \$5,000 is being spent each year on each practicing doctor to persuade him to prescribe brand name products."

If we are going to look at the high cost of drugs in the State of Maine and in this country, I think we should look at the total picture. There is one other comment that I would like to make relative to that Model Cities Program that is in Portland. I introduced the idea of that Model Cities Program here, not because Uncle Sam was fiddling around with the free enterprise system, but I was introducing one element and that was that when a discount drug store went in business in the City of Portland, the private pharmacies automatically came out offering 10 percent off for the senior citizens in the Greater Portland area, and as I understand it, the entire State of Maine.

I think that is the issue here, that is the issue, stimulating competitive prices among prescription drugs, and I think that if we are concerned about offering low-priced, as much as the market can afford, prescription drugs to the citizens of Maine, that this is a good bill.

Number three, it is permissive legislation and it is controlled by the Board of Pharmacy.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker and Members of the House: I thank Representative Dyar for his statements. Number one, I am not in the clothing business. Number two, if I was in the business and I knew there were sick people, I wouldn't be profiteering on them.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Men and Women of the House: I have heard innumerable references this morning about the benefits of this bill to those in the low income bracket and those who are called elderly in our state. I stand before you as a representative of middle income and middle years people in my category who are on consistent regular medication who would also benefit by free enterprise competitive system within our state. I urge you to vote no on the pending motion.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't going to speak on this legislation, but I am like the gentleman from Bath, I am a pill-popping papa. I have been taking pills probably all my life because of a sickness that I have and it makes a difference how much I pay for those pills and I certainly concur with the gentleman from Windham, Mr. Peterson. When I do buy my pills I try to go to a hospital and get them because I get them at a much cheaper rate, but it isn't possible all the time and sometimes it is very inconvenient.

I think that this bill, the minority report on this bill I think is in the best interest of the consumer for the entire state. I do not go along with the remarks by the gentleman from Strong, Mr. Dyar, because I think the co-op in the City of Portland does have nothing to do with this bill whatsoever. I think what we are dealing with here is what is best for the consumer over the counter in a drug store for all the citizens of this state.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't going to speak on this bill, but as a signer of the majority "ought not to pass" report

I should give you my reasons why I signed the report.

Until the day I see the State of Maine — and I am talking about drug stores that sell nothing but drugs and nothing but prescriptions, then that day I may or may not vote for this type of bill. But to use advertising as a leader to get people into a store that sells electric toasters, et cetera, I would just feel this type of legislation is not necessary.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Strong, Mr. Dyar, that the House accept the Majority "Ought not to pass" Report on Bill "An Act Relating to the Prohibition of the Advertising of Drug Prices," House Paper 930, L. D. 1227. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, G. W.; Berry, P. P.; Birt, Bither, Bragdon, Brawn, Briggs, Bunker, Cameron, Carrier, Churchill, Cottrell, Cressey, Curran, Davis, Dudley, Dunn, Dyar, Evans, Ferris, Finemore, Flynn, Fraser, Garsoe, Hamblen, Haskell, Henley, Hoffses, Hunter, Immonen, Jackson, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Knight, LaCharite, LeBlanc, Lewis, E.; Littlefield, Lynch, MacLeod, Maddox, McCormick, McHenry, Merrill, Morin, L.; Morton, Najarian, Norris, Parks, Perkins, Pontbriand, Pratt, Ross, Santoro, Shaw, Simpson, L. E.; Soulas, Sproul, Stillings, Strout, Trask, Trumbull, Wheeler, Willard.

NAY — Albert, Baker, Berube, Binnette, Boudreau, Brown, Bustin, Carey, Carter, Chick, Chonko, Clark, Conley, Connolly, Cooney, Cote, Crommett, Curtis, T. S., Jr.; Dam, Deshaies, Donaghy, Dow, Drigotas, Dunleavy, Emery, D. F.; Farley, Farnham, Farrington, Fecteau, Gahagan, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Huber, Jacques, Kilroy, LaPointe, Lewis, J.; Mahany, Martin, Maxwell, McKernan, McMahon, McNally, McTeague, Mills, Morin, V.; Mulkern, Murchison, Murray, Palmer, Peterson, Ricker, Rolde, Rollins, Shute, Silverman, Smith, D. M.; Smith, S.; Susi, Talbot,

Tanguay, Theriault, Tierney, Tynedale, Walker, Webber, Wood, M. E.; The Speaker.

ABSENT — Ault, Faucher, Herrick, Lawry, O'Brien, Sheltra, White, Whitzell.

Yes, 68; No, 74; Absent, 8.

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

Thereupon, the Minority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

Divided Report Tabled and Assigned

Majority Report of the Committee on State Government on Bill "An Act Creating a Special Human Services Commission" (H. P. 572) (L. D. 751) reporting "Ought not to pass."

Report was signed by the following members:

Messrs. SPEERS of Kennebec
WYMAN of Washington
CLIFFORD
of Androscoggin
— of the Senate.
Messrs. COONEY of Sabattus
CROMMETT
of Millinocket
STILLINGS of Berwick
SILVERMAN of Calais
FARNHAM of Hampden
GAHAGAN of Caribou
CURTIS of Orono
— of the House.

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

Report was signed by the following members:

Mr. BUSTIN of Augusta
Mrs. GOODWIN of Bath
NAJARIAN of Portland
— of the House.

Reports were read.

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

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

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

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

Mr. MARTIN: Mr. Speaker, I move this item lie on the table two legislative days pending acceptance of the "ought not to pass" report.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves that this matter be tabled pending the motion of Mr. Curtis of Orono to accept the Majority "Ought not to pass" Report and specially assigned for Monday, May 14: The Chair will order a vote. All in favor of tabling two legislative days will vote yes; those opposed will vote no.

A vote of the House was taken. 92 having voted in the affirmative and 28 having voted in the negative, the motion did prevail.

Divided Report

Majority Report of the Committee on State Government on Bill "An Act to Provide a Maine Citizen's Preference on State Civil Service" (H. P. 678) (L. D. 885) reporting "Ought not to pass"

Report was signed by the following members:

Messrs. CLIFFORD
of Androscoggin
SPEERS of Kennebec
WYMAN of Washington
— of the Senate.
Messrs. CURTIS of Orono
STILLINGS of Berwick
CROMMETT
of Millinocket
COONEY of Sabattus
BUSTIN of Augusta
NAJARIAN of Portland
GOODWIN of Bath
— of the House.

Minority report of the same Committee on same Bill reporting "Ought to pass"

Report was signed by the following members:

Messrs. FARNHAM of Hampden
GAHAGAN of Caribou
— of the House.

Reports were read.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: Mr. Speaker, I move acceptance of the Majority "Ought not to pass" Report and would speak very briefly to my motion.

The SPEAKER pro tem: The gentleman from Orono, Mr. Curtis moves the acceptance of the Majority "Ought not to pass" Report. The Chair recognizes that gentleman.

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: This bill, L. D. 885, is a proposal which I truly think is basically an appropriations request. It seems to me that most of the testimony presented before the committee was in favor of providing more personnel for the Department of Personnel so that they could go out and recruit better within the State of Maine. The bill itself, however, would seriously restrict recruiting or notice outside of the State of Maine and the possibilities of hiring people outside of the State of Maine.

From my own personal experience, I know some people from Maine who have been required to leave the state in order to obtain jobs and if appropriate jobs ever became available within state government in a field in which they are expert, they would like nothing better than to return to their native state. This bill, as I see it, would prohibit them from being eligible for such jobs.

Now I am sure, as you can tell, the sponsor and the other people who are interested in this bill feel very strongly the other way and if they will let their views be known we would appreciate it.

The SPEAKER pro tem: The Chair recognizes the gentlelady from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker and Ladies and Gentlemen of the House: I think there is a need for this bill in our state government. If we just look at the intent of this bill, it is to give effect to the concept of Maine government by and for the people of Maine by eliminating artificial educational barriers to employment in providing the Personnel Department with basic personnel and resources whereby it can establish a state-wide counseling service to acquaint the Maine residents with the opportunities available in our State Department.

I won't go on, but within this counseling it would set up a recruiting system for the State of Maine. We all have heard about our youth and our citizens leaving our state for employment and also about the high unemployment in our state. I think that we need to remedy this. We could do it by being more lenient in our requirements, by recruiting, advertising, counseling and training, not only training new people, but those that are on the job now in case advancement opportunities arise.

In the 105th, we had come across our desks a report from the Legislative Research Committee on the Personnel Department and I would like to read some of this report to you, some of their findings. Apparently there was a question as to whether the Personnel Department was operating efficiently or to the best of what the department would be expected to do. The subcommittee found that most of the criticism directed at the existing personnel system could more accurately be categorized as the inability to render service because of an acute recognized and widely acknowledged lack of resources, rather than an awareness or lack of concern by their department.

This same committee found that since 1959 there had only been two employees added to this department and with an increase of about 4,000 state employees. So this would show right here that there is not personnel enough. According to other departments, they would have 100 people or more in the department. They found that training and recruitment were other facts that were needed.

I believe that there is need for this bill. We cannot touch the top personnel in our departments because they are helped in funding by the federal government. Perhaps this is where we should begin but it is not so that we can. I think it is very easy when some of our department heads come from out of state, and most of them do, when there is an opening they are apt to bring some of their friends here from out of state.

Some will say that there are personnel people in some of our departments, particularly our four largest ones, who can do this and they are doing it because they have more money than the Personnel. But this isn't always to the advantage because they do waiver our present law and do go out of state for a lot of their people. They just recruit for a particular job. If we had a recruitment system in our state, they would be recruiting for numerous jobs when they went out. They would go to our colleges and they would go around the state and acquaint people with jobs that are available. They tell me that Maine people when applying now do not adequately fill out application forms, not because they do not have the know-how but because of lack of staff things go so slowly and with the artificial requirements — some of the requirements are so high that they cannot possibly find that they will even be considered for the job.

This bill, as I said before, will not only do recruiting, it will give training for prospective personnel and also within the department. I think this is a good bill. We were told yesterday in our debate that even a dead Maine person could do better than one that is very much alive from another state, and I think this is true. It was brought out that they had more skill and I would like to add that I think they have more common sense than some coming in from out of state.

I wish we could keep this bill alive. I have an amendment that I could offer that perhaps would be a little more appealing to some of those who are opposed to it. I would ask that you might accept the minority report.

The SPEAKER: The Chair recognizes the gentleman from Westfield, Mr. Good.

Mr. GOOD: Mr. Speaker and Ladies and Gentlemen of the House: I support Mrs. Berry in her bill. It isn't quite like I would like to see it but it is a step in the right direction.

I am of the firm conviction that there is no job in the State of

Maine, there are very few jobs in the State of Maine that a Maine man or woman can't fill. Quite often Maine people don't know how to make out their application properly or to follow them through. I believe that there should be a recruiter in the Department of Personnel to give honest to God conscientious service to Maine people, not so much to discriminate against out-of-staters, but to give Maine people an equal chance for employment in the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: I rise today on this L. D. to give support to the gentlelady from Madison, Mrs. Berry. As the previous speaker, Mr. Good said, maybe it is not exactly the way he would like to see it and there may be some changes needed, but I think she has indicated to you people that she does have an amendment prepared that she could offer for this on the second reader and it might take out any objection that anybody might have.

But the thing that amazes me is that when the University of Maine budget comes up for consideration, we have many many people rise on the floor and support this system as being a fine educational system. Of course we have also those who object. But we are dumping millions of dollars into our educational systems in the State of Maine, whether it be on the elementary, secondary or post education. We do tell the people that we do have a good system. The only thing it lacks is more money for funding, but we are turning out good students from these institutions. Then all of a sudden we see where the State of Maine from the top office down, not just four agencies but from the top office down, give preference to out-of-state people coming into the State of Maine and taking jobs.

Now I am just as sure as Mr. Good is that we have ample people in the State of Maine who can fill these positions. I have been over to the Department of Person-

nel on several occasions, in fact quite a few. An out-of-stater coming in, scanning the list or going through the book, gets much more consideration than a person from the State of Maine. Sometimes it is even hard for a legislator to get any information out of that department. I have seen this happen time and time again, when people of the State of Maine that have been fully qualified have filed applications for jobs and these jobs have gone to out-of-state people. I think it was just last week in the paper, it showed in the corner of the KJ a picture of another man who has come in from out of state to work in the State of Maine.

I think the State of Maine just may be a little unique from other states in that we like to run our own affairs or we like to think we can run our own affairs. I think half of the trouble with the State of Maine today is that we have allowed too many of the out-of-staters to come in and run our affairs for us.

This is a good bill. This would be a start in saying to the students in our colleges that we are going to really, seriously, take a look at your application. We are not going to just receive it and throw it in the wastebasket and give the job to an out-of-stater.

I would hope today that you people do not accept the "ought not to pass" but that we do accept the "ought to pass" so that we can have this bill amended and so that we can take a step in the right direction.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I rise this morning as an individual legislator primarily because all the Democrats in the committee voted against the bill and I'm going to be speaking for it. I want to preface my remarks by saying that I am not sure exactly how the bill ought to be worded, but I am willing to take a look at the final draft and hopefully we can pass it in some form. I took a look this morning at the figures dealing with unemployment in the various sections of the

state. It is kind of flabbergasting to me to see some of the results. You and I all know that the worst county of all of course is Washington with 16 percent unemployment in March, followed by Aroostook with somewhere around 10, Somerset with 11, Sagadahoc with 10, Lincoln with 11 percent. This is compared with a national average of about 5 percent.

There are an awful lot of people back in our own legislative districts that cannot provide money for their own family because they don't have a job. Take a look at the number of Maine citizens that are leaving the state in order to find employment and again you find that figure would double again. We are every year educating Maine citizens at the University of Maine and other state institutions and they have to leave the state in order to find employment.

It is kind of ironic in a way that we hire out-of-staters where they have lost the battle of maintaining the environment in New York and New Jersey, they have lost the war there or failed to want to fight to save what they had or have and they decide to come here to put a stop to some of the development that we possibly could have in this state. I am not at all pleased with some of the out-of-state ownership patterns in this state. I believe that there are a number of state jobs, as you all know, that are going to out-of-staters every single day and this is caused by a number of reasons. This bill, if it could be passed and properly enforced and done, would help to solve that problem.

We are already giving preferences at the present time under state law to veterans. There is no reason why we cannot establish a preference system under the same system as the veterans in order to insure more Maine people of getting the jobs. I also want to remind you that in about six months OEO is going to be dismantled, and whether you and I stand on different sides of the issue, I have to point out to you that an awful lot of those positions are being held presently by out-of-state individuals who are

highly educated. They are going to create a tremendous pool of unemployed out-of-staters who are going to be applying for State of Maine jobs.

The Department of Personnel would be able to have an opportunity to use this as a basis to grant more jobs to Maine citizens. The Department of Personnel has indicated that in the last three years applications for classified and unclassified positions by out-of-staters has increased more than 25 per cent than what it was.

I am sure that if you took a look at the Maine Times today that you have on your desk, you would find advertisements in there, of course, asking for people to apply for state positions. And, of course, that paper primarily goes to out-of-staters who are interested in Maine, either who have lived here during the summer or are interested in Maine because they have a family here. Those people will end up applying for state jobs, and we end up being the ones who do not get it.

I know that the vast majority of the committee voted against the bill. I am sure that they didn't vote against the concept but perhaps voted against the bill because of the way it was drafted. I think we ought to give the gentle lady an opportunity to redraft the bill to see if we can make it work, because as far as I am concerned, Maine citizens ought to be given a chance to get first crack at any state job that we create.

The SPEAKER: The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker, Members of the House: I rise to support the concept of this bill and that is all I have to say.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am sure everyone in the House agrees with the minority floor-leader and the other people who have spoken, that this is a nice concept. Of course it is a good concept. Who could stand here and say, "We want to give the state

jobs to the out-of-staters." Nobody is going to say that.

The problem is we don't have a concept we are voting on this morning, we have a bill. The bill has a price tag somewhere around \$100,000 for the biennium. Now what we all really want to do is to have preference given to Maine people for state jobs. Let's just tell the Personnel Department that is what we want done. No problem, you don't need \$100,000 to do that.

Also in the bill it says, "No application for a position in state government shall be rejected solely because the applicant lacks educational qualifications." Now, does this mean that we want to bring people who are not qualified educationally into the jobs and then we can come in here and complain because they can't answer the questions or direct you to the right agencies? How would you ever prove whether or not an application for a state job was rejected because of lack of educational qualifications. It might be because of the way the person parted his hair or he might have had a beard or some other kind of thing.

So, it is a good concept but it is a bad bill, and I think it ought to be indefinitely postponed.

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

Mr. STILLINGS: Mr. Speaker, Ladies and Gentlemen of the House: Maine citizens' preferences have already been indicated by many members of this House as a concept with which we all agree. No one can argue with that as the gentleman from Augusta has just said. I certainly agree with it.

However, this bill would do very little to improve personnel management in state government. It calls, you may have noted, for the addition of five personnel in the Personnel Department, and that department already has a request in the Part II budget for four technicians. This I think while perhaps not being sufficient, certainly is an improvement.

Improved personnel management and recruitment goes beyond a counseling service helping people

fill out job applications. It involves an improved research capability, the capability of doing job audits and reclassification studies and many other things.

As far as recruitment is concerned, we have now the Maine Employment Security Commission. Several of our offices have job banks. Many of our larger state agencies have their own personnel departments. They are all concerned or at least should certainly be concerned with recruitment.

I might also mention that the language in this L. D. relative to educational qualifications is identical to that in existing law and personnel rules.

I am as concerned as the sponsor of this bill in that many high level jobs in state government are going to people from outside the state from outside our state civil service system. But this bill doesn't solve that problem. This bill is, in my judgment altogether too restrictive. We already give Maine's citizens preference in our classified civil service system, and I would hope that you would vote to accept the majority "ought not to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker and Members of the House: My good friend from Augusta, Mr. Bustin, keeps speaking about the bill, L. D. 885. I think it was already stated that there are some things in this bill that would have to be amended. I think the good woman from Madison, Mrs. Berry, has already said that if this bill was allowed to go to Second Reader, that she has an amendment ready.

Now, it is easy to stand up here if you want to kill a bill and keep saying bad bill, bad bill, bad bill. But when they tell you, the sponsor of the bill, that they have an amendment ready, then I would hope that we would at least extend them the courtesy to allow the bill to go to Second Reader so that they can offer the amendment. Then you people all know and I can assure you there is still ample time then for those that want to

kill the bill to kill it. You don't have to kill it today. At least let's give it a fair shake and see what can be done, so that we can get something out to the state department and something out to the people of the State of Maine saying that we have a concern for the young people graduating from our educational institutions.

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

Mrs. BERRY: Mr. Speaker, Members of the House: I would like to say that I think Mr. Stilings knows that I did give a suggested amendment to the committee which would cut down on the personnel so that the expense wouldn't be as great. I do not think it refers to the number perhaps that this bill would possibly recruit from the state, but it also would give us a better government, I think, if we could have a little training.

He said that there is something already on the books, but they don't have the money and the tools to do what is on the books. So this is waived many times because they cannot get out to see people and to recruit.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't going to speak on this, but I have worked in training programs and things before. So I think this bill is an excellent bill except I really don't see the need in the Personnel Department for the people to train and recruitment functions of Maine people.

I think the concept of this bill is good and I am going to support it as Mr. Dam said, try to amend it and change it to where we want it. My only point is the fact that we have concentrated employment programs in the state, we have manpower training programs in the state, we have the Employment Service, which supposedly finds jobs for people and several other programs that could give maybe with one or two in the Personnel Department the work to co-

coordinate these services. We could have a coordinated effort throughout the state to train Maine people.

I just don't feel we need a complete training program—another one within the Department of Personnel. I do think this is a good bill, and I would urge everybody to support it, as Mr. Dam said, so we can work with this bill and perhaps come up with something to show the Maine people that we are concerned with their future and their job security.

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

Mr. DRIGOTAS: Mr. Speaker and Members of the House: Because this is so close to home, I have got to mention this: I have a son who graduated from Bowdoin. I have a daughter who graduated from Colby. I have a son who graduated from the University of Pittsburgh. Caroline went away to Washington for lack of opportunity, apparently, in the State of Maine. Frank also went away to Enfield, Connecticut, for further training. Thank goodness he did apply for a state job in the State of Maine. He didn't get that, but he did get a job with another concern. Martin is with Dupont out in Wilmington, Delaware, Chicago, and he has told me many, many, many times he would like to come back to Maine.

Now, the point that I am trying to impress upon you is the fact that here are possibly pretty well qualified youngsters who have left the State of Maine with the exception of Frank who came back. I think we should do everything—everything in our power to encourage them to return to their home state that they love so much.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: In regards to this bill, as far as my own personal opinion is concerned, it is not in the form I would like to see it, but I am going to support it to keep it alive. The reason I say this is down in my home town I had a fellow graduate from Husson College with

the top degrees for business administration. He was refused a job working for the state because he didn't have years of experience. He had been employed with the mill corporation down there which is a multimillion dollar operation. He was qualified there, but he wanted to go over into something else.

Now, I had another one down there by the name of Scott, Bart Scott. He graduated from Maine Maritime Academy in the Engineering Department with top marks. He took his examinations for chief engineer's license, and remember this, he qualified for all seven seas. Now any engineer who can qualify for one of the seas is doing pretty good. This young man was turned down, because he didn't have four years experience on land to run one of our state office engineering buildings. Think about these kind of things. I would like to find some way of correcting what we are having happen over in personnel.

The Advisory Council for personnel is composed of the commissioners of the different department, and they set up what the qualifications will be for somebody they want to see hired.

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

Mr. COONEY: Mr. Speaker and Ladies and Gentlemen of the House: If you were head of the Personnel Department and you wanted 110,000 extra dollars in the next biennium, how would you go about getting it? Would you simply put in a request that we are overworked and we need another \$110,000? Well, I think you know what kind of reception we give to just outright requests for more staff. We are quite critical.

What if you hung a carrot on a stick that you knew the legislature would just dash after, and that is we need \$110,000 so that we can give preference to Maine people? Well, obviously, the legislature is just going to dash after that carrot and gobble it up, and I think that is about what we are going to do this morning. I see the gentle-

man in the corner is nibbling away right now.

Now, I have been looking through the statute books this morning to try and find something that I really was under the impression was there, and that is that Maine people are being given preference. The reason I was confident that was somewhere in our regulations or on our books was because about a year ago I had a constituent, a young man, call me and say he had been denied a job because he hadn't lived in the state a year. I said, "That's strange, you're qualified for the job." I called and certainly he was qualified for the job. He was denied the job because he hadn't lived here a year and was not a Maine resident. So it was my impression that we were giving preference to Maine people and that only in the cases of extremely technical jobs where you have to have an expertise that simply wasn't available here or in such a case where there was simply an unavailability of Maine people would the Personnel Department or any state agency hire people from out of state.

So, if there is a real problem here, perhaps we can put it on the books, but it is my impression preference is being given. It is also my strong suspicion that we are being asked to give a department \$110,000 and there is no real interest in this Maine preference. That is just the carrot on the stick to the legislature.

I also would like to bring to your attention a point that Mr. Bustin brought up, is this phrase in the bill that no application for a position in state government shall be rejected solely because the applicant lacks educational qualifications. Now, what is the one big complaint you get from your constituents about state government services? The employees are not doing anything, they don't know what they are doing. They are not getting service. Now, how can you put untrained, unqualified people into state jobs? It seems to me that whoever is going to apply for these jobs should be qualified. So I am perfectly willing to watch the House go along

and see if Mrs. Berry can get this amended so that it would be acceptable.

I have nothing against giving preference to Maine people, but I think we ought to realize some of the other things that are hidden in this bill; the funds, the educational standards, some of these other things.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I do have to comment in reference to the remarks made by the gentleman from Sabattus, Mr. Cooney. First, he seems to be implying that only educated people are qualified. I have seen some awfully uneducated educators and uneducated state employees who hold Masters and Ph.D.'s, and he and I are both members of the teaching profession. I am sure that he would agree with me in taking a look at some of the people who are in state government and have a tremendous amount of education. That doesn't mean that just because they have education they are going to do a better job than someone who hasn't.

I do think, though, that in the final analysis when you take a look at the whole thing, if we can make it out — you call it what you want to, whether it is a carrot in your hands or in my hands or the Department of Personnel or in my mouth or in someone else's if it is going to mean that someone is going to have a little bit of food to place at their tables, then we ought to try it.

Granted, we have an approach at the present time on the Maine law books, but it isn't working. We ought to try something else. If he is concerned about the \$110,000, we will take it out of the bill. I am sure that is not a problem. But don't forget that the Department of Personnel is badly understaffed; and whether we do it in this fashion or through the regular Part I or Part II budget, it ought to be done. You should not use that as an argument against the bill.

I want to thank the gentle lady from Bath, Mrs. Goodwin, for mailing me a copy of Johnny Rabbit.

Mr. Norris of Brewer moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question, it must have the expressed desire of one third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken.

The SPEAKER: Obviously more than one third of the members present having voted for the previous question, the motion is entertained. The question now before the House is shall the main question be put now? This is debatable with a time limit of five minutes by any one member.

The Chair recognizes the gentle lady from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker, Members of the House: I would like to set Mr. Cooney straight. I wish you would vote against the previous question.

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

Mr. KELLEHER: Mr. Speaker, Members of the House: I believe that there are some other remarks that want to be made here this morning. I, like the rest of you, would like to go to lunch. Looking at the Calendar, I am sure that we are going to be coming back here this afternoon or tonight. If so, I would think the floorleaders should so indicate.

Each and every bill that is before you here, it means something to someone. I would like to go out of here and go to lunch myself this afternoon, but I would like to have everyone have a fair and equal opportunity. I know Mrs. Berry would like to answer some remarks that were made. I don't know but that I would like to make a few remarks myself.

So I would ask you not to move the question. We are going to be coming back here tonight. You people are going to get a session that you probably won't forget if

it is going to be an evening one. So I ask you not to vote for the question.

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

Mr. COONEY: Mr. Speaker, Members of the House: I have no reluctance or reservation about being set straight, and I think the gentle lady from Madison ought to be given an opportunity to speak. I hope you will move against the previous question.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will move against moving the question, because there are people here who should be heard.

A little bit earlier I asked that this be tabled so we could go into what seemed to be a very worthwhile bill. I was refused, so I think we should fully debate it.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Reluctantly I rise to support my motion for the previous question. I do it only because at the rate — if we continue at the rate we are traveling this morning — I would correct the good gentleman from Bangor, my very dear friend, Mr. Kelleher — if we continue right straight through, we will be here tomorrow noon at the same time if we go at the rate that we are going now.

I certainly don't want to shut anyone off, but I really don't believe that there is going to be one vote changed on this question by any further debate. I just cannot see it. I want everyone to be heard. I realize this is the process; but if we don't show a little concern, we are never, ever going to get out of here by Labor Day.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: Maybe I am so old I get impatient sitting here, but we have had some preponderantly majority reports

here and we have spent quite a few, it seems to me, unnecessary minutes. I think we are all intelligent, and after half an hour debate we can get the point and we make up our mind. Then when we look at the calendar and see the names of those who signed the report, we feel that we are further wasting time on many of these issues. Sometimes I vote against, perhaps, my conscience just to get through with it because I know it is going to be in the end fruitless.

The SPEAKER: All those in favor of the main question being put now will vote yes; those opposed will vote no.

A vote of the House was taken.

56 having voted in the affirmative and 57 having voted in the negative, the motion did not prevail.

The SPEAKER: Will the Sergeant-at-Arms kindly escort the gentleman from Waterville, Mr. Carey, to the rostrum?

Thereupon, Mr. Carey assumed the Chair as Speaker pro tem and Speaker Hewes retired from the Hall.

Mrs. Berry of Madison was granted permission to speak a third time.

Mrs. BERRY: Mr. Speaker and Members of the House: As I said, I would like to set Mr. Cooney straight. It is not a department bill. I went to the department myself. If there is any dangling before anybody's nose, if I am doing the dangling I would prefer it to be an apple instead of a carrot.

Speaking about education, I don't like to pick on certain departments, but if you read the Portland paper Sunday, you can see that some of our commissioners, or one of them in particular himself does not have a college education, a complete college education, so I don't think that we are going to have to lower the qualifications too much.

This was my own feelings and thought, and if I could have a co-sponsor, it would be Mr. Good because he came to me saying that he had the same thoughts and we went to the Personnel Department together. They didn't come to us.

Mr. Finemore of Bridgewater requested a roll call vote.

The SPEAKER pro tem: A roll call has 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 those 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 pro tem: The pending question is on the motion of the gentleman from Orono, Mr. Curtis, that the House accept the Majority "Ought not to pass" Report on Bill "An Act to Provide Maine Citizen's Preference on State Civil Service," House Paper 678, L. D. 885. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA—Berry, P. P.; Birt, Bither, Brown, Bustin, Clark, Cottrell, Crommett, Curtis, T. S., Jr.; Deshaies, Dunn, Evans, Ferris, Goodwin, K.; Henley, Hoffses, Jackson, LaCharite, Lewis, J.; Littlefield, Maxwell, McKernan, Merrill, Najarian, Norris, Pratt, Ross, Stilings.

NAY — Baker, Berry, G. W.; Berube, Binnette, Boudreau, Brawn, Briggs, Bunker, Carrier, Carter, Chick, Chonko, Churchill, Conley, Cooney, Cote, Cresssey, Curran, Dam, Davis, Donaghy, Dow, Drigotas, Dudley, Dunleavy, Emery, D. F.; Farley, Farnham, Farrington, Faucher, Fecteau, Finemore, Flynn, Gahan, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Greenlaw, Hamblen, Hancock, Hobbins, Huber, Hunter, Immonen, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaPointe, Lawry, Lewis, E.; Lynch, MacLeod, Maddox, Mahany, Martin, McCormick, McHenry, McMahon, McNally, McTeague, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Palmer, Parks, Perkins, Peterson, Pontbriand, Ricker, Rolde, Rollins, Santoro, Shaw, Shute, Silverman, Simpson, L. E.; Smith, S.; Sproul, Susi, Talbot, Tanguay, Theriault,

Tierney, Trask, Trumbull, Tyndale, Walker, Webber, Wheeler, White, Willard, Wood, M. E.

ABSENT — Albert, Ault, Bragdon, Carey, Connolly, Dyar, Fraser, Haskell, Herrick, LeBlanc, O'Brien, Sheltra, Smith, D. M.; Soulas, Whitzell.

Yes, 29; No, 104; Absent, 16.

The SPEAKER pro tem: Twenty-nine having voted in the affirmative and one hundred four in the negative, with sixteen being absent, the motion does not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Veterans and Retirement on Bill "An Act Relating to State Police Retirement System" (H. P. 48) (L. D. 55) reporting "Ought to pass" as amended by Committee Amendment "A"

Report was signed by the following members:

Messrs. RICHARDSON

— of Cumberland
SHUTE of Franklin
DANTON of York

— of the Senate.

Messrs. PRATT of Parsonfield
THERIAULT of Rumford
GAHAGAN of Caribou
LYNCH

— of Livermore Falls

Mrs. KELLEY of Machias

— of the House.

Minority report of the same Committee on same Bill reporting "Ought not to pass"

Report was signed by the following members:

Messrs. HENLEY of Norway

BERRY of Buxton
— of the House.

Reports were read.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I am not optimistic. I don't know how to say just what I want to say on this. As you will note, I am one of two signers opposed to this bill, L. D. 55.

I don't know how many of you have been lobbied on this bill. I have no question but what the vast

majority of State Police involved want the bill to pass, and as you can see, the great majority of the committee want the bill passed. I am, of course, as you can also see, of an older generation, and perhaps you may or may not know that I have always opposed mandatory — not mandatory sentences, mandatory retirement. I am for mandatory sentences, by the way. But I do not believe that any specific age in a person's life should say that he is no longer able to do his job.

As you will note from the bill, a couple years ago when the law was passed making retirement mandatory at age 55 or 20 years with half pay, they used the dividing line in '43, July 9, because that was the dividing line between the original troopers in the State Police who had their own retirement system and were not tied into the contributory system. It exempted a group of people who were in the force prior to that time.

The people alluded to in this bill are the remainder of that group. The people alluded to in this bill are Major Edward Marx, Lieutenant Edward Doyle, Colonel Parker Hennessey, Trooper Lawrence Gauthier, Captain Edward Gordon and Captain Roger Baker, five State Policemen.

This bill is entirely instigated and put forward to make it mandatory that those five people now are brought under the mandatory retirement, and of course with the exception of a committee amendment, which seeks to delay the mandatory retirement by one year, it would immediately, practically immediately, retire them. The only thing is, the bill also, as you will note, excepts the Adjutant, Major Marx and Colonel Hennessey, Chief of Police and Commissioner.

Major Marx is 69 and Colonel Hennessey is 62. Edward Doyle is 70, Trooper Gauthier is 60, Captain Gordon is 60 and Captain Baker is 59. Now some of these troopers appeared before us and as I said before, the vast majority of people involved, the troopers themselves and of course their families want this to go through. Why? Because

it will immediately, if it is passed, open up promotions.

I suppose I should have gone along with the majority and I should have paid close attention to the people who were there testifying as the majority against the two or three people, Captain Gordon, particularly, who testified, and I don't mind saying that if he should retire then I should be bedridden. He is a fine, healthy, strong man who is doing the job excellently, and I for the life of me, in representing the people of Maine, cannot see and go along with a bill that will say your job is done, you are going out to pasture.

Captain Gordon has served 37 years for the state. Sure he can get a good salary. He can go fishing. But, ladies and gentlemen, we who have gone past the half century mark, and some of us quite a ways past, our life is serving, working with people, poor people, our people, we don't want to be put out to pasture. That only means drying up and dying.

Trooper Gauthier of Jackman, I do not know him personally. I imagine there are several of you here who do. They insist it would take quite a rugged man to tackle him. I believe that he should still be able to do the work that he apparently loves to do. He must love it, otherwise nobody would be a policeman. We all know that. With the epithets that are hurled at them, the obscenities, the things they have to contend with, they have to love their work. He is only 60 years old. If he has got ten more years of wonderful service, with his background and experience why shouldn't he have it?

The young people who are under 55 that want these promotions, I am kind of sorry for them, but their day will come.

Another point in mind, I have military experience and it seems to me through all the centuries of military experience that if mandatory retirement at age 55 was plausible and practical, the armed forces would use it and they do not. They assume that a person gets older, more experience, more service in back of him, possibly with certain promotions, sure, he

isn't as valuable perhaps as a buck private in the front lines, he can't run as far, he can't lug as much, his physique isn't as good on endurance, but if he is by then a captain or a major or a colonel, he has got too much to do at a desk, too much to do overseeing larger enterprises, he isn't going to have to carry a rifle and a pack in the front lines. By the same token, the men in the front lines do not have the quality to do the major jobs.

I have been given to understand that in spite of the apparent lack of promotions, there have already been up in the teens in promotions already this year in the State Police. And for a group of a little over 300 people, that doesn't seem too bad.

I am a great admirer of our State Police force. I think they have done a wonderful job and I of course would like to see them get promoted as it is warranted and as they earn it.

In closing and I shall not be too optimistic, as I say, but in closing my remarks, again I just could not go along with this small group of men and say you are going to go out to pasture, regardless of promotion or anything else. We who are of the older generation haven't got too much ahead of us, but those who are younger have got a lot of time ahead of them. Let them make their own life. Let us not brush older ones aside just so we can push the young ones up a little faster.

I think that one final point that to me looks a little bad, this does not include the Chief of Police force nor the Adjutant, Major Marx. They are exempted because of the law as it states here. If it is good and fair that Captain Gordon and Baker in their higher positions must be retired, it should be just as fair for the Chief and the Deputy Chief or any of the other officers on the force. But they, as you will note in the bill, are exempted.

I doubt if I get up again on this bill unless it is to answer some questions, but I move the acceptance of the minority "ought not to pass."

The SPEAKER pro tem: The gentleman from Norway, Mr. Henley moves the acceptance of the Minority "Ought not to pass" Report.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I am the sponsor of this bill. It has been suggested in the press that it is not the most popular thing to do to try to force people out of state jobs and that is exactly what this bill does indeed attempt to do. It is not because I have anything at all to complain about the five individuals who are involved. I never met any of them until I introduced the bill.

I think it is fairly obvious that their long tenure with the State Police is a tribute in itself to their fine service to the State of Maine and to their force that they served. But it seems to me that we are dealing with a matter of equity here. Every other officer on the State Police Force is required by statute to retire at age 55. These five people, because of the time that they joined the service, before that law went into effect, are not required to retire at any age. And as you have heard, one of them is already at least 70 years old.

Also, these five people, and as far as I know they are the only people in all the state service who are in this category, do not contribute anything out of their own paycheck towards their retirement. Yet, when they do retire, they are also eligible for the same retirement benefits as every other state employee. The money for their retirement, incidentally, comes by appropriation from the General Fund.

Finally, and I think this is perhaps the most important reason, is that the morale of the State Police Force is suffering because of the fact that the men who are junior to these five do not know when they will retire and they have no indication of when the openings may exist in higher positions.

It has been pointed out in the testimony that was given at the hearing that if these five people retired there would be something like a dozen promotions available

to personnel now in the State Police Force.

So for these reasons, and not because of anything that I have for criticism at all of the individuals involved, I hope you will defeat the pending motion.

The SPEAKER pro tem: The Chair recognizes the gentleman from Caribou, Mr. Gahagan.

Mr. GAHAGAN: Mr. Speaker, Ladies and Gentlemen of the House: This is a very difficult bill to speak for. However, the committee, based on the hearing speeches of representatives from the State Police and having been contacted by nearly every family of State Police presently in the system, I signed the majority "ought to pass" report.

However, I wish you would consider that the committee amendment will extend the period of service for these gentlemen for an additional year. It is my understanding that the majority of these gentlemen are not opposed to this. They understand that the nature of police work is such that it is a profession for younger men. We are not trying to put them out to pasture. I think that we are being very fair, are being most of all fair to the general State Police system.

I would urge you to defeat the prevailing motion and go on to accept the majority "ought to pass" report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Presque Isle, Mr. Parks.

Mr. PARKS: Mr. Speaker, Ladies and Gentlemen of the House: This bill means just what it says. They are going to put these five old men out to pasture.

The question has been raised, when these men were hired and I was hired along with them at the same time, some of them, Gordon and Baker, Lieutenant Doyle, Gauthier came on after I did, Hennessey came on after I did. Major Marshall was already with the State Police.

Under section 1593, the law was that we had a contract with the State of Maine. We were accepted. The plans for the State Police Department, we could work for 20 years. After 20 years we could

retire if we requested it. It did not say that we had to get out at any particular age or at any time at all.

Now the question has been brought up about promotions in the State Police Department. There have been no promotions held up because of these five men. As a matter of fact, Trooper Gauthier — he is just an ordinary patrolman which he has been for years. He loves his job, what he is doing. He is dedicated. In the last 10 years there have been 116 promotions made within the State Police Department.

These boys were all working men at that time still with the 116. In the last five years, there have been 64 promotions made within the State Police Department. So far in 1973 there has been 14. These fellows have all been working. So you can see that they have not been holding up any promotions.

I understand from pretty good authority that there is a move in the department for more ratings — 60 corporal ratings. Up until this time, the ratings were patrolman, sergeant, lieutenant, captain and so forth. But they are going to make some corporal ratings in there and there is a provision for 60 of these ratings. Sixteen detectives will be made corporals and the 44 that are left will be field promotions for troopers which would be assistants to the sergeants and the patrol sergeants.

Let's take a look at the picture here, what it is going to save the State of Maine if you keep these fellows on. The savings to the State of Maine and the money set aside for pensions amounts to \$42,832. This money is already turned right back to the department — it doesn't cost the department any money. In the last 10 years there have been 88 men who have been appointed to the State Police Department. Most of them from one to six years' service who have left for other employment after gaining the experience and training at the state's expense. It costs \$14,000 to train and equip a state trooper, furnish

him with uniforms, furnish him with an automobile and one thing and another. This 88 times 14 is \$1,232,000. Now this is what it has cost the State of Maine.

These five men are dedicated, Marx, Doyle, Gordon and Baker were men who worked at the same time I did for the great big sum of \$25 a week. They have had families, they have been grown up, they have educated these children and tried to put them through school. They were working for low salaries when people who had jobs back in World War II in industry where they were getting a lot more money, these fellows still stuck to their same jobs, working for practically nothing, did not have a chance to lay up a little bit of money for their retirement. Now that they have a chance to get fairly good pay, are you going to kick these fellows out before they get enough money to lay aside for retirement?

These boys in here will all retire at half pay, that is true. They are of the age right now where it is going to be pretty hard to have to step out and get themselves another job in industry because they have spent their lives in the service of the State of Maine for you and all the other citizens. Are you going to boot them out or are you going to give these boys a few years for a chance to make themselves a little bit of money to supplement the retirement that they are going to get so that they probably can live a half decent life when they do decide to retire.

I urge you to support the minority report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker and Ladies and Gentlemen of the House: I rise in support of the gentleman from Presque Isle, Mr. Parks, and unlike my friend, the gentleman from Caribou who reluctantly spoke for the bill, I am proud to speak against the bill. If there was one thing I disliked in my industrial career, it was to see the number two and three men in line stabbing the number one

man in the back. And to me that is just what these troopers are doing to these old veterans.

I oppose retirement at 55. I oppose retirement at the end of 20 years because they don't retire. We are building up in the state now a big private police force, State Police, telephone buildings, mills and factories. And these fellows all who take early retirement take these jobs and in effect take the job away from someone else who needs it.

I do not happen to know a single one of these men and strange to say, I am only acquainted with one state policeman and that is because he has been before our committee many times, a man named Jones who I highly respect. He is the only state policeman that I can call by name.

Mr. Parks, of course, is a little old fashioned. He doesn't realize that today you encourage people not to work. You encourage them to go on welfare. Of course, he is probably one of those conservatives with a big "K." Here we have got some men who want to work. We have thousands who don't want to work. Let's stand behind the man who wants to work.

The SPEAKER pro tem: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: I was very impressed listening to the ex-state trooper, Representatives Parks. He did bring out a lot of facts and information. But in the course of his delivery, I wondered why these people did not want to contribute toward their retirement like the rest of the troopers. They are going to receive half pay. And I believe right now, industry has set out a program where they do retire people after so many years service.

I am not totally in accord with the 20 years service for retirement because I really believe that some of these troopers start in at the age of 22 or 23; they come out in the prime of life. But very few of those who have retired have not already gone to work in some areas. You have a retired

state trooper who is Police Chief in Bangor who is doing a tremendous job. We have one in Old Town. I think we have a lot of these retirees who are working around everywhere.

This amendment prolongs the agony to 1974. Who knows how many of these troopers will be around in 1974? So I do not think that I will agree with the report of the minority. I believe that we should accept the "ought to pass" report.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: Concerning the "ought to pass" report, I was not concerned with promotions in the State Police. I was not concerned primarily with the men involved in the forced retirement. But I was concerned with the retirement law and the inequity that was introduced years ago.

The State Police had their own retirement system. They were given the option of joining the State Retirement System. They chose to remain independent, they chose to have a retirement system to which they would not contribute. I don't know for sure but I would suspect that at that time there was sufficient political influence by the State Police in the legislature to allow them to go their own separate way with no mandatory retirement age introduced. That was the first inequity.

Over the years their numbers have dwindled and they are losing their political influence. Previous legislatures should have faced up to the unpleasant task and set a date at which mandatory retirement would become enforced. If you do not accept the "ought to pass" report, when are you going to face up to it? Are you going to turn your back and hope that the problem will go away? Will any of these people as long as they are able to get to patrol barracks at 89, 85, 90—there is no mandatory retirement age. I do not like it.

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

Mr. WEBBER: Mr. Speaker and Ladies and Gentlemen of the House: As an ex-state trooper, I would like to say a few words on this. Back in the 40's—I cannot remember—45, 46, I served under the State Police. There is no finer police force in the state, city, state or otherwise than the Maine State Police. They do a tremendous job.

When I was on there we were getting \$28 a week. We had fellows working in the shipyard in Bath and in Portland knocking off \$100 or more a week. But these fellows, these five fellows we are talking about, they stayed. Why? Because they are dedicated people. And we in the State of Maine should be thankful that we have dedicated people like them.

I was not dedicated enough to stay because of the low pay. In my class that went on to Maine State Police, I think there was 32 of us, within 2 years there was only about six left. I wasn't one that came under that system. You couldn't contribute, you didn't get enough money to contribute to a retirement system.

Major Marx, I worked for him. He was troop commander out of Troop B in Thomaston, a better police officer I have never seen. I have been on with him when we have been out 24 hours straight. Now in 24 hours, \$28 a week—there was no 40 hours—when you worked 24 hours straight it makes that hourly pay pretty small.

I hate to see legislation like this that is aimed at a small group of men that have been so dedicated and done such a tremendous job. If they couldn't do the job then the Chief of the State Police would see that they retired.

I would hope that this House, the Maine Legislature, would show some heart and not be like these big corporations that are cold blooded and when you are done you are out. I hope they show some heart and let these fellows finish. In a year or two I am sure they will be gone and then the problem will be solved.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I have had a little bit of that service, 30 years of it. Now it is my contention and I honestly believe it and I followed it myself, to take my retirement. That is, no person over 55 years of age should be on either police or fire department because in the later days of my years, I was the boy that ran out with the ambulance. We have had police officers that got a sudden alert, a sudden start and there is nobody that is in physical condition over the age of 50 unless they have trained at it all the time. If you would go out and pick up either a policeman or a fireman — not every day, granted, the only problem is not being in good physical condition. I contend that there is neither a policeman nor a fireman that can respond on an instant alert without being subject to a heart attack. And we lost a lot of them where I was employed through that same circumstance.

A major alarm or a major bank alarm coming in means a sudden start and fast action physically, and this is what we do not have here. We have people who have been sitting in an office for a long period of time. I am not opposed to them in any way, shape or manner but I do believe that we should physically keep our department up.

The SPEAKER pro tem: The Chair recognizes the gentleman from Lewiston, Mr. Jalberty.

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: I realize the hour and I realize the date and I have a lot of respect for the last speaker but he really bounced me on my feet. I had absolutely no intention of getting up. But I am going to tell you one thing right now about age. My 62nd birthday was celebrated here Monday and I have had two lung cancer operations, hospitalized 4 times for pneumonia, coronary, I have developed angina and anybody that wants to tackle me, I welcome them.

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

Mr. DUDLEY: Mr. Speaker and Ladies and Gentlemen of the House: Mr. Speaker, I rise for about a minute. I want to go along with the minority report for about two reasons. One, it is a dollar and cents thing. I do not think we have that extra money to spend and there is only five people involved and I think we can find a desk job for them or some job for these five people so they won't have to go out and chase bank robbers. I am getting to one of these age groups where I — I think I am in pretty good shape and I am getting along in years too and I know some other people my age who are not in as good shape. But this isn't part of the question. The thing I want to impress upon you people is that I for one, a member of this House, don't want to discriminate against anybody, anybody and above all on account of age.

Remember that, that is what you are doing when you vote for the majority report here. You are discriminating against these poor people on account of their age. This shouldn't be done. There shouldn't be any discrimination in this country for any reason, whether it be color or creed and especially age. I hope you will go along with the minority report.

Mr. Henley of Norway requested a roll call vote.

The SPEAKER pro tem: A roll call has 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 those 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 pro tem: The pending question is on the motion of the gentleman from Norway, Mr. Henley, that the House accept the Minority "Ought not to pass" Report on Bill "An Act Relating to State Police Retirement System" House Paper 48, L. D. 55. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berry, P. P.; Birt, Bither, Boudreau, Bragdon, Cameron, Chick, Churchill, Clark, Conley, Connolly, Crommett, Curran, Davis, Dudley, Dyar, Evans, Farnham, Ferris, Finemore, Garsoe, Gauthier, Good, Hamblen, Hancock, Haskell, Henley, Herrick, Hunter, Immonen, Jalbert, Kauffman, Kelleher, Kilroy, LaPointe, Littlefield, McMahon, McNally, Merrill, Morton, Mulhern, Murchison, Parks, Peterson, Pratt, Ricker, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Strout, Tanguay, Theriault, Trask, Trumbull, Walker, Webber, White, Willard, Wood, M. E.

NAY — Baker, Berube, Binnette, Brawn, Brown, Bustin, Carrier, Carter, Chonko, Cote, Cottrell, Cressey, Curtis, T. S., Jr.; Dam, Deshaies, Donaghy, Dow, Drigotas, Dunleavy, Emery, D. F.; Farley, Farrington, Faucher, Fecteau, Flynn, Gahagan, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hobbins, Hoffses, Jackson, Jacques, Kelley, Kelley, R. P.; Keyte, Knight, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McTeague, Mills, Morin, L.; Morin, V.; Murray, Najarian, Norris, O'Brien, Palmer, Perkins, Pontbriand, Rolde, Ross, Santoro, Smith, S.; Sproul, Stillings, Talbot, Tierney, Wheeler

ABSENT — Ault, Berry, G. W.; Briggs, Carey, Cooney, Dunn, Fraser, Huber, LaCharite, McCormick, Sheltra, Smith, D. M.; Soulas, Susi, Tyndale, Whitzell
Yes, 62; No, 71; Absent, 16.

The SPEAKER pro tem: Sixty-two having voted in the affirmative and seventy-one in the negative, with sixteen being absent, the motion does not prevail.

Thereupon, on motion of Mr. Gahagan of Caribou, the Majority "Ought to pass" Report was accepted.

The Bill was read once. Committee Amendment "A" (H-358) was read by the Clerk and adopted and the bill assigned for second reading tomorrow.

At this point, Speake Hewes returned to the rostrum.

SPEAKER HEWES: The Chair thanks the gentleman and commends him for a fine job.

Thereupon, Mr. Carey of Waterville returned to his seat on the floor, amid the applause of the House, and Speaker Hewes resumed the Chair.

Divided Report

Later Today Assigned

Majority Report of the Committee on Natural Resources on Bill "An Act to Provide for Protection of the Air, Water and Other Natural Resources" (H. P. 729) (L. D. 935) reporting "Ought to pass" in New Draft (H. P. 1495) (L. D. 1923).

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot
— of the Senate.

Messrs. HERRICK of Harmony
SMITH of Exeter
PETERSON of Windham
BRIGGS of Caribou
ROLDE of York
HUBER of Falmouth
— of the House.

Minority report of the same Committee on same Bill reporting "Ought not to pass"

Report was signed by the following members:

Messrs. SHULTEN of Sagadahoc
MARCOTTE of York
— of the Senate.

Messrs. CURRAN of Bangor
PALMER of Nobleboro
MacLEOD of Bar Harbor
Mrs. BERUBE of Lewiston
— of the House.

Reports were read.

(On motion of Mr. Birt of East Millinocket, tabled pending acceptance of either Report and later today assigned.)

Consent Calendar

First Day

(S. P. 224) (L. D. 659) Bill "An Act Relating to Nonpayment of Corporate Franchise Taxes" — Committee on Judiciary reporting "Ought to pass"

(S. P. 309) (L. D. 975) Bill "An Act Relating to Unlawful Usurpation of Community Antennae Television System Signals and Injury to its Equipment"—Committee on Judiciary reporting

"Ought to pass" as amended by Committee Amendment "A" (S-110)

No objection having been noted, were assigned to the Consent Calendar's Second Day list.

Tabled and Assigned

(S. P. 342) (L. D. 1041) Bill "An Act Relating to Comparative Negligence in Civil Cases"—Committee on Judiciary reporting "Ought to pass"

On the request of Mr. Deshaies of Westbrook, was removed from the Consent Calendar.

(On motion of the same gentleman, tabled pending acceptance of the Committee Report and specially assigned for Monday, May 14).

(S. P. 473) (L. D. 1507) Bill "An Act Relating to the Escape of Prisoners"—Committee on Judiciary reporting "Ought to pass" as amended by Committee Amendment "A" (S-109)

(H. P. 1066) (L. D. 1391) Bill "An Act Relating to Political Campaign Reports and Finances," — Committee on Election Laws reporting "Ought to pass" as amended by Committee Amendment "A" (H-356)

No objection having been noted, were assigned to the Consent Calendar's Second Day list.

(H. P. 1457) (L. D. 1884) Bill "An Act to Validate and Amend the Charter of the Kennebec Sanitary Treatment District" — Committee on Public Utilities reporting "Ought to pass"

On the request of Mr. Farrington of China, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once.

The SPEAKER: The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker, I move suspension of the rules so we might have second reading of the bill.

The SPEAKER: The gentleman from China, Mr. Farrington, moves the rules be suspended for the purpose of second reading. This requires a two-thirds vote. All in favor of the rules being suspended

will vote yes; those opposed will vote no.

A vote of the house was taken. 70 having voted in the affirmative and 21 having voted in the negative, the motion did prevail.

Thereupon, under suspension of the rules the Bill was read the second time, passed to be engrossed and sent to the Senate.

Consent Calendar

Second Day

(S. P. 290) (L. D. 837) Bill "An Act Repealing Certain Definition of Timber and Grass Relating to the Public Lots"

(S. P. 326) (L. D. 1030) Bill "An Act Relating to the Certification of State Employees' Compensation"

(H. P. 652) (L. D. 915) (C. "A" H-344) Bill "An Act Revising the Laws Relating to Oil Burner Men's Licensing"

(H. P. 765) (L. D. 998) Bill "An Act Classifying Certain Inland Waters of Saco River Basin"

(H. P. 1173) (L. D. 1510) Bill "An Act Relating to Compensation and Specific Periods for Injuries under Workmen's Compensation" (C. "A" H-346)

(H. P. 1270) (L. D. 1645) Bill "An Act Prohibiting the Acceptance of Money for Enrollment of Voters" (C. "A" H-345)

(H. P. 589) (L. D. 780) Bill "An Act Recognizing the College Status of the Glen Cove Bible School and Relating to Conferring Degrees"

No objection having been noted, were passed to be engrossed and sent to the Senate.

Passed to Be Engrossed

Bill "An Act Appropriating Funds to Facilitate Access to Services Essential for Older People" (S. P. 547) (L. D. 1701)

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

Bill "An Act Regulating Bank Branching" (H. P. 861) (L. D. 1146)

Was reported by the Committee on Bills in the Second Reading and read the second time.

Mr. Tierney of Durham offered House Amendment "A" and moved its adoption.

House Amendment (H-355) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended and sent to the Senate.

Bill "An Act Authorizing Beano or Bingo on Sunday at Agricultural Fair Association" (H. P. 1213) (L. D. 1564)

Bill "An Act Relating to State Aid for School Construction" (H. P. 1370) (L. D. 1827)

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

Second Reader

Tabled and Assigned

Bill "An Act Regulating Mass Marketing of Casualty and Property Insurance" (H. P. 1489) (L. D. 1913)

Was reported by the Committee on Bills in the Second Reading and read the second time.

(On motion of Mr. Deshaies of Westbrook, tabled pending passage to be engrossed and specially assigned for Monday, May 14.)

Second Reader

Tabled and Assigned

Bill "An Act Relating to Liability of Distributing Utility for Death or Injury to Person or Damage to Property Caused by Natural Gas" (S. P. 448) (L. D. 1415) (C. "A" S-103)

Was reported by the Committee on Bills in the Second Reading and read the second time.

(On motion of Mr. Simpson of Standish, tabled pending passage to be engrossed and specially assigned for Monday, May 14.)

Second Reader

Later Today Assigned

Bill "An Act Increasing Compensation of Full-time Deputy Sheriffs in all Counties" (H. P. 415) (L. D. 564) (C. "A" H-309)

Was reported by the Committee on Bills in the Second Reading and read the second time.

(On motion of Mr. Binnette of Old Town, tabled pending passage to be engrossed and later today assigned.)

**Second Reader
Tabled and Assigned**

Bill "An Act Establishing the Lewiston-Auburn Airport Authority" (H. P. 473) (L. D. 620) (C. "A" H-310)

Was reported by the Committee on Bills in the Second Reading and read the second time.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I have two amendments and there is another coming which I don't think will be controversial. I had House Amendment "A". I will bypass that as not being necessary.

Thereupon, Mr. Jalbert of Lewiston offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-352) was read by the Clerk and adopted.

Mr. Jalbert of Lewiston offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-353) was read by the Clerk and adopted.

Mrs. Lewis of Auburn offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-360) was read by the Clerk and adopted.

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

Bill "An Act Relating to Interest on Awards in Workmen's Compensation Cases" (H. P. 1150) (L. D. 1481)

Was reported by the Committee on Bills in the Second Reading and read the second time.

Mr. McTeague of Brunswick offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-350) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended and sent to the Senate.

Bill "An Act Providing for Mandatory Sentences for Persons Convicted of Arson" (H. P. 590) (L. D. 781).

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

**Passed to Be Enacted
Emergency Measure**

An Act Relating to Displaying of Fireworks on Sunday (S. P. 405) (L. D. 1207)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Upgrade the Quality of Care at Bangor State Hospital (S. P. 531) (L. D. 1689)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Relating to Procedures Applicable to the Use of Federal Revenue Sharing Funds by Counties (H. P. 1470) (L. D. 1895)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 107 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to be Enacted

An Act to Prevent Sex Discrimination under Human Rights Act (H. P. 277) (L. D. 353)

An Act Relating to Savings Banks Investing in Service Corporations (H. P. 395) (L. D. 524)

An Act Providing Funds for Development of an International Conference Center on Peaks Island (S. P. 381) (L. D. 1127) (H. "A" H-324)

An Act to Provide for Notice Upon Release or Change of Status of a Patient in a State Mental Institution (S. P. 418) (L. D. 1257) (C. "A" S-97)

An Act Appropriating Funds to Continue Emergency Employment Act Services at Bangor State Hospital (S. P. 504) (L. D. 1588)

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 Establishing an Office of Early Childhood Development in Maine (S. P. 515) (L. D. 1639)

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

On motion of Mr. Birt of East Millinocket, tabled pending enactment and specially assigned for Monday, May 14.

An Act Relating to Reburial of Indian Bones and Skeletons (H. P. 1471) (L. D. 1896)

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.

On request of Mr. Martin of Eagle Lake, by unanimous consent, unless previous notice is given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recessed for lunch and also thirty minutes after the House adjourned for the day, all matters passed to be engrossed in concurrence, and all matters that required Senate concurrence; and

that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider shall be in order.

On motion of Mr. Birt of East Millinocket,

Recessed until five o'clock in the afternoon.

After Recess

5:00 P.M.

The House was called to order by the Speaker.

Orders of the Day

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

Bill "An Act Relating to Use of Studded Tires on Motor Vehicles" (S. P. 79) (L. D. 196) (S. "A" S-71) (S. "C" S-79) (H. "A" H-280)

Tabled — May 8, by Mr. Simpson of Standish.

Pending — Motion by Mr. Norris of Brewer that the House reconsider its action whereby it voted to adhere.

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

Mr. MARTIN: Mr. Speaker, Members of the House: I notice that the gentleman from Brewer is still in the Appropriations Committee. Perhaps someone might table it until later in today's session. They should be right out.

On motion of Mr. Birt of East Millinocket, tabled pending reconsideration and later today assigned.

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

Bill "An Act Prohibiting Geographic Price Discrimination by Financial Institutions" (H. P. 860) (L. D. 1145)

Tabled — May 9, by Mr. Simpson of Standish.

Pending — Motion by Mr. Trask of Milo to accept the Majority "Ought not to pass" report.

The SPEAKER: The Chair recognizes the gentle lady from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Men and Women of the House: I urge you not to accept the majority report from the Committee on Business Legislation regarding L.

D. 1145. I hope in the second reading to have the opportunity to present an amendment to this body; and obviously, if the report is accepted today, this opportunity will not be afforded me.

L. D. 1145 is simply a measure which would give the banking commissioner the authority to prohibit banks from employing practices that he feels are injurious to the public interest. This bill would not grant broad new powers to the commissioner for the commissioner already has the theoretical power to control such practices. Any commissioner would normally consider it his duty to exercise supervisory control in this area. That is his job. But in Maine, we effectively deprive him of the ability to discharge this duty by providing that his actions are subject to the review of an advisory committee, a committee appointed by the supervised banks themselves, the very institutions that might well be using the undesirable practices.

You might ask, "Wouldn't it be simpler to just get rid of the advisory committee?" Well, this would seem to be going a bit too far. It has been contended that this committee performs a useful function in the review of any new regulations governing the accepted and lawful operations of banks. However, the sponsors of this bill contend that there is absolutely no justification for the banks having any jurisdiction whatsoever over regulations that would prohibit practices that the commissioner in his own wisdom deems are injurious to the public interest.

I ask you not to accept the majority report.

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

Mr. DESHAIES: Mr. Speaker, Members of the House: I concur with the gentle lady from Freeport. This bill had its public hearing before the Business Legislation Committee. It was a good hearing, one of many banking bills we heard that day. It was very well represented by members of the banking industry.

There was one thought, however, that struck me from the very beginning and which prevailed

throughout the hearing and that was that this was a fight between the little guy and the big guy; the little home town bank fighting for survival against the conglomerates, the giants, trying to strangle them out of existence for the arbitrary interest rates in order to capture all of the market; the small town bank that lacks the personnel and the capital to expand but that have served their towns for years effectively and fairly.

They did not come to this hearing looking for a handout. They did not come looking for any subsidies, any deals. All they are asking for is an opportunity to compete fairly with the conglomerate, the giants, who are using interest rates in their towns that they could not possibly compete with; with interest rates that were designed to drive them to their knees and out of business. Once that was accomplished, they would have the field to themselves, a virtual monopoly.

This bill has no price tag. It is merely a request by the small town bank that they may have the opportunity to compete fairly against the practices of the giants. This bill would prevent the use of arbitrary rates, sometimes at a loss merely to gain competitive advantage; and in the long-run, once the market was cornered, the consumer would pay and pay dearly. Once the competition is eliminated and they have the market to themselves, rest assured the interest rates used would be the highest allowed under the law.

I hope you will not accept the majority "ought not to pass" report.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I am glad to have an opportunity to speak on one of my bills.

I just got caught up on a little of my reading late last night. I would like to read a couple of short paragraphs, and these are taken from an address made by Harry W. Albright, Jr., a New York State superintendent of

banks. He says, "After my discussions with individual members of the legislature—" this is the New York Legislature, "—my impression is that this atmosphere is one of great skepticism and uncertainty with respect to all banking matters within the legislature, particularly with respect to the mutual hostility that exists between the thrifts and the commercials."

"I have observed at firsthand, even with respect to bills that have as the clear goal the assistance of the consumer, that there exists a very skeptical attitude expressed by the question 'What is in it for the banks?'"

Now, this particular bill that the gentlelady has an amendment for is not as much for banks as it is for the people at large. As I tried to tell you yesterday, the superintendent of banks and banking in the State of Maine has very little power to issue rules and regulations. This is one small measure that says that if there is any anti-competitive, any deception or anything injurious to the public at large, he would have the power to issue a rule and regulation without the veto power of the advisory board. That is all this bill does. If it is arbitrary and capricious, they have recourse through the courts.

Now, I would like to take one other matter. This is another quote. "The plain fact of the matter is that the banking system in New York, as elsewhere in the country, is in a state of flux. Regional barriers have already begun to give way and great pressure is being exerted to break down existing competitive barriers that now separate the various segments of the banking industry. I believe that the time has come to bring the very best minds to focus on and hopefully to mold the future course of the banking business in New York State."

Now, the superintendent of banks and banking in New York State is thinking now of doing something that the State of Maine has already begun. He is thinking of a bank study committee and the State of

Maine already has the Spanogle Committee working on this problem.

You are going to have to give your superintendent more authority, a little more muscle, especially to act in matters that are injurious. That includes not interest rates, not what is generally considered banking terms, but it also considers advertising and all the other facets of doing business.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Trask.

Mr. TRASK: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will support the motion to accept the majority "ought not to pass" report. This was the bill I spoke to you about yesterday that came out of committee with a majority of 9 to 3, ought not to pass. The reason for this was because the Governor's committee is studying the banking laws and recodifying them, and we would like to wait until this committee makes its report. So I urge you to vote for the "ought not to pass" report.

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

Mr. DESHAIES: Mr. Speaker, Members of the House: I agree with Mr. Trask, this is under study, there is no question about it. But by the time the study is completed, these little banks will be driven out of existence.

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

Mr. DONAGHY: Mr. Speaker, Members of the House: I am sorry to have to prolong this, but I feel I must rise to support Mr. Trask and the majority report of the committee.

This is being studied. I understand at the present time the Governor has not sought help that was necessary to have a banking commissioner. We have a deputy bank commissioner, and I don't see any point in trying to set up laws for a man that doesn't even exist today. I think we can wait until after the committee comes out with its recommendations.

Although it has been said that this won't come out until the 107th, I am sure that if we can get it ready for the next special session, it will be ready and will be passed out to you at that time.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I wonder if we need a study committee to tell us that matters injurious to the public at large, the power has to be given to the banking commissioner to issue a rule and regulation. Do we have to have a bank study committee tell us that he should have the power to rule against injurious practices?

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am sure you would like to hear another dissertation such as the one I gave yesterday, but I am not going to treat you that way today. I think we made the point yesterday. This is a battle. It really is a battle between the bigs and the littles. All we want today is the opportunity to keep this bill alive so that we can get an amendment on it at second reader.

The amendment says just exactly what Mr. Lynch said it did. I have to agree completely with Mr. Deshaies. If you let this go by, ladies and gentlemen, you will be locking the door after the horse is stolen, because the Spanogle Committee will not be able to get the information out early enough.

It is very important that we give the bank commissioner this authority which is not subject to the veto of that stacked committee that I told you about yesterday. I hope you will vote to support the "ought to pass" report after you defeat the "ought not to pass"

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Members of the House: I wish to rise to support the "ought to pass" report, the minority "ought to pass" report of this committee.

I just want to call very briefly to your attention the fact that all

this bill is asking is that the same criteria which a bank uses in establishing its rates in one district to be used in another district.

I quote you something which I think is quite meaningful in a book, Economies of Scale and Commercial Banking from the Federal Reserve of Boston. It makes this statement: "In banking it should be recognized that unlike other industries, there are no costs of transporting the product being sold. Likewise, studies have found there is very little intra-regional variation in all of the other costs affecting the pricing of bank services; and even where minor variations have occurred, this economy as associated with banking tends to offset any economies of scale. Thus, there seems to be no reason to permit selective price cutting by one branch banking system to meet the lower uniform pricing of another."

I hope that you will support the minority "ought to pass" report.

The SPEAKER: The pending question is on the motion of the gentleman from Milo, Mr. Trask, that the House accept the Majority "Ought not to pass" Report on Bill "An Act Prohibiting Geographic Price Discrimination by Financial Institutions," House Paper 860, L. D. 1145. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

30 having voted in the affirmative and 69 having voted in the negative, the motion did not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted, the Bill read once and second reading assigned the next legislative day.

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

Resolution Proposing an Amendment to the Constitution Repealing the Limitation to Highway Purposes for Revenues Derived from Taxation of Vehicles Used on Public Highways and Fuels used by Such Vehicles (H. P. 1351) (L. D. 1783)

Tabled — May 9, by Mr. Simpson of Standish.

Pending — Motion by Mr. Curtis of Orono to accept the Majority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentle lady from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I hope that we won't accept the majority "ought not to pass" report but will give consideration to the minority report.

The purpose of this bill — at least the reason that I put it in was I am concerned about the imbalance in our government, and this would be a positive way that we could balance our government better by giving more power to the legislative branch.

We hired — when we started this session in order to beef up the legislative branch — if we undedicate these funds which amount to a little over a hundred million dollars a year, that is 200 million for the biennium, these would be funds that we, as legislators, would have something to say about. Right now these are dedicated funds earmarked, and we cannot in any way dictate to the Highway Department how these funds will be used.

This is in no way a vendetta. I have great admiration for the way the Department of Transportation operates, and I still think that roads should and probably would be given top priority. However, these funds are derived in a very easy manner. One way is from the excise tax that is levied on every car that is registered every year. The other is the gasoline tax. That is a tax that is very similar to a sales tax, except that in a sales tax you know how much the article costs and then the sales tax is added. And we have even proposed legislation to put a ceiling on the sales tax. However, when you buy a gallon on gasoline, the tax is included in it and many people don't even know how much that tax amounts to and it doesn't seem to make a great deal of difference from state to state in how much gasoline costs.

We have other important departments, Education, Health and Welfare. These operate very well

without dedicated funds. If we should have a crying need in one of these departments — we have a disaster area in the northern part of our state right now and no way can these funds be touched to use for any purpose other than building roads. We could have hungry people but we would still be paving the roads.

This is a constitutional amendment, so it would have to go to referendum vote and the people would have to decide and I would hope that you would give them this opportunity.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: There is just one thing in error the young lady said, the previous speaker, she mentioned the fact that the excise tax went in this. The excise tax goes to the town.

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

Mr. WOOD: Mr. Speaker, would the Clerk read the committee report, please.

Thereupon, the Report was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker and Ladies and Gentlemen of the House: I stood on the same floor two years ago as I stand today and I will probably be making the same speech. We in the state are taxed 9 cents a gallon now for fuel. Those taxes are supposed to be used to improve our highway system. Many of our rural areas in Maine — I come from one — we do not have the proper roads and highways we need. If a bill like this was to pass through, then those funds could possibly be used for other purposes. The people, I think, who are paying taxes for gasoline and for driving trucks, are paying those taxes with the idea they want good roads, improved roads, and better roads in the State of Maine. They are not paying these taxes for other purposes.

I think if you come from a rural area and you are not pleased with

the roads you have, you realize the only chance you have for better highways is through this dedicated highway fund. I also realize that in the city areas, especially in southern Maine, they have roads going almost in every direction, very fine roads, and now this dedicated revenue is not needed so much in those areas. But in areas in northern Maine it certainly is needed, we certainly need more road building. Therefore, I move at this time, for the sake of keeping our dedicated highway funds for roads where they are needed in the future in the State of Maine and for keeping our gas taxes going for improved highways, which I think the Maine people who need transportation through their cars and other vehicles are paying this tax for and it is high enough now for this purpose and I don't think they want it for other purposes. I believe at this time I will move for indefinite postponement of this bill and all its accompanying papers and I hope you will support my motion and I move for the yeas and nays.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those 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 Calais, Mr. Silverman, to indefinitely postpone L. D. 1783 and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Bunker, Cameron, Carey, Carter, Chick, Chonko, Churchill, Conley, Cooney, Cottrell, Crommett, Curran, Curtis, T. S. Jr.; Davis, Donaghy, Drigotas, Farnham, Farrington, Faucher, Finemore, Flynn, Gahagan, Garsoe, Good, Greenlaw, Hamblen, Haskell, Hen-

ley, Herrick, Hoffses, Huber, Hunter, Immonen, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Lawry, LeBlanc, Lewis, E.; Littlefield, MacLeod, Maddox, Martin, McHenry, McNally, Merrill, Mills, Morin, V.; Morton, Mulkern, Murchison, Norris, Palmer, Parks, Perkins, Peterson, Pontbriand, Rollins, Ross, Shaw, Shute, Silverman, Smith, D. M.; Stillings, Susi, Theriault, Trask, Walker, Webber, Wheeler, White, Whitzell, Willard, Wood, M. E.; The Speaker.

NAY — Albert, Berry, P. P.; Berube, Bustin, Carrier, Clark, Deshaies, Dunleavy, Emery, D. F.; Farley, Ferris, Genest, Goodwin, H.; Goodwin, K.; Hancock, Hobbins, Jackson, LaPointe, Lewis, J.; McKernan, McTeague, Murray, Najarian, O'Brien, Ricker, Rolde, Smith, S.; Sproul, Talbot, Tanguay, Tierney.

ABSENT — Ault, Berry, G. W.; Briggs, Brown, Connolly, Cote, Cressey, Dam, Dow, Dudley, Dunn, Dyar, Evans, Fecteau, Fraser, Gauthier, Jacques, Knight, LaCharite, Lynch, Mahany, Maxwell, McCormick, McMahon, Morin, L.; Pratt, Santoro, Sheltra, Simpson, L. E.; Soulas, Strout, Trumbull, Tyndale.

Yes, 86; No, 31; Absent, 33.

The SPEAKER: Eighty-six having voted in the affirmative and thirty-one in the negative, with thirty-three being absent, the motion does prevail.

The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, I now move for reconsideration and I would ask you to vote against my motion.

The SPEAKER: The gentleman from Calais, Mr. Silverman, moves for reconsideration. All in favor will say yes; those opposed will say no.

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

Sent up for concurrence.

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

Bill "An Act to Provide for Use of the Courts by Poor Persons" (H. P. 771) (L. D. 1005)

Tabled — May 9, by Mr. Dudley of Enfield.

Pending — Passage to be engrossed.

On motion of Mr. Carrier of Westbrook, tabled pending passage to be engrossed and specially assigned for Monday, May 14.

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

Bill "An Act Relating to Licenses to Carry Weapons" (H. P. 936) (L. D. 1235) (C. "A" H-328)

Tabled — May 9, by Mrs. White of Guilford.

Pending — Passage to be engrossed.

On motion of Mrs. White of Guilford, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentlewoman moved the indefinite postponement of Committee Amendment "A".

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

Mr. HENLEY: Mr. Speaker and Members of the House: I request a division.

I just hurried and went and got that amendment, and as I recall it, in the committee I liked the amendment and I thought that most of us did. What the committee amendment does mainly is to change the bill to the extent that instead of licensing the weapon particularly, it is the licensee, the person involved who is described. So a person who might have more than one weapon, he doesn't have to carry around a half dozen licenses in his pocket or get different licenses for different weapons. There have been a few cases where that has been quite a responsibility.

I do not see anything wrong with the amendment that we put on it making it the person to be licensed, with his full description instead of the guns. So I oppose the indefinite postponement of this Committee Amendment "A" and I ask for a division.

The SPEAKER: The Chair recognizes the gentlelady from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker and Ladies and Gentlemen of the House: Actually, this amendment does put on the license a description of the licensee. If you will read the amendment which I would like to present, which is filing number 359, you will see that such license shall include date of issuance, name, age, state and street address of the licensee, together with complete description of weapon, in the case of firearms, the caliber, make and number and the description of the licensee and said description shall be placed on said certificate.

Somebody has said to me, "What do you mean by description of the licensee?" Height and weight, complexion — if you have one that stays constant enough to be reported — and actually it would be just the same description as you would have on a driver's license. I cannot see why Mr. Henley is concerned about this because I think it does what he wanted done.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: Committee Amendment "A" strikes out all of the first section of the bill 1235. That section which states that all licenses shall continue in effect unless revoked by the Chief of the Maine State Police, Chief of Police, Vinnie Marshall or by the selectmen of the town to which the license was issued.

We were first going to accept that and then we saw no reason why the person having a license to carry a gun should not get it renewed annually, or every other year, the same as other licenses. We do not get permanent licenses to drive a car. Neither do we get permanent licenses for hunting and fishing unless, as we have legislated, you are past 70 years old. So we saw no reason why that part should be in. The second part was a description of the licensee and it took out the weapon but we wanted to amend it so we just changed the wording a little bit and we took out that first section completely, so the person still has

to get his license every other year.

And then, the description of the person — I think the wording was changed a little bit in the sentence that reads, the 7th sentence of Section 2031 of Title 25 of the Revised Statutes is Amended to read as follows: "Such records shall include, date of issuance, the name, age, sex and street address of licensee together with a description of the licensee and said description shall be placed on said certificates." Maybe there are more words there than necessary, but it gives you the idea of what we thought was the best thing to have.

Actually, all the bill does now with this amendment is to change the manner of licensing from licensing the gun to licensing the individual to carry a gun.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: I have in my hand my permit to carry a gun. I have had a permit ever since I was a young man, ever since I was an officer of the law. I think Mr. Henley has a good idea, you should have the right and that people should know how big you are, whether you are a man, or whether you are a woman, what your age is, the color of your eyes, the color of your hair and the kind of a gun you are going to carry upon this permit.

Now today, this says, this certificate certifies that Francis B. B. Brawn is a legal resident of the state. Then it goes on, "in accordance with the law, with good moral character" and it tells the kind of a gun that I can have on this. The one thing wrong with this is, suppose that any one of you should come upon my purse and remove this. You could use this if you were my same size. They wouldn't know who you were. There is nothing here that says your size and I think it is a good idea to have it on here to describe what you look like. I will go along with Mr. Henley.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I would like to ask a question of Mr. Henley through the Chair if I may.

The SPEAKER: The gentleman may pose his question.

Mr. FINEMORE: I would like to ask Mr. Henley, did he say that on this new amendment they were not going to have the weapon described, the caliber and so on and so forth?

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, poses a question through the Chair to the gentleman from Norway, Mr. Henley, who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: To the gentleman from Bridgewater, Mr. Finemore, that is the story on it. We had several people there who objected to the method of going to so much trouble to describe a weapon. For instance, one of the persons who appeared before us was carrying four different permits because for various reasons at various times he carried four different types of weapons. He thought that the possibility of loss of the licenses and the problem involved in administration, he thought that if didn't matter too much if you can trust a person enough to give them a license to carry a concealed weapon, and this is what it means, a concealed weapon. Ladies and gentlemen, you all know that you can carry one out in the open almost anywhere. But he felt that it is the person you are licensing, not the gun, and it didn't make any great difference whether it was a .22 caliber Smith and Wesson or whether it was a .45 Colt, that the permit is to carry a concealed weapon.

And so that, we thought, would simplify it and that is what the amendment does.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I believe that they have really taken the life out of the bill

when they do not describe the weapon and I would like this amendment of Mrs. White's much better.

In our town, when I was town manager, we did put the caliber of the pistol or revolver, whichever it happened to be and the serial number on the permit. And I think if a man wants to carry more than one gun, he should have more than one permit. I think that this is leaving yourself wide open. If this is how the amendment reads, I haven't got his amendment before me because I don't know the number, but if this is how his amendment reads, I think we should indefinitely postpone it and accept Mrs. White's amendment.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: I believe the bill is a much better bill with the committee amendment on it. They do not want to register guns. There is no need of registering guns. They have gone through this hassle many times. The important thing is who is carrying it. I happen to own quite a few sidearms. I have had a permit to carry them concealed for over 40 years. Under some circumstances I want to take one gun, under other circumstances I want to take another gun. License the people, not the guns.

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

Mr. CARRIER: Mr. Speaker and Ladies and Gentlemen of the House: I will try very briefly to explain what has happened. I think at this time I will support the motion of Mrs. White to indefinitely postpone Committee Amendment "A" because I truly believe that House Amendment "A", which will be presented, is much better.

We are not here, as was just recently mentioned, to register a gun. This is not the purpose of this particular bill. As we understood it in the committee, the purpose of this bill was that if you wanted three permits to carry three guns, you had three different

permits in form. The way it is now, this bill would permit, if you wanted to carry weapons, they would all be on the same permit. In other words, maybe a .38, maybe a .22, whatever you want to carry.

Actually, as far as Mr. Henley's objections, which I have tried to digest, I think that in House Amendment "A" there is the same thing as Committee Amendment "A" except for the fact that you have to have a complete description of the weapon in the case of firearms and the caliber. So I think his objection to Committee Amendment "A", actually the same language in Committee Amendment "A" is included in House Amendment "A". I think that House Amendment "A" is much broader and probably much more effective insofar as the description of the firearm and also of the licensee.

Therefore, I think it would be extremely wise to indefinitely postpone Committee Amendment "A" and go on with House Amendment "A".

The SPEAKER: The Chair recognizes the gentlelady from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker and Ladies and Gentlemen of the House: I would like to report to the House that I have been in contact with the Attorney General's Office and Mr. Cohen from the Criminal Division feels that this is a good bill. It is a good move to have a description of the owner of the gun on the certificate.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker and Ladies and Gentlemen of the House: I do not see this as a registration vehicle at all or I would be opposed to it. This is a permit to carry a concealed weapon. I have two permits. One for a Japanese Ludger and one for a .380. There is no problem about it. If you are the right fellow, you will get your permit. It isn't the registration of guns at all, it is permits to carry concealed weapons, and I think it is a very

good idea to have a description on there. If someone stole one of my guns and it was picked up and he didn't match the description, they have got a pretty good right to pick him up.

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

Mr. PARKS: Mr. Speaker, Ladies and Gentlemen of the House: I see nothing wrong with this amendment here, I think it is a very good amendment. This amendment not only describes a weapon, the firearm in case, but also a description of the licensee too, and I think this is the way it should be.

As Mr. Brawn said, if somebody happened to pick your pocket and take your permit away from you, then he could use any type of weapon at all. So I think that the number and description of weapons should be on this permit. I think this is a good amendment and I will go along with it.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: I expect you are all aware that I was probably trying to save — this is not entirely a pun — my ammunition for a couple of bills later on but I will use some of it right now.

This bill has intrigued me from when it was first introduced, and one of the reasons it has intrigued me is the vagueness of the original and the reason why it was introduced. The gentlelady from Guilford, Mrs. White, and I are very good friends and are fairly handy to each other and we have discussed it back and forth trying to figure out what the right thing is to do.

This debate has been extremely interesting to me because I can now see the two different sides, and I am not saying that one side is entirely right and one side is entirely wrong. The gentleman from Norway, Mr. Henley, apparently believes that if the person is licensed to carry a concealed weapon, he can carry any concealed weapon. He mentioned

someone — I don't know if it was himself or some friend who had four weapons that he would like to carry concealed. I don't envy that guy at all, he must have a lot of enemies.

I have always considered myself an anti-gun control advocate and I think that I still am. I sincerely believe, however, that both the person and the weapon should be described in the permit, and this is the reason that Mrs. White and myself have between us, and I guess perhaps some others have been involved here, have been going back and forth to the Attorney General's Office trying to get something implemented here that would meet what they felt would be good law, good legislation and would meet the demands of the possibilities of carrying concealed weapons.

The gentleman from Oakland, Mr. Brawn, or someone here mentioned that they had several weapons and that they didn't want to get a permit each time. I am not sure that it was Mr. Brawn, if it wasn't, I apologize to you, sir.

I have a couple of handguns myself, I have a permit to carry one of them, I don't for the other, although on occasion I have and I would like to assure the membership of the House in relation to tabled item number 7, when it comes up for debate here, I am carrying neither weapon this day. However, more seriously, I think that all of us thinking in terms of anti-gun control legislation, this is not that type of thing. It is not registration; it is a permit to carry a concealed weapon. And some of us who feel that the person who has a permit should be described for good and obvious reasons also, for the same good and obvious reasons, the weapon should be described and that permit, the one permit, should be limited to one person and that one weapon.

The SPEAKER: The pending question is on the motion of the gentlewoman from Guilford, Mrs. White, to indefinitely postpone Committee Amendment "A". All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 93 having voted in the affirmative and 11 having voted in the negative, the motion did prevail.

Mrs. White of Guilford offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-359) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended and sent to the Senate.

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

Bill "An Act Relating to Membership on the Maine School Building Authority" (S. P. 593) (L. D. 1874)

Tabled — May 9, by Mr. Birt of East Millinocket.

Pending — Further consideration.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: The original bill that was introduced relative to this, L. D. 351, had some problems in it that bond counts have indicated might negate some of the bonds. The present L. D., and I have a letter here from the Attorney General's Department, indicates that those conditions are corrected, and I would now move we recede and concur with the Senate.

Thereupon, the House voted to recede and concur.

The Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Resolution Proposing an Amendment to the Constitution Limiting the Maximum Rate of the Sales Tax" (H. P. 843) (L. D. 1117)

Tabled — May 9, by Mr. Hancock of Casco.

Pending — Acceptance of either Report.

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

Mr. CURTIS: Mr. Speaker, I move acceptance of the "Ought not

to pass" Report and would speak briefly to my motion.

The SPEAKER: The gentleman Orono, Mr. Curtis, moves the acceptance of the "Ought not to pass" Report.

The gentleman may proceed.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: This is a proposal for a constitutional amendment to restrict the sales and use tax to the present 5 percent. I happen to think that 5 percent is high enough for the sales tax in the State of Maine. It happens that this is a particularly difficult tax as it is administered along the border areas of our state. However, I am opposed to this piece of legislation as a constitutional amendment because it seems to me that it is unwise for us in 1973 to restrict what some future legislature might have to do regarding its tax situation.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: I am sure it will surprise no one here when I say that I hope the motion of the gentleman from Orono, Mr. Curtis, does not prevail. I do wish at this time to thank Mr. Curtis and other members of the leadership for the very amicable way that we have been handling this to this point, regardless of our disagreements on the merits of the bill, and there are legitimate areas of disagreement.

However, this resolution is my pride and my joy. I know that there are some people who will disagree with this, but I think that perhaps I can explain this to you so that you can see that the merits of this resolution outweigh by considerable the demerits.

Looking at this one-page resolution in terms of its language and in terms of its brevity, it is a very simple, very straightforward bill. It is very easy to understand but don't overlook it for all of that because this bill is perhaps among one of the most important that is going to come before this legislature this year. It is important in its impact and it is important in

the message that it gives to the people of the state.

The purpose of the resolution is so very simple. It would place a constitutional ceiling on our present sales and use tax at the existing rate of 5 percent. This, please be aware, is a ceiling. Theoretically it would be possible for any future legislature to lower the sales tax rate to 4 percent, to 3 percent or, oh happy day, to 2 percent. It would, however, and this is the purpose of my making this a constitutional amendment, be reasonably — be reasonably difficult, if this resolution passes, to raise this sales tax above the present 5 percent.

For this bill to become law it requires a two-thirds vote in both this House and in the other body of the legislature. And in addition to that, it requires the consent of the people — the consent of the people. This is our message to them that this legislature can deliver this day. We can tell the people of the State of Maine, yes, we want you to participate in government, we want you to participate in the way that you are taxed and you now have the opportunity to tell us that you do not want the sales tax up over a 5 percent level.

There are the opponents who say, but this boxes in some future legislature, as Mr. Good has indicated to you. I claim that it does not box in any future legislature. The same method would allow the state to raise the sales tax but only with the consent of the people. So remember, please, to impose this constitutional ceiling we need the consent of the people to raise it, we need their consent. This is participation in a grand style.

What are the reasons that I feel that this should be maintained at the present 5 percent level? I would suggest to you that at the 5 percent, the existing rate, our sales tax is plenty high enough. It is a great revenue producer, yes, but we must think in terms of the fact that it is regressive taxation, that it hits particularly hard at low income people, at our elderly and people on fixed incomes. All of these are very very hard hit

on this 5 percent. Except for food and a couple of other items, they are paying basically 5 percent sales tax.

I agree with those who say that everyone should support their government. I believe this sincerely. But the ability to support it should be considered. This is perhaps — as far as I know it is, at least — a different and unusual decision to try to adopt in regards to taxation and taking into consideration the people of your state. But Maine is supposed to lead, so let's lead in a demonstration of good faith to the people of this state. Let's let the people of the state participate in a very meaningful way in their government.

Mr. Speaker, when the vote is taken, I ask for the yeas and nays.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I served on the Taxation Committee for four terms. None of us in this House want to see any increase in taxes and that includes both the sales and the income tax. As a matter of fact, I am sure that all of us would like to see a reduction in property taxes. However, we would never be able to accomplish the latter if we freeze either of the major taxes.

The sales tax is by far the most versatile tax that we have. We could make many changes which would not be an additional burden to the residents of the state, but we could get more revenue from tourists which would not be out of line with what they pay in other places.

Aside from my opinion that freezing a fair and major tax would be very unwise, we are definitely prohibited by the Constitution from doing this. Article 9, Section 9, says and I quote, "The Legislature shall never, in any manner, suspend or surrender the power of taxation." I certainly support the indefinite postponement motion.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: On our tax study last summer we went over this very very thoroughly, if we want a tax reform, property tax reform, or if we want to take over more funding of the education, more subsidy, in other words. And we have even gone as far as to the thought of increasing the sales 1 percent or 2 percent and catch the summer resident, summer tourist and so forth and in return give the people of the state a tax credit, give them a tax credit of so much — say it was \$5 a person in a family. If you had a family of 10 you would get \$50, and if you weren't paying the tax it wouldn't make any difference. This way we would receive a lot of money from our tourists and it would be a considerable amount of money and our people would get a tax credit. But to tie the hands of the Taxation Committee and to tie the hands of the legislature by telling them that this tax could not be raised would be almost telling you that you were not going to have any tax reform, any more tax credits on schools and no more increase in salaries of employees.

I think we should take this all into consideration because we cannot get this all out of sales tax. I agree that our sales tax is a regressive tax and we shouldn't probably bother it if we don't have to. But we haven't all sides of this. We have been discussing 8 percent. New Brunswick has it 8 percent and I never want to see that in the State of Maine. In fact, I hope that some day we can maybe come down to 4 percent and never go any higher. But to tie the hands of the legislature and the Governor and all the others in the state, I think it is the worst thing we could do. I hope you go along with indefinite postponement of this.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a

few comments, and I guess I might as well start by making the comment that a number of speakers have thus far addressed the issue of surrendering to future legislators of what they ought to do.

I noticed with great interest that the gentleman from Orono moved on removing the constitutional requirement on highway user tax. He voted for indefinite postponement, and the gentleman from Bath, as I recall, did basically the same thing.

I voted also for indefinite postponement, but for a different reason. If we are going to put limits, which obviously we can in the Constitution — Article 9, Section 9 does not apply to that problem at all and I will talk briefly about that in a moment — we can do that if we want to do it. The legislature can choose to amend the Constitution by two-thirds vote of both Houses and send it to the people for ratification. Then that becomes part of the State Constitution. That is the proper way to do it, that was done in 1934-35, when the people of this state decided to say that all taxes on gasoline would revert to a dedicated fund. So that is not an issue that is a problem, and I am sure that if you take a look at the constitutional questions that have been raised in reference to Article 9 Section 9, you will find that to be accurate.

I personally believe that the people have a right to make that determination as to whether or not they believe that 5 cents on a dollar is as far as they want to go. That is why, basically, I will be voting for this bill and against the pending motion. I personally believe, and I think at some point we are going to have to raise taxes, even though I don't look forward to it, if not in this session, sometime in the future. But I personally believe the way to approach that is to use a tax based on ones ability to pay, rather than a tax that is geared to regardless of what income you have or what money you are making, you are going to pay just the same which, of course, if you decide to use the income tax, this would be the

proper way to approach the problem.

I think that this afternoon, or this evening, in about one minute, some thought ought to be given to giving the people the right to vote on whether or not they want to restrict this legislature or future legislatures from raising it any further than the 5 cents on the dollar. And this is basically the only issue we have in front of us.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I never faced a more torturous decision than this one I am speaking on, this particular problem.

Representative John Martin is a great friend of mine and I know Mr. Owen Hancock is too. No one will challenge my credentials as being a member of the Taxation Committee for six times; no one will challenge my credentials as being one of the most energetic and persistent advocates of the income tax. Ten years ago I was the second one to introduce an income tax and persistently I had introduced succeeding bills until we got it passed. It was a dickens of a job to get it passed. We had to table it, and table it, and table it, and finally we got 100 votes to get the income tax passed. And then one of our great martyrs got up and changed his vote and we got 101 votes and got the income tax through.

Now, I think the idea of putting taxes up to people is sort of ridiculous. Nobody wants taxes. When the amendment passed we didn't have to go to the people, we went to the legislature.

I have tried to teach history and government for many years. And I think that one of the great loves that I have is the Constitution of the United States. It is one of the wonders and miracles of the world, and every republic that has been formed since that time has patterned its constitution on our Constitution.

Our Constitution mentions taxes in three places. My computer up here gets a little slow as I get older, and I just noted the places. It mentions in Article 1, Section

2, Paragraph C, direct taxes according to the population. It didn't mention indirect taxes which are consumer taxes. Then we go along to Article 1, Section 8, which is the heart of the Constitution, giving 18 delegated powers to the Congress of the United States. And that says that Congress, very simply, in a very short sentence, says Congress shall have the power to lay and collect taxes, import and export. There are no further amendments to say how much the excise tax will be, the import tax will be or whatnot. It left to future generations just what their judgment with the developing situations might decide.

Although Mr. Lincoln in the Civil War levied an unconstitutional amendment at that time, an income tax, later in 1913 in Amendment 16 in one sentence we gave Congress the power to levy an income tax, or made the income tax constitutional.

Now, I have been on a special taxation committee. We have considered very many things. We know that the next major tax is going to be an income tax. Of our total revenues today only 7 percent comes from the income tax, 21 percent comes from the sales tax, and 44 percent comes from the property tax. We are going to try to bring down 44 and raise up 7. And from all tax structures in the states of this United States, it is accepted that 21 percent, which is our sales tax, is a good proportion at this time. We have got to raise the income tax up, we have got a two-horse team, the sales and the income tax, as 45 other states do. And I know of no constitutional amendment in any state constitution that puts a ceiling on any tax.

Now I know that the people who are favoring this have great reason. They have the sympathy for the people in their hearts. But to me, to fence us in with one of the great tools of taxation, the sales tax — let me say this, the sales tax was invented in the depression, there was no income. Now if you can foresee and predict that inflation is not going to continue, that we are not going to have any kind of a depression,

why, that is another situation and story. I think it would be most precipitous, unwise, unhistorical for us to put a ceiling on any one of our tools of taxation.

Just remember, we are representatives of the people, we are here because we seem to be knowledgeable about our government, in history and we are supposed to be able to make the right decisions, and no taxation can be enacted without a two-thirds vote of both Houses.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: For just one brief minute, as a member of the State Government Committee that heard the testimony on this bill, and those of you who were not here in the 104th and don't realize that I am not a sales tax man, I was a battler for the income tax, and at the same time I was getting words from home, "Boy, you won't come back here," and I didn't, but I stuck to my guns.

The gentleman from Casco, Mr. Hancock, and I suppose the vernacular of this House I am supposed to say my very very, dear, dear, friend, we just collaborated on another bill and now I am hounding him.

My opposition to this is that we should not and can not reasonably tie up the hands of future legislatures. Sure, this would still leave 5 percent in the Constitution or in the law, means we could turn around and put a 5 percent tax on food, we could put a 5 percent tax on the full cost of automobiles, oh, there is any amount of revenue we could pick up with the 5 percent by eliminating all the exemptions. But I just don't want to be one of those who tells somebody in the 108th or 109th or 110th, when this state might be in a real jam, that there is one tax that you cannot touch.

Now, the gentleman from Casco, Mr. Hancock, called this his pride and joy. And far be it from me, and I hope from this House, to take away from him his pride and joy. Let him have it so he can bring it back with him next term.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: I like the motives of my good friend, Mr. Farnham. About everyone who spoke in opposition to my resolution has prefaced their remarks that they do not want to see a sales tax increase. Well, this is precisely the purpose of this bill. My good friend, the gentleman from Bath, Mr. Ross, said that the sales tax is versatile, and I agree with him 100 percent. It is a little bit too versatile for my taste and that is another reason why I have introduced this legislation.

Someone else along the line mentioned the fact of tourists and the money that we take in by the sales tax via the sales tax method from them. And I agree that this is a very helpful addition to the income of the state. It was mentioned that it had been even considered introducing a higher sales tax in the summer months with a tax credit. I would like to remind the ladies and gentlemen of the House what happened in Montreal during the World's Fair up there when they did increase the sales tax briefly. They did raise a lot more money, true, but they also created resentment that is lasting to this day and is not dead yet. And I don't think that the State of Maine wants to get into that position.

Someone along the line mentioned that this is prohibited by the Constitution. I disagree with him very much on this. I have had some legal advice. I can only say about that that any legal advice is a matter of opinion, whether we go to a private lawyer or we go to the Attorney General's Office, and in all cases let us say that these are very fine and able gentlemen, but what we are getting is an opinion. And if there is a constitutional question involved here, then we should present this to the courts for their decision. But we cannot present the matter to the court and ask them questions unless that matter is pending before the House. And a good example of that was just the other day when the good gentleman Mr. Birt in the reapportionment

resolution needed to present some questions that the leadership felt should be answered by the courts. First we had to get it here in front of us and then we table it unassigned. And if someone really feels there is a constitutional question involved here, then I suggest that we do precisely the same thing with this.

The legal opinion that has been given to me at least, for what it is worth, and I say this is strictly an opinion, is as long as this is a question that is decided ultimately by the people, it is constitutionally correct.

Someone said that we couldn't trust the people ever to increase a tax. This is demonstrably not true because very, very recently we had a referendum on the income tax and the people of the State of Maine, God bless them, voted to keep that very fair progressive tax.

Ladies and gentlemen, I am not cutting anyone off. I think that I have had my say on this and I appreciate your granting me that privilege. I believe I did ask for the yeas and nays, and I hope that the gentlemen's motion does not prevail, that we can continue with this, send it to the other body, eventually it will come back here and we can thrash it over again. Thank you all very much.

The SPEAKER: A roll call has 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 those 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 Orono. Mr. Curtis, that the House accept the Majority "Ought not to pass" Report on Resolution Proposing an Amendment to the Constitution Limiting the Maximum Rate of the Sales Tax (H. P. 843) (L. D. 1326). All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Birt, Bither, Bragdon, Brawn, Bunker, Bustin, Cameron, Carrier, Cottrell, Cressey, Curtis, T. S., Jr.; Dam, Davis, Donaghy, Farnham, Farrington, Ferris, Finemore, Flynn, Gahagan, Garsoe, Good, Hamblen, Haskell, Herrick, Hoffses, Hunter, Immonen, Jackson, Kelley, Kelley, R. P.; Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McNally, Merrill, Morton, Murchison, Norris, Palmer, Parks, Perkins, Rollins, Ross, Shaw, Silverman, Sproul, Stillings, Susi, Trask, Walker, Webber, Willard, Wood, M. E.; The Speaker.

NAY — Berry, P. P.; Berube, Binnette, Boudreau, Carey, Carter, Chick, Chonko, Churchill, Clark, Conley, Cooney, Crommett, Deshaies, Dow, Drigotas, Dudley, Dunleavy, Emery, D. F.; Farley, Faucher, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Jalbert, Kauffman, Kelleher, Kilroy, LaPointe, Lawry, LeBlanc, Lynch, Martin, McHenry, McKernan, McTeague, Mills, Morin, V.; Murray, Najarian, O'Brien, Peterson, Pontbriand, Ricker, Rolde, Smith, D. M.; Smith, S.; Tanguay, Theriault, Tierney, Wheeler, White, Whitzell.

ABSENT — Albert, Ault, Berry, G. W.; Briggs, Brown, Connolly, Fecteau, Fraser, Gauthier, Henley, Huber, Jacques, Keyte, Knight, LaCharite, Mahany, Maxwell, McCormick, McMahon, Morin, L.; Mulkern, Pratt, Santoro, Sheltra, Shute, Simpson, L. E.; Soulas, Strout, Talbot, Trumbull, Tyndale.

Yes, 58; No, 56; Absent, 36.

The SPEAKER: Fifty-eight having voted in the affirmative and fifty-six in the negative, with thirty-six being absent, the motion does prevail.

Sent up for concurrence.

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

Resolution Proposing an Amendment to the Constitution Providing for Early Inauguration of the Governor (H. P. 1001) (L. D. 1326) (H. "A" H-271) (S. "A" S-100).

Tabled — May 9, by Mr. Martin of Eagle Lake.

Pending — Passage to be enacted.

On motion of Mr. Birt of East Millinocket, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same gentleman offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-361) was read by the Clerk.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: I think I might briefly explain what has developed here. I have been moving this bill along. I think that it does have some merit and I am having some degree of success with it. I do find in the process that the bill had eliminated a constitutional change that had been made two years ago whereby if the Governor was not determined due to a recount, that the incumbent Governor would continue until his successor was determined. And I didn't intend for this to be done. This would put that provision back into the bill.

Thereupon, House Amendment "B" was adopted.

The Resolution was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

The following paper from the Senate was taken up out of order by unanimous consent:

From the Senate: The following Joint Order: (S. P. 614)

WHEREAS, the land formerly used as a farm by the Men's Correctional Center in Windham is now standing idle and unused; and

WHEREAS, this land will not in the foreseeable future be necessary for the expansion or future programs of the Men's Correctional Center; and

WHEREAS, there is a need to expand and diversify the rehabilitative program and employment opportunities for the inmates of the Men's Correctional Center; and

WHEREAS, there are at present insufficient shelters, facilities, and programs for the maintenance, treatment and relocation of animals which have been abused or improperly cared for; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee of the 106th Legislature on Health and Institutional Services report out a Bill authorizing the Commissioner of Mental Health and Corrections to enter into a long-term lease for nominal consideration with the Maine State Society for the Protection of Animals on a portion of said farm for use as an animal welfare shelter and administrative center to be used in conjunction with the Department of Mental Health and Corrections in developing a program for the rehabilitation and gainful employment of inmates at the Men's Correctional Center interested in the care and welfare of animals.

Came from the Senate read and passed.

In the House, the Joint Order was read.

On motion of Mr. Martin of Eagle Lake, tabled pending passage and specially assigned for Monday, May 14.

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

Bill "An Act Providing for Payment of Sales Tax on Motor Vehicles at Time of Registration" (H. P. 1477) (L. D. 1902)

Pending — Motion of Mr. Finemore of Bridgewater to recede and concur.

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

Mr. PONTBRIAND: Mr. Speaker and Members of the House: I would hope that you would defeat the motion to recede and concur and if the motion is defeated I will move to insist and ask for a Committee of Conference.

I have talked with the department heads on this bill, and the only fault with this bill is the method of collection of the sales tax. I think if we had a Committee

of Conference it would work this out.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I am not going to fight this bill too hard, but I would like to mention that I called three different dealers in my district. They all made the statement — one of the biggest dealers in Aroostook County made the statement that this only covered automobiles. This only covers passenger cars, it does not cover anything else. The trucks would still be paid in the same method, the pickups paid in the same method. Motorcycles and motor bikes would all be paid in the same method as they are now. And they say if they are going to collect one, they might as well collect them all. That is about all I have to say about it. I hope you will recede and concur and if not we can go along to insist and ask for a Committee of Conference.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. O'Brien.

Mr. O'BRIEN: Mr. Speaker and Ladies and Gentlemen of the House: I am not the least bit surprised that one of the large dealers would be complaining about letting the state collect their own sales tax. I think this bill should definitely be placed in the position of the Committee of Conference for a number of reasons. And one I will cite you very briefly is that there is \$542,000 in accounts receivable outstanding that the state at this time does not have — \$542,000 of the state's money being used by somebody else. The bill also calls for increasing the penalty. Raising the penalty of using this money from one half to one full percent. There is also a great savings to the state.

I would hope you would oppose the motion to recede and concur so we can get this bill in the position of a Committee of Conference.

The SPEAKER: The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that the House recede and concur with the Senate. All

in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

23 having voted in the affirmative and 84 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Pontbriand of Auburn, the House voted to insist and ask for a Committee of Conference.

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

Bill "An Act to Provide for Protection of the Air, Water and Other Natural Resources" (H. P. 729) (L. D. 935)

Pending — Acceptance of either Report.

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

Mr. MacLEOD: Mr. Speaker and Ladies and Gentlemen of the House: I would at this time like to move the acceptance of the Minority "Ought not to pass" Report and I would speak very briefly. Coming on late in the day like this is a big disadvantage and I know you do not want to listen to me very much, so I will make it very brief.

The SPEAKER: The gentleman from Bar Harbor, Mr. MacLeod moves the acceptance of the Minority "Ought not to pass" Report.

The gentleman may proceed.

Mr. MacLEOD: Mr. Speaker and Ladies and Gentlemen of the House. We have had in this legislature, as well as in the 105th, several environmental bills. Two of them have been under the heading in the 105th and in the 106th already as an Environmental Bill of Rights. We know today that in the State of Maine, we are very concerned with our air and water, rivers, lakes and the general well-being of our natural resources. There is nobody any more concerned with it than I am. You must realize that, those who have talked to me and followed my action on some of these resource bills.

However, this particular bill — we have heard in our legislature that a lot of our bills are

misnamed. This is a so-called "right to sue" bill. There seems to be a group around the state who feels that we are not protecting them, not protecting these various assets that we have and all treasure very much. However, I feel that at this time we do not need this bill. It is — I hate to use the old phrase that it is a lawyer's bill — but there seems to be a faction that is running around that wants to give the right to sue to municipalities, any group of five individuals, partnership, corporation, association, organization, government agency or other legal entity may maintain an action in the Superior Court for declaratory inequitable relief against the state. This is the key to it right here.

You have had an experience in the State of Michigan, who has adopted this bill, that most of the suits have been directed against the state. They say that our courts are crowded, our Attorney General is overworked and although I understand their department is very interested in this bill, I would hope that you would go along with me and accept the minority "ought not to pass" report.

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Bar Harbor, Mr. MacLeod has mentioned this as being a lawyer's bill. It might be that, it might be an environmentalist's bill. If I may, on the personal side, I can say that when we are not in session, on occasion I try to be a lawyer. I feel it has involved more workmen's compensation and other areas than it has environmental. Never brought in an environmental suit, never been consulted on one and never defended one, but I do have a great deal of confidence in this area in our Attorney General, Jon Lund, and the members of his Environmental Protection section.

I have before me, as I do believe the members of the Natural Resources Committee have had, a letter from the Attorney General dated March 28. I would ask for

a permission to enter it into legislative record. I will not at this late hour, read the entire letter but to attempt to summarize it to you. It is a letter to Senator Schulten, the Chairman of that committee with copies to the Senate members of the committee and to the gentleman from Bar Harbor, Mr. MacLeod. It says basically, we have three men in the AG's office to deal with environment. They deal with about a dozen state agencies. There are not enough of us to handle the protection of the environment in this state. We have to turn down legitimate environmental enforcement action because we do not have the personnel. We feel, and here, I have confidence in the expertise of the Attorney General and his staff, that this is desirable legislation. We feel that violations that now exist which are not attended to or stopped due to a lack of personnel in our office, could be well handled by this type legislation.

Whenever you cripple the enforcement of the law, or whenever you provide an inadequate number of people to enforce the law, it damages the law. If we believe in the protection of our environment, we should create a vehicle whereby private citizens and groups, including the environmental groups, may have a say to try to prove a case. If they cannot prove the case, all right, there is nothing. But as it stands now, the Attorney General's Office can't even process the cases. So if you believe in the laws regarding the protection of our environment that we have on the books, this is a good means to carry that out at no cost to the state.

Honorable T. Tarpay Schulten
Senate Chambers
State House
Augusta, Maine 04330
Dear Senator Schulten:

This is to let you and the members of the Committee on Natural Resources know that this office is solidly in support of L. D. 935, "An Act to Provide for Protection of the Air, Water and Other Natural Resources," in its amended form as presented at the Committee hearing.

This office has three attorneys whose responsibilities include serving the following State agencies:

- Environmental Protection
- Land Use Regulation Commission
- State Planning Office (including coastal planning and water resources planning)
- Pesticides Control Board
- Agriculture (except Milk Commission and Harness Racing Commission)
- Inland Fisheries and Game (except Snowmobile Registration)
- Parks and Recreation
- Sea and Shore Fisheries
- Baxter State Park
- Forestry

This includes advising those agencies, prosecuting violations and representing the agencies in court. We will be asking the legislature to strengthen our Environmental Division. It is obvious, however, that even with additional personnel, there must be a great many environmental violations which this office will not be able to take to court simply because we haven't people enough to adequately prepare and present the cases. We find ourselves constantly in the position of declining to prosecute violations cases brought to our attention because of the limitations of time and manpower.

For example, the municipal subdivision law, 30 M.R.S.A. ss 4956, provides that the Attorney General, as well as the municipality, may enforce the provisions of that law. While we are in favor of residual power in this office to enforce that law, it is virtually impossible for us to enforce the law in every case of violation. Ideally, municipalities, through their town attorneys, should enforce the law. However, unfortunately, many towns are either unwilling to spend the money for legal fees, or in fact have no town attorney and thus either take no action or request this office to take action.

We have had many occasions in which citizens adversely affected by violations of that law have indicated to us that they would be willing to bring an action if allowed

to do so by the law. The provisions of L. D. 935 would remove the procedural obstacles to citizen activity supplementing the activity of the Office of Attorney General in enforcing the law.

We view L. D. 935 as nothing more than a removal of the procedural stumbling block which sometimes prevents the courts from getting to the merits of an environmental controversy. In other words, private parties interested in the protection of the environment, and particularly the enforcement of Maine's environmental laws, would, if L. D. 935 were enacted, be able to be heard on the substantive issues of an environmental controversy without having to waste the courts' time dealing with the sole issue of standing to sue in that he is specially damaged from the environmental insult as opposed to being merely a member of the public who is being damaged.

Finally, we would suggest that the law be amended to include a requirement that plaintiffs bringing suit pursuant to the provisions of this act be required to be Maine residents, citizens or property owners.

Sincerely,

Signed:

JON A. LUND
Attorney General

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker and Ladies and Gentlemen of the House: I am as much opposed to this bill as any member of this House. But I do note that the sponsor of the bill is missing and I believe in all due respect to him, we should have it tabled. So I would ask someone to table it for two legislative days.

Thereupon, on motion of Mr. Donaghy of Lubec, tabled pending acceptance of the Minority "Ought not to pass" Report and specially assigned for Monday, May 14.

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

Bill "An Act Increasing Compensation of Full-time Deputy

Sheriffs in all Counties" (H. P. 415) (L. D. 564)

Pending — Passage to be engrossed.

Mr. Binnette of Old Town offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-340) was read by the Clerk.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: I would at this time move for indefinite postponement of House Amendment "A" to House Paper 415, L. D. 564. As you know, this increases the stipend for the deputy sheriffs in every county and my good and dear friend from Penobscot County wishes to change that for Penobscot County. I feel that the deputy sheriffs in Penobscot County probably work just as hard at their jobs as they do in any other county. So in the spirit of fairness, and trying to represent these people from my county, I would hope that you would indefinitely postpone this amendment.

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

Mr. DUDLEY: Mr. Speaker and Ladies and Gentlemen of the House: I will try to be very brief. I support this amendment because it allows the sheriffs in our county an increase in pay and it is within the guidelines of what I think the county can afford. I think some people who may be new overlook the fact that these sheriffs — this is not all their pay referred to here because they have a lot of papers to serve and they get paid for them on the side, these deputies. So I think when we increase their pay, I cannot find the amendment right now, but I think it increased their pay \$1 each day. In other words, they would receive the sum of \$19 per day. This is an increase in what they are getting now, but it allows them \$19 a day notwithstanding the commissions or the service fees they get for papers they serve.

I think, in Penobscot County, I do not know about in Cumberland

County, I suspect wages are higher and everything, but this compares with other people in the area — \$19 a day. It is more than a lot of them are getting in the area and they don't have to be very highly qualified people to hold this job. In other words, they do not have to have any doctor's degree or anything of this nature. They can be pretty near off the street. So I think this is very good pay and I do hope you adopt the amendment.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker and Ladies and Gentlemen of the House: This bill appeared before our County Government Committee and originally the Sheriffs Association had requested \$24 a day. They agreed to settle for \$21 a day. When you go out and train a police officer or deputy sheriff, you send him to the Law Enforcement Academy, spend the money on him, he comes back to your community and you only pay him \$18 a day. They are not full-time deputies either.

It is pretty difficult to hang onto these men. The first thing you know, some community is going to pick him up for a town policeman in which he is only going to work 40 hours a week and also get time and a half for over the 40 hours.

Now this isn't very much pay, so I request that you do not accept this, even if it isn't in my county. There was no one who appeared against this bill at the time of the hearing, so I request that you do not accept this amendment.

The SPEAKER: The chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: The reason why I put in this amendment is the fact that throughout our county we had had numerous requests to cut out a lot of unnecessary expense. There are a lot of places in this department, in fact, we have added three more men, and if you take those three more men that they have added on and give them each

\$3 a day, it is going to cost the county around \$3,800.

If we bring this down to \$1 a day, which I do not think is out of line, and I will have to disagree with my friend from Orland, Mr. Churchill, that very few of those people who are deputies have had to go to school to be trained. I will say like my friend, Mr. Dudley, they have been rather an ordinary lot of people without any great deal of a background, except being a good political worker or something of that type. I think this amendment is not too rough and besides that, if you will look along on the other amendment which has been presented, 309 I believe, they are going to have extra mileage allowance and that doesn't state how much that allowance is going to be. That is left up to the discretion of the county commissioner. So if they want to get a mileage allowance to come and go from their home to the county jail, I think they can include that in. So that is one of the reasons why, I want to try to save some money, that is all.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: This is a sizeable increase, a whole dollar a day. Besides, there are other things involved. Penobscot County furnishes uniforms. And as I told you, there is other pay, in other words, serving papers and so forth. There is a little more to it than meets the eye. And I might also say that we have a long line of people waiting for these jobs at \$18 a day so when we increase it to \$19 a day, it is, in my opinion, unnecessary to raise a dollar a day when you have a line of people waiting for the job at \$18 a day.

But they are good law dealers for the Democrat party and they have helped Penobscot become quite Democratic, and I can see why some of the Democrat politicians would like to have them. They are very good law dealers, they do a good job on election day. But beyond that I don't see them doing much.

Frankly, in Penobscot County we could do away with every one of

them and get along pretty good because the police department we have and the state police and the town police now, we have more police per acre in this State of Maine than we have in any place in the United States and I can prove it, per acre or per capita, because you have duplications after duplications. We are well covered by the state police, but we are not so well covered by these sheriffs. And I contend to you and speak as a voice of authority, one year I had 18 breaks in my area, in my shop, for instance. One or two of them were apprehended by the state police and none were apprehended by the sheriff department, and they come up there and put a little of this powder on that gets on your fingers and turns your fingers blue a few times, the flea powder I called it. I told them don't come back anymore, it is costing the county too much money and I have had enough of this flea powder around me now — flea powder.

Nevertheless, I think they are a useless tool to begin with. We are throwing \$18 away every time we pay one of them. So I am stretching my imagination when I go along with the dollar, knowing there is a long list waiting.

The SPEAKER: The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: To bring the House up to date, we have already passed the bill for the part-time deputies and also those who serve the courts to the tune of \$21 a day from \$18.

The bill that we are considering now is for full-time deputies. It seems to me if you are willing to pay a part-time deputy \$21 a day, you certainly ought to pay a full-time deputy \$21 a day. I am sure the committee's consideration as far as the fee increases, that we are comparing with city police in the same area and in most cases the city police were getting much more money per week than the deputy sheriff. And because of inflation I am sure that most of you will agree that \$21 a day is not an excessive amount, in my estimation. I do not, however, want

to stand here and oppose the county delegation, and I hope that those that want to speak for it in that county will get up and rebut.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I support the indefinite postponement that Mr. Norris from Brewer made and not because they happen to be Democrats holding the jobs, because I am not so sure that they are or they aren't.

When I came in in the 104th I supported it when we had a Republican sheriff, and I supported the pay raise when we had a Democrat sheriff in the 105th.

We are talking approximately, I believe, of 12 individuals, and as far as I know, they do have a very hazardous job. In fact, in one particular case in Penobscot County just a few months ago we have one man that works inside the lockup at night. Can you imagine one man working in with 52 individuals or 60 individuals, and they don't lock these people up, I understand they keep them in there until they are able to roam around and they have televisions over there and they are able to roam around until around 10 o'clock. But this one man was in the lockup with these 52 or 53 people and he got hit over the head and beat up very seriously. And if some of the prisoners hadn't come to his aid he probably would have been killed.

But can you imagine a man who has to work, I don't believe these fellows like the job, I don't believe any man likes the job of being a policeman because he is fair game for everybody. But here is one individual that happened to work inside a lockup with people that I wouldn't want to be in there with, and I am sure he does it because he needs the job, he has his family to feed and \$18 a day isn't very much money and \$21 a day isn't very much money.

I can see Mr. Binnette's reason for wanting to save money, but I just don't like to think this is the way to do it, not particularly when you are trying to take it

away from a man who is trying to earn a living to feed his family. And \$21 a day isn't much money. I hope this House will vote against Mr. Binnette's amendment.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I introduced this bill increasing the compensation of all the full-time deputies, and it applies to all counties. I am not aware of the situation in Penobscot County, but the two gentlemen who are supporting the amendment that is now before us, if they have trouble in their local areas, I think the better course of action would be to work it out at the local level and not to deprive all the appointments in Penobscot County of the pay increase. I hope you will defeat the amendment.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker and Members of the House: I think that the lady from Portland clearly stated that was for Penobscot County, that did not affect the other counties. This is something that we are having up there that particularly every selectman and manager of the various communities are expressing a great desire that this budget should have been lowered. We had not much of an opportunity to work on that budget, and therefore the budget passed along.

Now, with this amendment on here I am wondering if my good friend from Brewer, Mr. Norris, will say that this came within the federal guidelines of the increase. And that is what I used as a base to raise their wages. And I think that this time I would like to ask for a roll call.

The SPEAKER: A roll call has 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 those 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 Brewer, Mr. Norris, that House Amendment "A" be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berube, Birt, Bither, Boudreau, Brawn, Bunker, Bustin, Chonko, Churchill, Clark, Conley, Cooney, Cottrell, Cressey, Dam, Davis, Donaghy, Dow, Drigotas, Dunleavy, Emery, D. F.; Farley, Farrington, Faucher, Ferris, Fine-more, Flynn, Gahagan, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Herrick, Hunter, Immonen, Jackson, Jalbert, Kelleher, Kelley, Kelley, R. P.; LeBlanc, Lewis, E.; Littlefield, Lynch, MacLeod, Maddox, McHenry, McNally, Merrill, Mills, Morin, V.; Morton, Murchison, Murray, Najarian, Norris, O'Brien, Parks, Perkins, Peterson, Pontbriand, Rolde, Smith, D. M.; Smith, S.; Sproul, Stillings, Theriault, Tierney, Trask, Walker, Webber, Wheeler, Whitzell, Willard.

NAY — Albert, Baker, Berry, P. P.; Binnette, Cameron, Carey, Carrier, Carter, Chick, Crommett, Deshaies, Dudley, Garsoe, Hoffses, Kauffman, Kilroy, L a P o i n t e, Lewis, J.; Martin, M c T e a g u e, Rollins, Shaw, Shute, Silverman, White, Wood, M. E.

ABSENT — Ault, Berry, G. W.; Bragdon, Briggs, Brown, Connolly, Curran, Curtis, T. S., Jr.; Dunn, Dyar, Evans, Farnham, Fecteau, Fraser, Gauthier, Haskell, Henley, Hobbins, Huber, Jacques, Keyte, Knight, L a C h a r i t e, Lawry, M a h a n y, Maxwell, McCormick,

McKernan, McMahon, Morin, L.; Mulkern, Palmer, Pratt, Ricker, Ross, Santoro, Sheltra, Simpson, L. E.; Soulas, Strout, Susi, Talbot, Tanguay, Trumbull, Tyndale.

Yes, 77; No, 26; Absent, 46.

The SPEAKER: Seventy-seven having voted in the affirmative and twenty-six in the negative, with forty-six being absent, the motion does prevail.

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

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

Bill "An Act Relating to Use of Studded Tires on Motor Vehicles" (S. P. 79) (L. D. 196)

Pending — Motion of Mr. Norris of Brewer to reconsider whereby the House voted to adhere.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, could I have this item tabled two days?

The SPEAKER: The pending question is on the motion of the gentleman from Stockton Springs, Mr. Shute, that this matter be tabled pending the motion of Mr. Norris of Brewer to reconsider whereby the House voted to adhere and specially assigned for Monday, May 14. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

60 having voted in the affirmative and 33 having voted in the negative, the motion did prevail.

On motion of Mr. Birt of East Millinocket,

Adjourned until eight-thirty tomorrow morning.