

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

Friday, May 11, 1973

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

Prayer by the Rev. Mr. Stanton Gavitt of Auburn.

The journal of yesterday was read and approved.

Order Out of Order

Mr. Whitzell of Gardiner presented the following Order and moved its passage:

ORDERED, that Vicky Truman, Sharon Gould and Andrea Cayford of Gardiner be appointed Honorary Pages for today.

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

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Resolve, to Reimburse Berkshire Mutual Insurance Company for Damage to Property of Leonard Smith by Highway Construction (H. P. 353) (L. D. 468) reporting that the House recede from its action whereby it accepted the Majority "Ought Not to Pass" Report; adopt Conference Committee Amendment "A" (H-363) submitted herewith; and Pass the Bill to be Engrossed, as amended by Conference Committee Amendment "A";

That the Senate recede and concur with the House.

Signed:

SHAW of Chelsea

MARTIN of Eagle Lake

— Committee on part of House.

JOLY of Kennebec

ROBERTS of York

ALDRICH of Oxford

— Committee on part of the Senate.

The Report was accepted. The House voted to recede from its action whereby the Majority "Ought not to pass" Report was accepted and the Minority "Ought to pass" Report was accepted. Conference Committee Amendment "A" (H-363) was read by the Clerk and adopted. The Bill was passed to be engrossed as amended and sent to the Senate.

**Papers from the Senate
Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Raising the Maximum Age of a Juvenile Offender" (H. P. 489) (L. D. 643) reporting that the Senate recede and concur with the House and Pass the Bill to be Engrossed as amended by Committee Amendment "A" (H-152).

Signed:

RICHARDSON

of Cumberland

ALDRICH of Oxford

ROBERTS of York

—Committee on part of the Senate.

WHITZELL of Gardiner

PERKINS

of South Portland

McKERNAN of Bangor

— Committee on part of the House.

Came from the Senate with the Report read and accepted.

In the House: The Report was read and accepted in concurrence.

Reports of Committees**Ought Not to Pass**

Report of the Committee on Taxation on Bill "An Act Relating to Removal of Certain Municipalities from the Forestry District" (S. P. 135) (L. D. 347) reporting "Ought not to pass."

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

Ought to Pass in New Draft

Report of the Committee on Health and Institutional Services on Bill "An Act to Repeal the Statute on Boards of Visitors to State Institutions" (S. P. 401) (L. D. 1250) reporting "Ought to pass" in New Draft (S. P. 612) (L. D. 1915) under same title.

Report of the Committee on Legal Affairs on Bill "An Act to Simplify the Procedures on Municipal Charter Amendment Elections" (S. P. 284) (L. D. 831) reporting "Ought to pass" in New Draft (S. P. 611) (L. D. 1914) under same title.

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

In the House, the Reports were read and accepted in concurrence, the New Drafts read once and assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Public Utilities on Bill "An Act to Augment the Powers of the Public Utilities Commission to Adequately Plan for the Present and Future Power Needs of the State" (S. P. 454) (L. D. 1419) reporting "Ought to pass."

Report was signed by the following members:

Mr. CYR of Aroostook
— of the Senate
Messrs. SOULAS of Bangor
CONLEY

of South Portland
GENEST of Waterville
KELLEHER of Bangor
MULKERN of Portland
MURRAY of Bangor

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

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot
Mr. ANDERSON of Hancock

— of the Senate
Messrs. CHICK of Sanford
MADDOX of Vinalhaven
TRASK of Milo
LITTLEFIELD

of Hermon
— of the House
Came from the Senate with the Minority "Ought not to pass" Report accepted.

In the House: Reports were read.

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

Mr. SOULAS: Mr. Speaker, I move we accept the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Bangor, Mr. Soulas, moves the House accept the Majority "Ought to pass" Report in non-concurrence.

The Chair recognizes the gentleman from Vinalhaven, Mr. Maddox.

Mr. MADDOX: Mr. Speaker, Ladies and Gentlemen of the House: I hope you do not accept

this majority "ought to pass" report. This bill, while it seems to have great merit in the title, is an exercise in futility.

The appropriation, which is indicated on the bill, is woefully insufficient to supply the needs of the Public Utilities Commission worthy to investigate this particular matter.

The cost of expensive consultants to do this work far exceeds anything within the powers of the Public Utilities financially or physically to implement and I hope that you do not accept the majority "ought to pass" report.

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

Mr. KELLEY: Mr. Speaker, is the motion to indefinitely postpone this bill and all accompanying papers in order?

The SPEAKER: The Chair would answer in the affirmative.

Mr. KELLEY: Mr. Speaker, I so move.

The SPEAKER: The gentleman from Southport, Mr. Kelley, moves the indefinite postponement of this Bill and all accompanying papers.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I oppose this indefinite postponement motion.

This bill was presented before the Public Utilities Committee and it simply gives the authorization and an appropriation to the Public Utilities Commission to find out where we are going in the next 10 or 20 or 30 years concerning power and the power needs of the people of this state.

At the present moment the commission is not geared, due to the staffing that it would have to have, to tell this legislature and other people of this state what the potential needs of power are in the planning stages for the State of Maine.

I was a little skeptical when this bill came before the Public Utilities Committee and a member of the other body presented an argument that sounded pretty reasonable to me. Right now the power needs of the state — I think it is Bangor Hydro is buy-

ing 50 percent of its power from Canada. CMP is buying approximately 80 percent of their power from Canada, and right at the future time, if the Canadian Government decided to cut off the supply of power to this state, then I would ask the question of this House, where do we go from here? Where does the PUC go from here? And also, what plans do the major utilities in this state have concerning it?

I hope you do not support the indefinite postponement of this bill because I think it is a necessity and I think it is something that will benefit the state as a whole.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to ask two questions of any member if they can answer them. One, what is the price tag on this thing, and two, whatever the bill reads, why can't this be taken care of through the General Fund budget?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question to anyone in the House who may care to answer.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: To answer the first question, the price tag on it, Mr. Jalbert, is \$50,000, and I am not so sure that it couldn't come through the General Fund budget.

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

Mr. JALBERT: Mr. Speaker, on that basis, I move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The pending question is on the motion of the gentleman from Southport, Mr. Kelley, that this Bill and Reports be indefinitely postponed.

The Chair recognizes the gentleman from Southport, Mr. Kelley.

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: This figuring the future needs of the power for the State of Maine it is more than the State of Maine,

it is the whole region. The people in the business have spent many times more than \$60,000 doing this. They know what they are doing and I think that this would be a duplication and another waste of our money.

Mr. Kelleher of Bangor was granted permission to speak a third time.

Mr. KELLEHER: Mr. Speaker and Members of the House: Just quite to the contrary, Representative Kelley, they haven't spent \$50,000 or \$60,000. I think the total of all the major companies last year spent was in the area of \$39,000.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I attended this hearing and it was my assumption that they did know what the future power needs of the utilities are because it is pretty consistent. They project the needs of today against tomorrow like they have done the last ten years. It has been pretty consistent.

I don't think there is any need for this. I support the motion to indefinitely postpone.

What we do need, maybe, is a study to see where we are going to get the power that is needed. We don't need a study to see what we need. We need a study to see where we are going to get it in case Canada shut us off. But this study is directed in the wrong direction. This study is to see what we need. We know what we need, pretty close, by projecting from years gone by. We just keep projecting because the growth rate has been approximately the same consistently. But if we do need a study, it is not in this field, it is in the field of where we are going to get the power, where and how if Canada should shut us off.

The SPEAKER: The pending question is on the motion of the gentleman from Southport, Mr. Kelley, that this Bill and all accompanying papers be indefinitely postponed. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

65 having voted in the affirmative and 42 having voted in the negative, the motion did prevail.

Divided Report

Majority Report of the Committee on Public Utilities on Bill "An Act Relating to Appeals from Decisions of the Public Utilities Commission" (S. P. 498) (L. D. 1585) reporting "Ought not to pass."

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot
Mr. ANDERSON of Hancock
— of the Senate.
Messrs. MULKERN of Portland
CHICK of Sanford
MADDOX of Vinalhaven
CONLEY
— of South Portland
TRASK of Milo
LITTLEFIELD of Hermon
— of the House.

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

Report was signed by the following members:

Mr. CYR of Aroostook
— of the Senate.
Messrs. MURRAY of Bangor
SOULAS of Bangor
GENEST of Waterville
KELLEHER of Bangor
— of the House.

Came from the Senate with the Majority "Ought not to pass" Report accepted.

In the House: Reports were read.

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

Mr. SOULAS: Mr. Speaker, I move we accept the Minority "Ought to pass" Report.

The SPEAKER: The gentleman from Bangor, Mr. Soulas, moves the acceptance of the Minority "Ought to pass" Report in non-concurrence.

The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, I move that this bill and all accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Hampden, Mr. Farnham, moves the indefinite postponement

of this Bill and all accompanying papers.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Am I to understand that this bill here merely would stop the utilities from starting to charge the rates until the appeal from the courts would be heard from? Is that my understanding?

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

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: The answer to Mr. Jalbert's question is yes. This bill simply says that the PUC gives one of the utility companies the right to increase their rates, and is challenged and taken to the courts that the rates will not apply until the final decision of the courts. There is nothing wrong with the appeals system, this is a very fair bill and I hope the House does not support the indefinite postponement motion.

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

Mr. JALBERT: Mr. Speaker and Members of the House: On that basis, I see that this is a very logical bill. I mean if the rates did go on the case is appealed and the decision was not upheld, where would you go and how would you return the money? I think this is a very sensible piece of legislation.

The SPEAKER: The pending question is on the motion of the gentleman from Hampden, Mr. Farnham, that this Bill and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

35 having voted in the affirmative and 68 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Soulas of Bangor, the Minority

“Ought to pass” Report was accepted in non-concurrence.

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

**Non-Concurrent Matter
Tabled and Assigned**

Bill “An Act Relating to Notification to Injured Employees of Rights Under Workmen’s Compensation Law” (H. P. 1243) (L. D. 1614) which the House passed to be engrossed as Amended by House Amendment “A” (H-341) on May 9.

Came from the Senate with the Majority “Ought not to pass” Report accepted in non-concurrence.

In the House: On motion of Mr. Martin of Eagle Lake, tabled pending further consideration and specially assigned for Monday, May 14.

Messages and Documents

The following Communication:

THE SENATE OF MAINE

Augusta

May 10, 1973

Hon. E. Louise Lincoln
Clerk of the House
106th Legislature
Dear Madam Clerk:

The Senate voted to Adhere to its action whereby it Indefinitely Postponed, Bill, “An Act Relating to the Prohibition Against Hitchhiking.” (H. P. 1454) (L. D. 1875)

Respectfully,

(Signed)

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

**Petitions, Bills and Resolves
Requiring Reference**

The following Resolve, approved by a majority of the Committee on Reference of Bills, was received and referred to the following Committee:

Veterans and Retirement

Resolve Providing a Member of the Maine State Retirement System with a Minimum of 10 Years Creditable Service (H. P. 1500) (Emergency)

(Ordered Printed)

Sent up for concurrence.

Orders

Mr. Crommett of Millinocket presented the following Order and moved its passage:

WHEREAS, working within the wings of this Legislature is a former colleague and friend to all, the Honorable Frank Wood of Webster; and

WHEREAS, he has served with the deep sense of dedication as selectman, road commissioner, councilman and now in his 8th legislative session, 4 as a member and 4 as Legislative Document Clerk; and

WHEREAS, today, Friday, the 11th day of May, 1973, marks the 70th anniversary of his birth; now therefore, be it

ORDERED, the Senate concurring, that We, the Members of the Senate and House of Representatives of the One Hundred and Sixth Legislature of the State of Maine now assembled, pause in our deliberations to salute our friend and colleague on the 70th anniversary of his birth and to express, along with our best wishes for the years to come, the sincere thanks of the Legislature for his devoted service; and be it further

ORDERED, that a copy of this Order, signed by the Speaker of the House of Representatives and the President of the Senate on behalf of the membership, be presented to Frank in honor of the occasion. (H. P. 1501) (Applause, the Members rising)

The order was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Mr. Ross from Bath was granted unanimous consent to address the House.

Mr. ROSS: Mr. Speaker and Members of the House: I speak now for the Election Laws Committee. We may not be the bride, but at least we are the maid of honor. All of our bills have been heard and reported out. We have completed two new drafts of a 58 section Omnibus Bill. And as far as our committee goes, we have completed all of our work. Our final report is being filed in the

other body today. As I mentioned, we are not the first committee, but at least we are runner-up. We are now looking forward to the big party at Belgrade where all committees get together as the guests of their chairmen.

House Reports of Committees Ought Not to Pass

Mrs. Knight from the Committee on Marine Resources on Bill "An Act Limiting the Number of Lobster Traps Per Person" (H. P. 7) (L. D. 7) reporting "Ought not to pass"

Mr. Davis from same Committee reporting same on Bill "An Act Closing Cape Porpoise Harbor to Lobster Fishing" (H. P. 514) (L. D. 680)

Same gentleman from same Committee reporting same on Bill "An Act Requiring Applicants for a Lobster and Crab Fishing License to Derive 75% of their Income from Commercial Fishing" (H. P. 1266) (L. D. 1642)

Mr. Greenlaw from same Committee reporting same on Bill "An Act to Include a License to Take Shrimp within the License to Take Lobster and Crab" (H. P. 1311) (L. D. 1741)

Mrs. Wheeler from the Committee on Judiciary reporting same on Bill "An Act Relating to Trespass in a Vehicle on Posted Land" (H. P. 1145) (L. D. 1478)

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

Leave to Withdraw

Mr. Webber from the Committee on Marine Resources on Bill "An Act Providing for a Closed Season on Shrimp" (H. P. 903) (L. D. 1191) reporting Leave to Withdraw.

Mr. Bunker from same Committee reporting same on Bill "An Act Relating to Count Limit of Shrimp" (H. P. 905) (L. D. 1193)

Mr. McKernan from the Committee on Judiciary reporting same on Bill "An Act to Define Public Place under the Criminal Laws of Intoxication" (H. P. 1323) (L. D. 1737)

Mr. Carrier from same Committee reporting same on Bill "An Act Creating the Uniform Probate Code" (H. P. 28) (L. D. 35)

Reports were read and accepted and sent up for concurrence.

Covered by Other Legislation

Mr. Lewis from the Committee on Marine Resources on Bill "An Act to Establish Lobster Fishing Districts, Closed Season on Lobsters and to Limit Number of Traps which May be Fished" (H. P. 1107) (L. D. 1443) reporting Leave to Withdraw as covered by other legislation.

Same gentleman from same Committee reporting same on Bill "An Act Relating to the Marking of Lobster Traps" (H. P. 1109) (L. D. 1445)

Mr. Norris from the Committee on Appropriations and Financial Affairs reporting same on Bill "An Act to Appropriate the Amount of \$1,460,000 for Parking Garage Facility for the Capitol Complex at Augusta" (H. P. 762) (L. D. 932)

Reports were read and accepted and sent up for concurrence.

Ought to Pass with Committee Amendment

Mr. Simpson from the Committee on Public Lands on Bill "An Act to Authorize the Creation of the Maine Inland Fisheries and Game Acquisition Fund and the Issuance of Not Exceeding \$2,000,000 for the Financing Thereof" (H. P. 288) (L. D. 362) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-364)

Report was read and accepted and the Bill read once. Committee Amendment "A" (H-364) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

Ought to Pass in New Draft New Draft Printed

Mr. Shaw from the Committee on Legal Affairs on Bill "An Act Relating to Ownership of any Property Formerly Held by the State Colleges" (H. P. 909) (L. D. 1197) reporting "Ought to pass" in New Draft (H. P. 1499) (L. D. 1926) under new title "An Act Relating to Ownership of Any Real Property Formerly Held by the State Colleges."

The Report was read and accepted, the New Draft read once

and assigned for second reading tomorrow.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Liquor Control on Bill "An Act Raising the Age of Persons Who May Purchase Alcoholic Beverages or Sell as Licensees" (H. P. 799) (L. D. 1069) reporting "Ought not to pass"

Report was signed by the following members:

Messrs. OLFENE of Androscoggin
SCHULTEN of Sagadahoc
— of the Senate.

Messrs. KELLEHER of Bangor
TANGUAY of Lewiston
CRESSEY

— of North Berwick
FAUCHER of Solon
RICKER of Winslow
GENEST of Waterville
STILLINGS of Berwick
— of the House.

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

Report was signed by the following members:

FORTIER of Oxford
— of the Senate.
Messrs. FARNHAM of Hampden
IMMONEN of West Paris
CHICK of Sanford
— of the House.

Reports were read.

(On motion of Mr. Silverman of Calais, tabled pending acceptance of either Report and specially assigned for Tuesday, May 15.)

Divided Report

Majority Report of the Committee on Agriculture on Bill "An Act Relating to Animals Imported into the State of Maine for Resale" (H. P. 968) (L. D. 1275) reporting "Ought not to pass."

Report was signed by the following members:

Messrs. PEABODY of Aroostook
HICHENS of York
CYR of Aroostook
— of the Senate.

Messrs. PRATT of Parsonfield
HUNTER of Benton
ALBERT of Limestone
ROLLINS of Dixfield
MORIN of Fort Kent
— of the House.

Minority Report of the same Committee on same Bill reporting "Ought to pass" in New Draft (H. P. 1498) (L. D. 1925) under new title "An Act Relating to Animals to be Sold in Pet Shops in the State of Maine."

Report was signed by the following members:

Messrs. EVANS of Freedom
MAHANY of Easton
BERRY of Buxton
COONEY of Sabattus
— of the House.

Reports were read.

Mr. Rollins of Dixfield moved acceptance of the Majority "Ought to pass" Report.

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

Mr. MURRAY: Mr. Speaker and Men and Women of the House: I oppose the motion of the gentleman from Dixfield, Mr. Rollins and would ask you to look at the new redraft which is on your desks this morning, 1925. I am the sponsor of the original bill, which was L. D. 1275, I believe.

The intention of this bill is to set the procedure which pet shops should follow when buying animals before they resell them. I think that it is important to note that when a person buys an animal that he expects that it is in good health. Sometimes these animals are just shipped into the state from a midwestern state and they are hardly on the shelf and they are sold. A lot of the diseases that the animal might have contracted in its travel across country or in any contact that it might have had with other animals, this disease will not show up for a week or two. The intention of this legislation is to require pet shops, when they buy animals, to quarantine them for ten days before they sell them.

I would grant you that this will be an expense to the pet shop owner, but I feel that this expense will be passed on to the consumer. I think an extra \$5 or whatever the shop might charge for this quarantine period is well worth it to assure that the animal is a healthy animal when it is bought and will remain healthy, God willing.

So I hope that you would defeat the motion pending and accept the minority "ought to pass" in redraft.

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

Mr. ROLLINS: Mr. Speaker and Ladies and Gentlemen of the House: This had a very good hearing before our committee, and the gentleman from Bangor, Mr. Murray, made a very fine presentation. You can see the results here of the majority report signers. We felt that it was just something that was superfluous, and we didn't want to get into it at this time.

The SPEAKER: The Chair recognizes the gentleman from Parsonsfield, Mr. Pratt.

Mr. PRATT: Mr. Speaker, Members of the House: I am not particularly a pet lover. I don't have a dog or a cat at the moment, haven't had one for 20 years I guess. But if any of you people are considering buying a pet or if any of you have friends who run pet shops in the state, this bill would automatically put every pet shop in the state out of business, because they wouldn't be able to sell a dog for under \$500 after it had to go through this quarantine period and be supervised by a veterinarian. The Department of Agriculture stated that they couldn't get help enough, they didn't have help enough to enforce this thing.

I would like to move for the indefinite postponement of this bill and all accompanying papers.

The SPEAKER: The gentleman from Parsonsfield, Mr. Pratt, moves the indefinite postponement of this Report and Bill and all accompanying papers.

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

Mr. MULKERN: Mr. Speaker, through the Chair I would like to ask a question to the sponsor of the bill. I was wondering if this piece of legislation was put in in response to a real problem in the State of Maine, if he knows of problems with imported animals.

The SPEAKER: The gentleman from Portland, Mr. Mulkern, poses a question through the Chair to

anyone who may answer if he or she wishes.

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

Mr. MURRAY: Mr. Speaker, Members of the House: I would respond in the affirmative, that a number of constituents in my area have come to me and explained to me the problem of people buying pets and a week or two later the pets ending up in the veterinary's shop or office and having expensive veterinary bills to try and cure the animal of some disease that it had contacted prior to them buying the animal. This is the reason for the bill.

While I am up, I would also like to disagree with Mr. Pratt's assessment of the cost. I don't think keeping a puppy dog for ten days in a back room of a pet shop is going to raise the price to \$500. Most of these little puppies don't eat but a couple of ounces of food a day, drink maybe a cup of water or two a day. When a pet shop has a number of animals that are going to be coming out of quarantine, they can ask the veterinarian to come and inspect the animals and issue a health certificate, which might range from three to five, probably ten dollars at the most. In most cases I would guess it would be about three to five dollars.

So I don't think it will push the cost of a dog up to \$500 as he suggested. I think we should assure the consumers of this state that when they are buying an animal, that everything has been done that is possible to insure its good health, and this is the reason for the bill; and I don't believe you will see pet shops closing down because of it.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker, Members of the House: We had considerable discussion on this bill at the hearing. Finally, we decided to have a redraft and see if it wasn't possible to save this bill.

Now, somebody has mentioned the price of a \$500 cost to somebody with a pet shop. I was surprised when I learned how much

some people with pet shops pay for some of these so-called good dogs. I certainly believe that anybody who wants to be sure that their puppies or some other pet is free of some kind of a contagious disease certainly would not hesitate to pay the minimal charge — I believe it will be minimal — that it would cost them for assurance that when their pets go out, they are free of this disease.

I think this is a good bill. It has merit. There was no, as I recall, opposition to this from any pet shop owners, and we have discussed this at different times. I would urge you not to indefinitely postpone it. I would like to see us go along with this bill and take it through the next course and see what might happen in the next body. I urge you not to vote to indefinitely postpone.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: The harness racing industry two years ago had a similar problem to what Mr. Murray has before you this morning, and it was decided by the people that are in the harness racing business — there was a disease called “swamp fever,” it is a sleeping sickness that horses are carriers of. It was decided by the industry in this state and the Harness Racing Commission that an animal would not be allowed to come into this state without a certificate saying that this animal was free from that disease. It worked quite well, but unfortunately, there were other horses being brought into the state, saddle horses and running horses and so on and so forth, ponies, and they were also carriers. It was the decision of the Department of Agriculture — and I am not sure if the bill was in this session; if not, it was in last session—that all horses that were brought into the State of Maine had to have a free health certificate, a good health certificate.

I think that the bill that Mr. Murray has here this morning is a very similar bill, and I see no serious damage with this bill. In

fact, I think it is a good health bill. I hope you support his bill this morning.

The SPEAKER: The Chair recognizes the gentleman from Parsonsfield, Mr. Pratt.

Mr. PRATT: Mr. Speaker, Members of the House: You will notice in the reading of this majority report, item 2, “An Act Relating to Animals Imported into the State of Maine.” But then you will notice in the redraft of the bill you have before you this morning, 1925, it says, “An Act Relating to Animals to be Sold in Pet Shops in the State of Maine.” They have taken out the part about importing. This applies to any pet that is sold in the State of Maine regardless whether this litter of dogs were whelped here in the state or out of state. This is what I think Mr. Kelleher is referring to, horses being brought in from out of state. This applies to animals and pets in the State of Maine that were raised here.

Another thing, in your dog laws, probably many of you have been furnished one of these folders that states all the laws. They have a condensed version of this, Laws Relating to Dogs, Revised Statutes of '64, Title 7. In the last two or three pages of this rules and regulations relating to pet shops, shelters approved under section so and so and so and so, one of the members of the Department of Agriculture came over and testified during our Executive Session on this, and these laws are on the books at the present. It states here that a licensed veterinarian not employed by the state may quarantine a pet shop or a boarding kennel. These laws are already on the books, if they wanted to enforce them.

I see no need for this legislation, and I hope you will support my motion to indefinitely postpone.

The SPEAKER: The pending question is on the motion of the gentleman from Parsonsfield, Mr. Pratt, that L. D. 1275 and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Pratt of Parsonsfield 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 Parsonsfield, Mr. Pratt, that L. D. 1275 and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA—Albert, Berube, Binnette, Bragdon, Brawn, Cameron, Carter, Chick, Cote, Cressey, Donaghy, Dow, Dudley, Dyar, Farrington, Ferris, Finemore, Flynn, Good, Hamblen, Henley, Herrick, Hoffses, Huber, Immonen, Kauffman, Kelley, Kelley, R. P.; Lewis, E.; Littlefield, MacLeod, Merrill, Morin, V.; Morton, Palmer, Parks, Perkins, Pratt, Ricker, Rollins, Ross, Shaw, Shute, Silverman, Sproul, Stillings, Walker, Willard, The Speaker.

NAY—Baker, Berry, P. P.; Birt, Bither, Boudreau, Briggs, Bunker, Bustin, Carey, Carrier, Chonko, Churchill, Clark, Conley, Cooney, Cottrell, Crommett, Curran, Curtis, T. S., Jr.; Dam, Davis, Drigotas, Emery, D. F.; Farley, Farnham, Fraser, Garsoe, Gauthier, Genest, Goodwin, H.; Greenlaw, Hancock, Hobbins, Jacques, Jalbert, Kelleher, Keyte, Kilroy, Knight, LaCharite, LaPointe, Larry, LeBlanc, Lewis, J.; Lynch, Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, McNally, Mills, Morin, L.; Mulkern, Murchison, Murray, Najarian, O'Brien, Peterson, Rolde, Smith, D. M.; Smith, S.; Susi, Talbot, Tanguay, Theriault, Trask, Wheeler, White, Whitzell, Wood, M. E.

ABSENT — Ault, Berry, G. W.; Brown, Connolly, Deshaies, Dunleavy, Dunn, Evans, Faucher, Fecteau, Gahagan, Goodwin, K.; Haskell, Jackson, McCormick, McTeague, Norris, Pontbriand, Santoro, Sheltra, Simpson, L. E.; Soulas, Strout, Tierney, Trumbull, Tyndale, Webber.

Yes, 50; No, 73; Absent, 27.

The SPEAKER: Fifty having voted in the affirmative and seventy-three having voted in the negative, with twenty-seven being absent, the motion to accept the Majority Report does not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted, the New Draft read once and assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Agriculture on Bill "An Act Authorizing the Commissioner of Agriculture to Investigate Certain Farming Practices" (H. P. 1207) (L. D. 1559) reporting "Ought to pass" in New Draft (H. P. 1497) (L. D. 1224) under same title.

Report was signed by the following members:

Messrs. PEABODY of Aroostook
—of the Senate.
Messrs. MAHANY of Easton
HUNTER of Benton
ALBERT of Limestone
COONEY of Sabattus
BERRY of Buxton
EVANS of Freedom
—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. HICHENS of York
CYR of Aroostook
—of the Senate.
Messrs. ROLLINS of Dixfield
MORIN of Fort Kent
PRATT of Parsonsfield
— of the House.

Reports were read.

On motion of Mr. Mahany of Easton, the Majority "Ought to pass" Report was accepted.

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

Consent Calendar**First Day**

(S. P. 172) (L. D. 427) Bill "An Act Relating to Probate Fees"—Committee on County Government reporting "Ought to pass" as amended by Committee Amendment "A" (S-114)

(S. P. 404) (L. D. 1206) Bill "An Act to Modify the Test for Determining Coverage of Injuries under the Workmen's Compensation Act"—Committee on Labor reporting "Ought to pass"

(S. P. 524) (L. D. 1655) Bill "An Act to Clarify Certain Provisions of the Personnel Law"—Committee on State Government reporting "Ought to pass"

(S. P. 541) (L. D. 1693) Bill "An Act to Create a Commission to Study the Workmen's Compensation Law" — Committee on Labor reporting "Ought to pass" as amended by Committee Amendment "A" (S-113)

(H. P. 566) (L. D. 745) Bill "An Act Relating to the Appointment of Active Retired Judges of the District Court"—Committee on Judiciary report "Ought to pass" as amended by Committee Amendment "A" (H-365)

(H. P. 709) (L. D. 914) Bill "An Act Relating to Defining Residence Requirements to Procure a Lobster Fishing License"—Committee on Marine Resources reporting "Ought to pass"

(H. P. 743) (L. D. 956) Bill "An Act Amending the Bay Point Village Corporation" — Committee on Legal Affairs reporting "Ought to pass" as amended by Committee Amendment "A" (H-366)

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

Tabled and Assigned

(H. P. 1201) (L. D. 1541) Bill "An Act Relating to Location of the Women's Correctional Center and Operation of the Halfway House Program" —Committee on Health and Institutional Services reporting "Ought to pass" as Amended by Committee Amendment "A" (H-367)

On the request of Mr. Dam of Skowhegan, was removed from the Consent Calendar.

(On motion of the same gentleman, tabled pending acceptance of the Committee Report and specially assigned for Tuesday, May 15.)

(H. P. 1277) (L. D. 1664) Bill "An Act Relating to Valuation of Shares of Joint Owners of Property and the Disposition of Joint Property on Death of a Joint Owner" — Committee on Judiciary reporting "Ought to pass" as amended by Committee Amendment "A" (H-368)

(H. P. 1461) (L. D. 1886) Bill "An Act Relating to Willful Killing or Injury to Certain Animals" — Committee on Agriculture reporting "Ought to pass" as amended by Committee Amendment "A" (H-369)

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

Consent Calendar**Second Day**

(S. P. 224) (L. D. 659) Bill "An Act Relating to Nonpayment of Corporate Franchise Taxes"

(S. P. 309) (L. D. 975) Bill "An Act Relating to Unlawful Usurpation of Community Antennae Television System Signals and Injury to its Equipment" (C. "A" S-110)

(S. P. 473) (L. D. 1507) Bill "An Act Relating to the Escape of Prisoners" (C. "A" S-109)

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

(H. P. 1066) (L. D. 1391) Bill "An Act Relating to Political Campaign Reports and Finances" (C. "A" H-356)

On the request of Mr. Smith of Dover-Foxcroft, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-356) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

Passed to Be Engrossed

Bill "An Act Creating the Pine-land Center Advisory Board" (S. P. 609) (L. D. 1907) (S. "A" S-112)

Was 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 to Provide a Portion of all Public Places and Transportation Vehicles to be Set Aside for Nonsmokers" (S. P. 322) (L. D. 989) (C. "A" S-108)

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

(On motion of Mr. Farley of Biddeford, tabled pending passage to be engrossed and specially assigned for Tuesday, May 15)

Bill "An Act to Expand Human Resources by Rehabilitating Recipients of State Aid" (H. P. 1363) (L. D. 1819)

Bill "An Act to Establish a Water Quality Related Great Ponds Program in the Department of Environmental Protection" (H. P. 730) (L. D. 936) (C. "A" H-357)

Bill "An Act Relating to Expenses for Examination of Insurer" (H. P. 1494) (L. D. 1922)

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
Later Today Assigned**

Bill "An Act Repealing the Bank Stock Tax" (H. P. 1491) (L. D. 1919)

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

(On motion of Mr. Cooney of Sabattus, tabled pending passage to be engrossed and later today assigned.)

Bill "An Act Exempting Motor Vehicles Purchased by Nonresidents from Sales Tax" (H. P. 1493) (L. D. 1921)

Bill "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)

Bill "An Act Revising the Law Relating to Rules and Regulations of the Board of Chiropractic Ex-

amination and Registration" (H. P. 468) (L. D. 616)

Were 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 Relating to the Prohibition of the Advertising of Drug Prices" (H. P. 930) (L. D. 1227)

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

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: In our law books, Section 2851, Section 1, refers to the power of the board of commission of the profession of pharmacy to make proper rules and regulations. Now this bill before us takes from their discretion the advertising of drug prices. Certainly we want everybody to be able to purchase proper and needed drugs as cheaply as possible.

I still worry about some stores, if allowed to do this, would refer to similar items with the same generic names. It is most important that we get the exact item as prescribed by the doctor.

There are literally thousands and thousands of drugs, each with a different strength. How could you possibly advertise all of these?

There were two main points made yesterday, that we needed help for the poor people and the elderly. I wonder if many members of the House realize how certain programs work today.

For the poor people, and there are thousands of them, if they are on welfare, they get all of their drugs, no matter what the cost, absolutely free. If you qualify for old age assistance, you get your drugs free. If anyone, no matter what his income is, is under Medicaid, he gets his drugs free. Ninety percent of the elderly fall into one of these categories. And if you don't, if you are over 62 years of age, no matter what your income, the pharmacists voluntarily give a 10 percent discount.

Now, these programs for free medicines cost the state several

million dollars per year. I think that in the last two years it has increased fivefold. Most of the poor and the elderly are well taken care of now.

Yesterday we debated this at length, and on the first vote the committee recommended "ought not to pass" and the House agreed with this 73 to 60. Then on a roll call, when the poor and the elderly were mentioned specifically, it was reversed to 68 to 74. I would hope that the House would stick with their first action, and I move indefinite postponement of this bill.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves the indefinite postponement of this bill and all accompanying papers.

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

Mr. LaPOINTE: Mr. Speaker and Ladies and Gentlemen of the House: I have to take issue with Mr. Ross, his motion that he put forth just a moment ago, on two counts. The first one seems to diminish, if you wish, the professional integrity of the druggist and also the relationship that takes place between the prescribing physician and the druggist. In that, I believe, as I understood him, he would be implying that there might be some opportunity, if you wish — potential opportunity, if you wish, for a druggist to substitute a generic drug. I submit to you that a prescribing physician with his prescription gives the druggist his orders, and that the druggist has a professional responsibility to adhere to that prescription.

Secondly, Mr. Ross indicated — and I don't have any statistics, and I would ask him to present more specific information relative to the availability of drugs to the many programs the state and federal government is funding. I don't think we have an accurate picture, because I would submit as contrary evidence to what he is suggesting that there was an informal survey taken in the City of Portland through the Maine Medical Center, hospital pharmacy, which indicated that 40 to 50 percent of the prescriptions in the greater Portland area were going unfilled.

So I suggest to you that the debate we had on this item yesterday was very thorough, was well intended. Nobody was attempting to provide anyone with misinformation. I think the case is quite clear. I ask you not to support the motion to indefinitely postpone this bill.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I would like to pose a question through the Chair to the gentleman from Bath, Mr. Ross, who has told us a little bit about a state funding of some of these drug prescriptions. I would like to know if the charges that are paid for the Medicaid drugs are the same as those charges made on other customers not provided with that service?

I wonder if the answer is yes, since yesterday we heard that the prices differ a good deal from pharmacy to pharmacy and city to city, I wonder if the state monitors in some way the charges that are made through the Medicaid program.

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

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

Mr. ROSS: Mr. Speaker and Members of the House: Of course, as you all mentioned yesterday, the cost of drugs does vary somewhat from store to store.

Now, under all of these programs, they charged a regular price plus \$2 per prescription to the druggist.

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: The only reason I am entering this is in the past nine months I have been putting on a kind of campaign to try to get money owed on these programs through the various ramifications of bureaucracy paid to the druggist. I do know that the costs to people who were getting this free, the cost to the state is the cost price on the

drugs plus \$2 for each prescription. The state pays that except the fund is about 60-40, that the federal government pays 60 and the state 40.

Another thing that I would like to say in backing up what Mr. Ross has said, for the elderly, if they are old enough to be a member of the American Retired Association, they can get drugs at about half the price of the usual retail price in drug stores. All they have to do is write for them and they will be sent postpaid. I know, because I have one of these little cards myself. I have had the Medicaid extensively the last year or two, and it has saved me hundreds of dollars; because I send to Connecticut, I believe, for my drugs, and they will run from 40 to 50 per cent lower in price than the local drug prices. I know sometimes the local druggist resents it, but, nevertheless, it is an advantage to the elderly and to the people who haven't got too much money if they do not qualify for welfare — I am not quite that poor right now. So that that classification of people can get low-price, good, first class drugs, prescription drugs, if they want to.

I think you will find that one of the reasons that this cooperative store in Portland opened up was because of that very same thing, that so many were sending out of state that something had to be done to keep the money in the state. That is another reason that has forced some of the druggists to come down a little bit on their prices. Even at 10 per cent off it isn't as good as sending out.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I didn't speak on this yesterday, but I did make two calls to two druggists or one call to a druggist and met one yesterday. I find that as Mr. Ross has said and Mr. Henley, that anyone from the age 62 to 65 before they reach Medicaid, Mr. Ross' statements on Medicaid were exactly correct because I checked.

I find that the prescriptions are filled at one drug store, he fills them at \$1.80 above his cost for

the prescription. The other told me he fills them for \$2 above the cost of the prescription, which I think is plenty cheap enough.

As the gentleman from Portland, LaPointe said, a lot of the prescriptions are going unfilled. I can't agree with this. I don't believe it is so in Portland, and I would dispute it very very much; because talking to the druggists that I have talked to, they have told me they have never turned down a prescription, they always filled them. And they said they thought all of the druggists did.

As Mr. Ross, from Bath, stated his statements are 100 percent correct, because I was in this some four or five years ago and made a study of this Medicare and Health and Welfare; and as Mr. Henley has said, the state isn't paying up very fast. They are still filling prescriptions. I find that there is no need of anyone, absolutely no need of anyone going without having a prescription filled. I don't think a druggist turns anyone down.

I hope you will go along with the motion of Mr. Ross to indefinitely postpone this bill.

When the vote is taken I ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I just want to say that I have lived in a state which has permitted the advertising of drug prices. I can truthfully say that I found nothing for a basis and fact for the fears expressed here as to what would happen if druggists in Maine were permitted to advertise their pricing structures.

The doctors still gave you a prescription, you still went to the drugstore and had it filled. And you had what you wanted. I can truthfully say the prices were reduced, and I think it also gives the individual the choice of going where he wants to go to buy the drugs at the price he wants to buy them.

I see nothing at all as a basis for the fears expressed here this

morning on what happens if you allow druggists to advertise prices.

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

Mr. BITHER: Mr. Speaker and Members of the House: I was very surprised the other day that no one mentioned this little card that Mr. Henley told you about, and I wish you would listen again, because this is the American Association of Retired Persons. It costs you \$2 a year membership, it is also the same association of the American Association of Retired Teachers, it is the same outfit. They have a prescription office in Hartford, Connecticut, where Mr. Henley and I send for our prescriptions, and we get them for about half price. You can do this for a little over half price possibly. You can do this, I believe — well, I am certain, at any age, because one of my former graduate students from Fort Kent, Valier Morin over here, retired at 54. He is a member of the American Association of Retired Persons. He retired from government service, he tells me. He gets his drug prescriptions from Hartford. So you can get these anytime you retire, as far as I know.

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

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I, too, am eligible for one of those cards mentioned. But I would like to call your attention, I have a very good friend who is a drug salesman. The profit in drugs is 500 percent. I see no reason of a druggist being afraid to advertise on a competitive basis.

The SPEAKER: The Chair recognizes the gentlewoman from Mattawamkeag, Mrs. Murchison.

Mrs. MURCHISON: Mr. Speaker, Ladies and Gentlemen of the House: I, too, am one of those who practically live on drugs. I have belonged to that retired persons association that some of these people speak about. The drugs I take are not listed there.

In my town there are two drugstores. One drugstore, I can get my medicine for \$2.50 cheaper than I can at the other one, the

very same prescription, the same ingredients. All I have to do is walk a few blocks down the street. That is on only one medicine.

On the other one, I can save \$3. Many of my friends go to the lower drugstore, as we call it, because it is cheaper. The drugs are not listed on this list that these people are speaking about in Connecticut.

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

Mr. MULKERN: Mr. Speaker and Members of the House: First of all, I would like to assure Mr. Finemore that the statements made by Mr. LaPointe in reference to Portland are entirely true, that we do have a large case of unfilled prescriptions in Portland.

I really don't see that any of the arguments against this bill have really addressed themselves to the issue. Personally, I cannot see a druggist risking his integrity upon which his business depends a great deal by selling some kind of other drug than what was prescribed by a physician. This would — if this sort of thing went on, it would serve to eventually drive the druggist out of business. I cannot see them doing something that is going to go against their business.

So I would urge you to support this L. D. 1227, and let's get this bill passed.

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

M. COTTRELL: Mr. Speaker, Members of the House: I voted against this bill yesterday. I am not affected in this field; far from it. Fortunately, I haven't had to go to the drugstore, and I don't know very much about prescription drugs.

Maybe I try to be too analytic. I don't know how many drugstores there are in Portland. I don't know whether the natural competition affects prices. The thing that confused me was the number — great number of prescription drugs that I have been told about.

Now, I am just wondering how you advertise those. Are you going to advertise them in the stores themselves? Are you going to advertise them in newspapers? I

haven't got the answer to this yet. It is going to bring a lot of problems to the drugstores, I would say. Doesn't normal competition take care of this? How is the drugstore going to advertise? How many drugs is he going to advertise? Is he going to have leaders on certain days, special days, one drug store in one community to get advantage of that to go all over Portland to get your drug at that particular store? I haven't had any answers to those questions yet.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I am speaking against the indefinite postponement of this bill. We have heard in this debate about drugs being priced at one half, about a 500 percent pricing structure, and there is no one refuting these charges.

Material that is so vital to the lives of certain people it seems to me needs a more efficient distribution system than we apparently have on drugs. To me, this bill would allow advertising, which is a form of public information. What the public doesn't know about, they cannot object to; and they don't know what the costs are of drugs, and they don't know about the pricing structures and things that we are learning here today about.

I think that this should be made known. If advertising is allowed, I believe that there will be certain renegades in the drug business who will price closer to the cost of drugs, and people around will learn what the cost of drugs are; and again, these vital materials that are needed so badly by people, many of whom have very limited incomes, will be made available on a more competitive basis.

Those who speak in favor of the indefinite postponement of this bill this morning are saying we don't need this because they have a regulatory body. Unfortunately, I believe that it is probably so that this regulatory body, like many regulatory bodies in government, are completely dominated by the regulated.

I hope that you vote against the indefinite postponement of this bill, and I think we would be moving forward.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to get involved in the merits or demerits, but I do want to respond to the question posed by the gentleman from Portland, Mr. Cottrell in reference to whether or not advertising would be done, how it would be done and how it would be handled. I suspect, in response to that question, it would be handled the same way as they handle the one-cent sales that a drugstore has from time to time and week to week selling two items for the price of one and one penny added on. I don't recall what they call them, whether it is the Rexall sales, the one cent Rexall sale or whatever it is called or the Wintergreen or whatever it is, but they sure have it; and I suspect that they could do it the same way they are doing it now.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: We have truth in lending, we have the right to know law, now let's have truth in healing.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make three comments on the debate we have had this morning.

The first deals with the gentleman from Bath, Mr. Ross' statement on Medicaid. I think just because the state is footing some of the bill is no reason to keep the prices high.

Also, I think the Horseblanket hasn't come out from yesterday, but I think you will notice from my remarks that I was talking about the sick and the elderly. There are a lot of people who get sick that don't have the state to help them out on paying for

these prescription drugs. I think that these people should have the opportunity to find where they could get drugs cheaper.

Thirdly, I want to respond to what Mr. Cottrell said on, "How are they going to advertise the cost of these prescription drugs?" At the hearing on this bill, the drug industry spent a great portion of their time talking about the integrity of the profession and how that would be undermined by this bill. Well, I believe in the integrity of that profession, and that is why I am sure that they will set up regulations that will not induce the consumer to come in and buy drugs that he doesn't need or tried to coerce a physician into giving him a prescription for a drug he doesn't need.

In fact, if you will notice, this bill says that "the board may make such rules and regulations as may be necessary for the regulation and practice of the profession of pharmacy." Then it goes on to say, "but these rules and regulations shall not be inconsistent with the laws of the state nor prohibit or unreasonably restrict the advertising of drug prices."

I am sure that any regulations that this board sets up will require that the dose and the amount of each drug will be included on the advertising, and I feel that I am willing to go by the integrity of the profession and not try to restrict with legislation something that is their duty.

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

Mr. ROSS: Mr. Speaker, Members of the House: I would just like to make two comments. The gentleman from Portland, Mr. La-Pointe, said that druggists must give the exact medicine as prescribed. This is, of course, so; but we are talking about advertising and not the integrity of the pharmacists.

The gentlewoman from Mattawamkeag, Mrs. Murchison, said that her drugs that she had to use were not advertised in the list mentioned by Mr. Finemore and Mr. Bither. If they are that uncommon, does she suppose that

they would possibly be advertised by her two drugstores in her town?

I only maintain that you just cannot advertise all of the drugs; and if you cannot advertise all, you might be leaving out some that were absolutely essential for that person's health.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address myself to the last point made by Mr. Ross. You don't see all the First National stores advertising every single can or type of vegetable and cut of meat it has in its department. Sure, you know, they will advertise various specials of various types of things that people buy regularly. I am sure this is what the druggist will do. They will concentrate on probably maybe the hundred or hundred fifty most well-known items or well-used drugs.

I would like to reiterate what Mr. McKernan from Bangor said. This bill simply allows the pharmacists. I don't know, maybe I am beginning to question myself with the amount of lobbying they are doing against this. I am wondering what is this big thing? Why don't they want to compete? I don't understand this at all.

As far as any unfair competition, I would like to remind everybody that we do have very good consumer protection laws, and we do have a very active attorney general who is enforcing these consumer protection laws. I don't really see any danger in this advertising or any unfair advertising. I think that the Attorney General's office will be watching this very closely.

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: As I spoke yesterday, my concern was the cost of health care in the State of Maine. One of those costs of health care were drugs which many people have to use daily, weekly, monthly and so forth.

The commercial outlets of drugs, in my opinion and many of the opinions and the opinion of the vote in this House yesterday, is that it can be corrected. One of the ways to correct it is having prescription drugs advertised so people who need these drugs may look and find a better value if it is available.

This was the first time, I think, in my career that I have ever agreed with the legislator from Pittsfield. It has been a long time since I have heard Mrs. Murchison, the representative, speak. I heard the representative from Houlton, Mr. Bither, say because of a card, he gets his drugs at half price. You are all concerned in getting the best price for your drugs and medicine.

Now, not all of us are card carrying to get better prices for drugs. Therefore, let us have the chance through competitive advertising to be able in the State of Maine to have lower cost drug prices. This is why I am backing the bill by Representative McKernan from Bangor.

The other thing, and these are facts, if you go down to Sanford, Maine, I am quite certain you will get a third off on your drug prescriptions. If you live in other areas of this state, you are going to pay a third more; and on a \$15 bill, that means you could have bought it in Sanford somewhere around 10, somewhere else it is 15 and that hurts the weekly budget of many people.

With that in mind, I hope you will vote no to the indefinite postponement of this bill, and let's try and come up with a system in this day and age that can give the best prices for drugs for the people who need them.

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

Mr. DYAR: Mr. Speaker, Members of the House: I want to reiterate that I am not against the elderly and sick in this state, and I think they should have all the advantages in the world.

The gentleman from Eagle Lake, Mr. Martin, made a comment here a few moments ago about the one-cent sale. This is what bothers me. Now, my mother, at a one-cent

sale recently, went into the drugstore. After reading the ad, she bought two boxes of epsom salts. The ad was one box at 79 cents and for an additional penny, you can get the second box. She was very proud of this savings until she came into my store and was commenting on her purchase, and I said, "You really got a buy this morning, didn't you?" I said, "You can go over on my counter and buy that same box of epsom salts for 29 cents." Now, she could have paid 58 cents in my business and got two boxes, but she went to the drugstore who advertised and she paid 80 cents. This is what we are going to get.

Now, advertising is a costly thing. I don't know whether the gentleman from Portland has checked into what the Portland Press Herald charges per column inch for advertising, but I think it is somewhere in the line of eight dollars. Now, you don't get much advertising in one-column inch for eight bucks. You take a four-column twelve or something like that, you run your ad on your drug prescription price, you go back and go over your books and figure out how you are going to make ends meet in your business, and you are going to add that cost of advertising onto the cost of your product. So the person who is buying that product is going to pay for the advertising.

I think we have heard here this morning that nobody doubts the pharmacist is a professional man, and this may be a very broad statement to make. I think we have got to trust these people. They are licensed in the State of Maine. They are professional people. You do find rotten apples in all barrels.

I think with this piece of legislation here, in order to clarify what is a big problem in this state, the high price of drugs, you are going to make the price of drugs higher on the average than they are now, because of this advertising, in order to stay in business and be competitive, somebody is going to pay the bill.

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

Mr. JALBERT: Mr. Speaker, Members of the House: Yesterday when I spoke, I didn't want to plead any sympathy at all because I don't. But I mean, mine is based on fear. I haven't heard anybody in this House pro or con who has spoken on this bill who has got some authority. Now, I have got some fear. I mean, since October 22, 1966, I have slept 366 nights in a hospital.

Now, how are you going to advertise prescription drugs? I mean, doctors can write up hundreds upon hundreds of different kinds of prescriptions; and in a small town particularly, your druggist is practically a doctor. Now, how in heaven's name are you going to turn around and get any druggist, any drugstore, to put ads in the paper. Why, a full-page ad, which is what you would have to do, would run you over a thousand dollars at the prevailing rates.

If we are going to do this, Mr. Speaker, I would like to ask a parliamentary procedure question. Would it be germane to put an amendment on this bill that the lawyers would advertize their fees?

The SPEAKER: The Chair would answer that that would be a separate bill in the Chair's opinion.

Mr. JALBERT: You are correct, Mr. Speaker, and if you had to be forced to advertise your own fees, Mr. Speaker, you would be as hard - put as a druggist having to advertise prescription drugs.

Now, I have one prescription for 20 capsules, costs me \$24.75. I have another one that may do me just as much good that cost me \$1.60. I have another one which cost me \$12, another one \$7, and so on down the line. Mine is one of fear. I want to go to the person who knows what he is doing; and nobody on this floor, nobody who has spoken for or against who is any authority in any way or really and truly knows what they are talking about.

Now, I voted the other day for the legislative ethics bill, so that allows me to state my case. What would we do if we didn't have lawyers on the Judiciary Committee? What would we do if we didn't have insurance men or bankers on the

Business Legislation Committee? What would we do if we didn't have people involved in the liquor industry on the Liquor Control Committee? I mean, you talk about ethics and you talk about conflict of interest. Everybody in this body is in conflict of interest every time they pull a switch, let's stop kidding ourselves. Your conscience is your conflict.

In this instance here, I am scared, and I am voting with Mr. Ross because I am scared. I want to stay right where I am. I have done pretty well with the doctors. I have done pretty well with the druggists who have filled thousands of prescriptions for me, and that is exactly where I am going to stay.

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

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen of the House: As my good friend from Calais knows. Mr. Silverman, he runs a store. He knows he cannot compete with the big chains because they can sell for less retail than he can buy wholesale.

Now, if you have got an emergency and you need drugs and you need them right off in a hurry, you cannot order out of Portland and wait two or three days because the chances are you might be dead. So you had better go along with your local dealer.

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: I had the good fortune yesterday afternoon to speak to former Speaker, Mr. Kennedy, here and he explained to me a problem which he thinks is realistic. He says that the smaller pharmacy can sell drugs cheaper than the large chain drugstores. I think that he is correct in that, that the small drugstore can sell cheaper because they don't have to have that many pharmacists on hand. The same problem is happening to the small drugstore as is happening to the small mama and papa stores in this state. If it hasn't happened in your area,

it has in my area. The large, super drugstores are coming in, and they are swallowing up these small drugstores.

I think that the advertising of drugs will help make the large stores competitive and show people that the prices that they are charging are actually higher than the small drugstores are charging, and therefore, people will be aware and will keep going to this small drugstore.

There isn't necessarily a low price with high volume sales in this particular case, and I think that we will be helping the small drugstore, no matter how much anybody disagrees with this, if we do allow advertising so that we make these super, large drugstores advertise their prices so they can be seen to be competitive with the small drugstores.

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

Mr. COTTRELL: Mr. Speaker, Members of the House: I guess I am a conservative. I don't think I am a mossback, though.

A question has come to my mind. Now, to me, a pharmacist is a professional. I don't know whether they are in short supply in this country or not, but I do know that most of them do go to college; and then they go to pharmaceutical school, and they have to get a degree. Now, his wages are worth something I should think as a professional, and in Portland we have many of them.

What made me suggest that pharmacists might be in short supply was that at this model city drugstore they tried to get a pharmacist and they had to wait a long time.

Another question arises in my mind about this store in Portland that is cut-rating these drugs is that they haven't gotten over the hill yet, and it is questionable whether they will when the government money is taken away.

Now, please do not think I am against the poor people or against the elderly. I think the drugstores are in business, and they have to pay their bills.

Speaking about these cards that were brought up, number one, their

catalogs are pretty long. I am familiar with that, and you have to send out of town. You have to send cash. There are many things in this business that I still have questions about.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Whitzell.

Mr. WHITZELL: Mr. Speaker, Members of the House: Very briefly, Mr. Finemore from Bridgewater called the druggist in his home town. Now, I find that to be analogous to calling a poacher and asking him if he favors night hunting.

The newspapers have exposed during the last year — it was the Portland papers, the Sunday Telegram and the local Kennebec Journal did a lot of research or a lot of price comparisons in the drugstores. They found examples where the prices varied from a dollar and a quarter to four seventy-five on the same prescription, and it was a common prescription.

Mr. Bither stated that he is a card carrier. Well, that is fine for retired people, but how about the people with large families? They don't get cards. When people are sick, they have already spent money. They have spent money for doctors and hospitals, specialized care and ambulances, and should they also be penalized by paying higher drug prices?

Advertising, in my opinion, will reduce the price of these drugs, and that is the reason we should pass this legislation today.

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

Mr. FINEMORE: Mr. Speaker, Members of the House: In answer to Mr. Whitzell from Gardiner, we don't have a drugstore in our town. In the wintertime, we have to go about four miles on snowshoes to get our drugs.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Members of the House: I will take just one more second. I do want to address some remarks in answer to the questions put forth

by the gentleman from Lewiston, Mr. Jalbert.

I want to say first of all there is nothing that I find in this bill which requires that a druggist advertise all the drugs he has in his drugstore anymore than a grocer has to advertise all the groceries he has in his grocery store.

In places where this is allowed, I would say that most of the advertising is done simply by signs hanging over the prescription counter which show the most important drugs used consistently and the price the druggist charges for them.

I am going to give you one example — and also on the subject of fear, having lived in this state which allows druggists to advertise their prices, I am still here and we have an average family. We use drugs day in and day out. So, actually, I don't think we have been subjected to poor care because of the drugstore being allowed to advertise its prices.

I have one little capsule right here which we still buy in this drugstore outside the State of Maine, which prior to their being able to advertise prices was \$10.50 to \$12 a hundred. Now, most drugstores in the state advertise them for \$7.25, and I venture to say thousands of them are used by members of this House. So I think we are trying to cover up a real issue here of advertising with a fear; and believe me, I don't think we should have any fear at all that this would happen if we allowed this advertising.

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

Mr. BRAUN: Mr. Speaker, Members of the House: In regard to Mr. Whitzell's statement, he said you call a poacher and he wouldn't tell you where to night hunt. If he will see me in the hall, I will tell him where he can get the correct information.

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 Bath, Mr. Ross, to indefinitely postpone 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 — Birt, Bither, Brawn, Bunker, Cameron, Carrier, Conley, Cottrell, Cressey, Curran, Davis, Dudley, Ferris, Finemore, Flynn, Garsoe, Good, Haskell, Henley, Hunter, Immonen, Jalbert, Kelleher, Kelley, Kelley, R.P.; Keyte, LaCharite, Lewis, E.; Littlefield, Lynch, MacLeod, McHenry, Morin, L.; Parks, Perkins, Pontbriand, Pratt, Ross, Shaw, Soulas, Stillings, Trask, Wheeler, Willard.

NAY — Albert, Baker, Berry, P.P.; Berube, Binnette, Boudreau, Briggs, Brown, Bustin, Carey, Carter, Chick, Chonko, Clark, Cooney, Cote, Crommett, Curtis, T. S., Jr.; Dam, Dow, Drigotas, D y a r, Emery, D.F.; Farley, Farnham, Faucher, Fraser, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Herrick, Hobbins, Hoffses, Huber, Jacques, Kauffman, Kilroy, Knight, LaPointe, Lawry, LeBlanc, Lewis, J.; Maddox, Mahany, Martin, Maxwell, McKernan, McMahon, McNally, Merrill, Mills, Morin, V.; Mulkern, Murchison, M u r r a y, Najarian, Palmer, Peterson, Ricker, Rolde, Rollins, Shute, Silverman, Smith, D.M.; Smith, S.; Sproul, Susi, Talbot, Theriault, Walker, White, Whitzell, Wood, M.E.; The Speaker.

ABSENT — Ault, Berry, G. W.; Bragdon, Churchill, C o n n o l l y, Deshaies, Donaghy, D u n l e a v y, Dunn, Evans, Farrington, Fecteau, Gahagan, Jackson, McCormick, McTeague, Morton, N o r r i s, O'Brien, Santoro, Sheltra, Simpson, L.E.; Strout, Tanguay, Tierney, Trumbull, Tyndale, Webber.

Yes, 44; No, 78; Absent, 28.

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

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

Mr. LaPOINTE: Mr. Speaker, I move that we reconsider our motion whereby we failed to indefinitely postpone and I hope you all vote against me.

The SPEAKER: The gentleman from Portland, Mr. LaPointe moves that the House reconsider its action whereby it failed to indefinitely postpone L. D. 1227. All in favor of that motion will say yes; those opposed will say no.

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

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

Mr. DYAR: Mr. Speaker, I offer House Amendment "A" and move its adoption.

House Amendment "A" (H-371) was read by the Clerk.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: There are many ways to kill a bill. I move the indefinite postponement of House Amendment "A".

The SPEAKER: The gentleman from Eagle Lake moves the indefinite postponement of House Amendment "A".

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

Mr. JALBERT: Mr. Speaker and Members of the House: This is in no way intended to kill a measure and the gentleman from Eagle Lake knows it. This is a splendid measure, splendid amendment. Now, I would say we are cooking with real gas.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I am sure the gentleman from Lewiston was saying that with a smile because I know what he is thinking.

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

Mr. DYAR: Mr. Speaker and Members of the House: I feel if we are going to go along with legislation we have just passed here for second reading that we should make our laws in the state consistent.

This amendment under General Provision of the Law, Section 4901, Power of Boards and Commissions, would put all professional people in the same category.

It seems to be the indication of this body that we do have a fear and have little trust in our pharmacists who, as has been mentioned previously this morning, are professional people who spend years in college, who are licensed by this state; and yet we discriminate against this particular profession.

To me, when I go to my doctor, I don't know what he is going to charge me for an office call, whether it is going to be \$5, \$10, or \$25. I go to my attorney, I normally don't get a bill from him for 30 days and then I find out what I am being charged. So I feel if we are going to have one segment of professions here in the state be able to advertise their prices to be more competitive, certainly we should not discriminate against others.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: This amendment deals with doctors, lawyers, optometrists, pharmacists, physicians. We have bills before us in this legislature that deal individually with each of these professions; and as these bills come before us, I am sure that we will give them due consideration as we are giving to this druggist bill this morning. But I don't think we want to try to handle all professions this morning, I think we would do well to go along with the indefinite postponement of this amendment and get on home, what do you say?

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to say to the freshmen legislators that this is an amendment, and it is the type of amendment that kills a bill; because you add a lot more factors to what we are trying to put across.

If there has not been a roll call on this amendment, would like to call for one at this time and ask you to vote for the indefinite postponement of this a m e n d m e n t , which is a yes vote.

We are trying to take a situation and improve the cost of drugs to the people of the State of Maine, which is long overdue. Now, when you come in, there may be problems with these professions, but we are not dealing with these professions today. We are dealing with the costs of drugs to the people of the State of Maine. I hope you don't let this type of amendment fool you in any way. I am sure — we are in Maine now, and there isn't anyone that is going to be fooled.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I refrained from speaking on this advertising bill. I didn't care one way or the other. But I have stood in this House for 20 years, and those of you who have been here know it, for equal justice — in other words, for the constitution of the United States and the State of Maine where it guarantees equal justice and the same treatment for all.

I have stood here — and I don't care what the occasion has been and defended this constitution, as the Speaker knows and all the old-timers know here down through the 20 years I have been here.

I do believe in it. If the document is no good, we should destroy it and have a constitutional get together and write another one. But so long as that exists, I am going to defend this type of thing. I am going to defend this amendment for the same thing.

While I am on my feet, I think these people here today that just previously voted on the roll call are just voting for the people in

the advertising business. They didn't vote to help the poor people, because the poor people are going to pay for this advertising.

I am not in the druggist business, never bought any. But I have done a little advertising in more than one field, and I find it does pay at the expense of the recipient.

I will tell you how it works. I won't go into great detail, as much as I should, because that wouldn't go in print. At least of my business I can tell you. When I pay a good size bill for advertising — and believe me when you do advertise, the bills are pretty generous—you have to add it on your merchandise somewhere. So this goes in my business, it goes in your business, I don't care if you are advertising drugs or boats and motors or tires and tubes or whatever kind of service you advertise. The sucker that receives the service pays the bill, because you don't take it out of your pocket.

While I am on my feet, I have never seen any real millionaire druggist. I have seen some of average means, but they should be for the education they have. I am not standing on my feet to vote for this bill that has already been passed. I am defending this document before us. If we are going to do this to one professional field — and I consider the druggist a professional, I consider the attorneys a professional and doctors a professional — I consider this amendment a very good one, if you believe in the constitution of the State of Maine.

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

Mr. JALBERT: Mr. Speaker and Members of the House: As far as this amendment is concerned regardless of what the gentleman from Eagle Lake might say, my very very dear friend, as far as I am concerned, I am just saying that what is saucel for the gandel is saucel for goosel.

I would like to ask a question to the gentleman from Pittsfield, Mr. Susi, where he can show me bills that concern this amendment anywhere.

You know, one thing particularly interests me on this amendment

is the second one, Mr. Speaker; because I had a lawyer that kind of took off and went to Australia on me. And I would like to know what I can do about that.

I mean, this amendment is a fair shake, and I commend very highly the gentleman from Strong for finally entering the wide open doors of statesmanship.

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

Mr. LaPOINTE: Mr. Speaker and Ladies and Gentlemen of the House: I realize I am a naive little freshman who is up against probably rather strong maneuvering here. I want to thank the gentleman from Calais, Mr. Silverman, for giving us some very fine on the job training this morning in pointing out some of the intentions of the amendment here.

Earlier in the session we had a bill. I think it was submitted by my good friend, who serves on Health and Institutional Services Committee with me, Mr. Dyar, relative to posting property in the wildlands area. That bill I agreed with, I thought it was a nice little bill, and it moved along in the legislative process; and all of a sudden a couple of amendments were being placed upon it. Then there was a question that was raised in this decision-making process relative to the intent of one of these amendments that was being put on, and the question was raised—and I think it was argued very well, as I recall—that that amendment was changing the entire intent of the bill. As I recall looking over my documents the other day, that amendment was put in the form of a new bill and has been submitted by my friend from Eagle Lake, the minority leader, Mr. Martin.

Ladies and gentlemen I suggest to you this morning that that is what this amendment is, it is really another bill. And I think that this should go to a committee for review and should be submitted as a piece of legislation separate from the intent of the bill that we have before us this morning, an act relating to advertising of drug prices.

So I hope that you will indefinitely postpone this amendment and that someone in their wisdom as a legislator will try to get this drafted in the form of a piece of legislation, referred to the proper committee, and maybe we can even act upon it sometime in September.

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

Mr. McKERNAN: Mr. Speaker and Ladies and Gentlemen of the House: I want to agree with my friend from Portland, Mr. LaPointe. This amendment does need more consideration. In fact, dealing solely with the advertising of drug prices, the hearing in front of Health and Institutional Services Committee took over three hours.

So I think anytime you are going to have a substantive change like this, that it needs a lot more thorough review. I think that if somebody wanted to present this as a bill, it probably would be a worthwhile thing to look at to examine whether or not these other professions should, in fact, be advertising. But I don't think it has any place on this bill.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I am most interested in the second part concerning lawyers or I guess properly called barristers. You know, I had a bill prepared that is in my file to have lawyers be required to set an hourly fee for probate work, because they now work on a percentage, no matter how much time they spend. In some cases, if this were broken down to an hourly rate, you would find that they receive several hundred dollars per hour. That should be advertised.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the amendment that Representative Dyar has offered here this morning. The people that I represent in my area are very much concerned with what doctors charge,

lawyers charge, optometrists, I am only disappointed that he didn't include dentists, because their fees do vary. Their capabilities to some extent do vary. I can't understand this House this morning why you wouldn't want to adopt an amendment such as this. I think it is only fair and reasonable for your own constituents to have these very capable, professional people advertise what they intend to charge you.

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

Mr. COTE: Mr. Speaker, I would like to have a ruling from the Chair if this amendment is germane to the question.

The SPEAKER: The Chair would rule in the affirmative. The Chair feels it is germane to the question, that boards and commissions could regulate advertising and I think that is a fair amendment.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I have seen a lot of red herrings in this House. This is the first time I have seen a rainbow trout.

As far as advertising is concerned, somebody brought out about newspaper advertising. Advertising is all types. You don't have to go to the newspapers. Word of mouth is the best advertising you can have. I can guarantee you that if drugstore "A" sells a drug for a certain price and drugstore "B" sells for two dollars more, that the word will get around in that town and drugstore "A" will get all the business.

So, as far as this newspaper advertising they have been talking about and its cost, nobody has to go to a newspaper. Nobody has to pay those prohibitive costs of advertising. They can do it through word of mouth and very easily. So I hope that you would go along with postponing this amendment.

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

Mr. PETERSON: Mr. Speaker and Ladies and Gentlemen of the House: The other day I was disappointed to find what I thought happened to be a shabby political

maneuver in regards to a bill between Brunswick and Sagadahoc County and Cumberland County.

I can remember the first man on his feet in this House was the representative from Bath, the Honorable Mr. Ross; and the second man on his feet was the Honorable Louis Jalbert from Lewiston who was critical of this move.

Today, I find that they have outdone that shabby political maneuver very much, and I am very disappointed that we have wasted the time of the House this morning with this silly amendment.

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

Mr. COTTRELL: Mr. Speaker and Ladies and Gentlemen of the House: I think that we call this a little legislative levity perhaps, but I want to compliment the Speaker because he is a lawyer and he ruled this was germane.

We are talking about health care and health costs. The lawyer is certainly involved in your health. When you die, he is the one who has to settle your estate, take care of your widow and do a lot of things; and then, the doctor is certainly involved in health care costs. I think maybe if you can put some limitation on the cost of the doctor and let us know who is the cheapest doctor you can go to, it would be very helpful. So I really compliment you, Mr. Speaker, on making that judgment of germaneness.

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

Mr. JALBERT: Mr. Speaker, I want to commend you for making the comment that the amendment is germane too I am not going to embarrass you, and I am not going to put you in a position of having to embarrass the young gentleman from Windham, Mr. Peterson, by rising on a point of personal privilege. If ever the Speaker would have to rule in my favor on a point of personal privilege for the remarks he made, it would be this morning. And that is lesson number one that the young gentleman from Windham, Mr. Peterson, should learn on May

11, 1973. That is really lesson number one.

The maneuvering of the other afternoon has nothing to do with this, and I am not going to take it up on this floor; because I happen to like the young gentleman from Windham, Mr. Peterson. I want to continue to like him. I am going to teach him a couple of lessons Monday or Tuesday, I guarantee you, over a sandwich.

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: I am not on my feet to speak for or against the amendment. Neither am I on my feet to criticize any other speakers or to commend the Speaker of the House. I am on my feet to answer a question for all of you people if there is any question in your mind that this would force the cost of advertising up for the advertisers of drugs; because I am sure that I can answer that question, I can solve that problem; because there is a method of advertising that would not force it up. That is to go into this cheap form of supplement advertising and I have a bill to take care of this later on.

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

Mr. DUDLEY: Mr. Speaker and Ladies and Gentlemen of the House: This is quite extensive, this amendment, I confess; and this bill is quite extensive. So, I think to give this proper hearing, I now move that this be recommitted to the Committee on Judiciary for further study and report it back to the House.

The SPEAKER: The Chair would inform the gentleman that the amendment must be acted upon, House Amendment "A" must be acted upon before the major bill itself may be taken up. So the Chair would rule the motion out of order.

The pending question is the motion of the gentleman from Eagle Lake, Mr. Martin, to indefinitely postpone House Amendment "A".

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

Mr. TALBOT: Mr. Speaker and Ladies and Gentlemen of the House: I would just like to make a very few comments. I would like to go along with the gentleman from Lewiston in saying that this piece of document, this amendment, isn't germane to the question. I would like to go along with that because of the fact of acts by this body in the last few weeks and months and the fact that I am not going to go to a doctor from now on, I am going to go to a chiropractor. My optometrist is an Italian who is on a holiday, and my physician is a woman who hasn't had her rights.

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

Mr. SILVERMAN: Mr. Speaker and Ladies and Gentlemen of the House: One more thing. I wish to say this to the freshmen legislators, too. I just recently walked up the back of this hall to someone's call. When I walked by the lobbyist for the drug companies, he looked at me and he said, "Because of the stand you have taken on this measure, you won't come back here next year." And I said, "Thank you." And he repeated it. I want to tell the drug companies something: if that is democracy in the State of Maine, something has got to be cleaned up.

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 Eagle Lake, Mr. Martin to indefinitely postpone House Amendment "A". All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Baker, Berry, P.P.; Berube, Binnette, Birt, Bith-er, Boudreau, Bragdon, Briggs,

Brown, Bustin, Carter, Chick, Chonko, Clark, Cooney, Cote, Crommett, Curtis, T.S., Jr.; Dam, Davis, Dow, Drigotas, Emery, D.F.; Farnham, Faucher, Ferris, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Haskell, Hobbins, Huber, Hunter, Immonen, Jacques, Kauffman, Kelley, R.P.; Kilroy, Knight, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, Maddox, Mahany, Martin, Maxwell, McKernan, McMahon, McNally, Merrill, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Palmer, Peterson, Ricker, Rolde, Rollins, Silverman, Smith, D.M.; Smith, S.; Susi, Talbot, Theriault, Walker, Whitzell, Wood, M. E.; The Speaker.

NAY — Brawn, Brown, Bunker, Cameron, Carey, Carrier, Churchill, Conley, Cottrell, Cressey, Curran, Dudley, Dyar, Fine-more, Flynn, Fraser, Good, Henley, Jalbert, Kelleher, Kelley, Keyte, LaCharite, MacLeod, McHenry, Mills, Parks, Perkins, Pontbriand, Pratt, Ross, Shaw, Shute, Soulas, Sproul, Stillings, Trask, Wheeler, White, Willard.

ABSENT — Ault, Connolly, Deshaies, Donaghy, Dunleavy, Dunn, Evans, Farley, Farrington, Fec-teau, Gahagan, Garsoe, Herrick, Hoffses, Jackson, McCormick, McTeague, Norris, O'Brien, Santoro, Sheltra, Simpson, L.E.; Strout, Tanguay, Tierney, Trumbull, Tyn-dale, Webber.

Yes, 82; No, 39; Absent, 29.

The **SPEAKER**: Eighty-two hav-ing voted in the affirmative and thirty-nine having voted in the negative, with twenty-nine being absent, the motion does prevail.

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

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

Mr. **MARTIN**: Mr. Speaker, not wanting to see this again on Mon-day, I move we reconsider our action and ask that you vote against me.

The **SPEAKER**: The gentleman from Eagle Lake, Mr. Martin, moves that the House reconsider its action whereby this bill was

passed to be engrossed. All in favor of that motion will say yes; those opposed will say no.

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

Second Reader

Tabled and Assigned

Bill "An Act to Provide a Maine Citizen's Preference on State Civil Service" (H. P. 678) (L. D. 885)

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

On motion of Mr. Martin of Eagle Lake, tabled pending passage to be engrossed and specially assigned for Tuesday, May 15.

Bill "An Act Relating to State Police Retirement System" (H. P. 48) (L. D. 55) (C. "A" H-358)

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

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

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

The **SPEAKER**: The **Chair** recognizes the gentleman from Livermore Falls, Mr. Lynch, relative to item 13.

Mr. **LYNCH**: Mr. Speaker and Ladies and Gentlemen of the House: I have taken a lot of your time earlier this week. I am not going to take much of it this morning. I thank you for the consideration given yesterday on L.D. 1145. We have tried to prepare an amendment. It was not felt to be germane. I think we might have had some fun with it this morning if we had tried to put it through.

This bill and the previous bill dealing with banking, I believe, has opened up to you at least a small area of problems within the Department of Banks. And I think the Governor of the state showed great wisdom in forming a committee, an advisory committee to study the banking situation. I hope when this Spanogle Committee report is returned to hopefully

this 106th Legislature that you will then give it careful consideration.

I now move to indefinitely postpone L.D. 1145 and all its papers.

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

The Chair laid before the House the following matter:

"An Act Repealing the Bank Stock Tax." House Paper 1591, L. D. 1919, which was tabled and later today assigned.

Mr. Cooney of Sabattus offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-370) was read by the Clerk.

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 oppose the amendment 100 percent. Of course, we do want to change the method of bank stock tax. But I notice on the very last part of it, it says, "by the treasurer of the state on or before April the 1st to the municipalities of the state in proportion to their population based upon the most recent federal census."

There is no distribution to the state now under this method. If this had been placed on here probably — if this had been transferred to the revenue sharing then distributed out to the towns under the revenue sharing, it would have been a little different. This method here would be a complete new method of sending it out.

As revenue sharing is figured on the basis of your population, plus your services rendered, plus your effort, tax effort — and I believe if this amendment is going to be placed upon this bill, it should be changed in that manner.

The method suggested by the Taxation Committee was to take off the bank stock tax altogether, which some towns only get \$23 or \$24, some do not get any. The gentleman from Sabattus, Mr. Cooney, is correct, that all towns should get a little because we all furnish a little support to the banks.

We thought at least the best method would be to tax the personal property in the town where the banks reside. At the present time, most of the bank stock — we will take Depositors Trust for example — most of the bank stock tax comes into the City of Augusta, instead of going to the Town of Houlton or the City of Presque Isle or wherever they have a branch bank.

I would move for indefinite postponement of this amendment, and probably it would be a good idea to table it and make another amendment and make the last part of this read that the money be transferred to the revenue sharing.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: Briefly. The history of this bill is that originally it went into committee, an amendment was presented to committee that does exactly what Mr. Finemore asks, so there would be a fair distribution of this money. Then something happened to it in committee and it came out as you see it, just a repeal of the tax. I do not believe I would be in favor of averting to the personal property tax because then it goes right back to the beneficiary being just in the town where the bank happens to be. All of us support these banks whether we are 25 miles away or 50 miles away.

I would be in complete agreement that possibly this amendment could be amended or rewritten to send this out through the revenue sharing the way I originally had it in the committee. I do not know what happened to it, but I would be in favor of that and if we can arrive at this by a couple of days tabling, I would appreciate it.

Thereupon, on motion of Mr. Cottrell of Portland, tabled pending the motion of Mr. Finemore of Bridgewater to indefinitely postpone House Amendment "A" and specially assigned for Tuesday, May 15.

**Enactor
Tabled and Assigned**

An Act Authorizing a Business Manager for the Department of the Attorney General (H. P. 1297) (L. D. 1683)

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

The SPEAKER: The pending question is passage to be enacted. This being an emergency measure, a two-thirds vote of the entire elected membership of the House is necessary. All those in favor of passage to be enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken. Thereupon, Mr. Martin of Eagle Lake 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 East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, I move this lie on the table one legislative day.

(Cries of "Yes" and "No")

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Shaw.

Mr. SHAW: Mr. Speaker, I move this lie on the table two legislative days.

The SPEAKER: The pending question is on the motion of the gentleman from Chelsea, Mr. Shaw, that this matter lie on the table two legislative days pending passage to be enacted. The Chair will order a vote. All in favor of tabling for two legislative days will vote yes; those opposed will vote no.

A vote of the House was taken.

55 having voted in the affirmative and 53 having voted in the negative, the motion did prevail.

The SPEAKER: Will the Assistant Sergeant-at-Arms kindly escort the gentleman from Hampden, Mr. Farnham to the rostrum.

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

Passed to Be Enacted

An Act Relating to Fees of Clerks of Courts (S. P. 171) (L. D. 426)

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

**Enactor
Tabled and Assigned**

An Act Creating County Civil Service Commissions for Investigator Deputy Sheriffs (S. P. 439) (L. D. 1341)

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

(On motion of Mr. Kelleher of Bangor, tabled pending passage to be enacted and specially assigned for Monday, May 14.)

An Act to Authorize York County to Raise \$800,000 for Construction of a County Jail (S. P. 529) (L. D. 1659)

An Act Relating to Dealers in Used Personal Property. (S. P. 578) (L. D. 1769)

An Act Relating to Service Retirement for Certain Members of the State Police (H. P. 1009) (L. D. 1323)

An Act Relating to the Erection of a Sign on Maine Turnpike for the Evergreen Valley Recreational Area (H. P. 1077) (L. D. 1400)

An Act Establishing a State Register of Natural Areas (H. P. 1160) (L. D. 1493)

An Act to Coordinate and Effectively Utilize Resources Available to Maine's Elderly (H. P. 1228) (L. D. 1618)

An Act to Provide for Secret Ballot by Alternative Means at Town Meeting (H. P. 1298) (L. D. 1684)

An Act Relating to State Income Tax Deduction for Student Tuition Payments (H. P. 1473) (L. D. 1898)

An Act Relating to the Registration of Private Employment Agencies (H. P. 1474) (L. D. 1899)

An Act to Provide \$50,000 to Purchase Land for a Wildlife Management Area in Warren Pond Area of York County (H. P. 1475) (L. D. 1900)

An Act Relating to the Disposal of Junked Cars (H. P. 1476) (L. D. 1901)

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.

Orders of the Day

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

Bill "An Act Increasing Minimum Wages" (H. P. 91) (L. D. 112)

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

Pending — Passage to be engrossed.

On motion of Mr. Martin of Eagle Lake, tabled pending passage to be engrossed and specially assigned for Tuesday, May 15.

At this point, Speaker Hewes returned to the rostrum.

Speaker HEWES: The Chair thanks the gentleman and commends him for an excellent job.

Thereupon, Mr. Farnham returned to his seat on the floor, amid the applause of the House, and Speaker Hewes resumed the rostrum.

Mr. MacLeod of Bar Harbor was granted unanimous consent to address the House.

Mr. MacLEOD: Mr. Speaker and Ladies and Gentlemen of the House: On behalf of the Natural Resources Committee I would just like to report that we will be winding up our hearings hopefully, next week. We have two bills scheduled left to hear and after one or two more Executive Sessions should have our bills out. We are still holding some bills due to discussion on amendments and for the benefit of some of the Representatives from the rural areas, there is a bill that was heard yesterday which I feel has a lot of merit. There was not a lot of opposition to it; we haven't decided its outcome yet, but it is a forest practice act and it is L.D. 1757. I wish you would all take a good look at it and see what you think and give us your thoughts.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: Probably all of you do not get the Bangor News. On the second section of the Bangor News this morning, there is an article in regards to Eastport. And the headline is, "The Oil Refinery Site — People Face Heating Oil Shortage." Those of you who do get the Bangor News, I wish you would read that article and know what is happening in the little City of Eastport.

On motion of Mr. Birt of East Millinocket,

Adjourned until Monday, May 14, at ten o'clock in the morning.