

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

1st Special Session

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

1974

Kennebec Journal
Augusta, Maine

HOUSE

Thursday, February 14, 1974

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

Prayer by Father Royal J. Parent of Eagle Lake.

The journal of yesterday was read and approved.

From the Senate: The following Joint Order: (S. P. 903)

WHEREAS, the several counties of this State have received or are in the process of receiving federal revenue sharing moneys; and

WHEREAS, in some instances the counties have need to change prior allocations or make new allocations to meet specific needs which could not be reasonably anticipated; and

WHEREAS, such allocations should be approved in the form of a supplemental budget by the Legislature; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee on County Government report out a bill which will include such allocations of federal revenue sharing moneys as the several counties may wish to allocate from on hand, unexpended or anticipated federal revenue sharing funds for the year 1974.

Came from the Senate read and passed.

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

Order Out of Order

Mrs. Lewis of Auburn presented the following Order and moved its passage:

ORDERED, that Louise Ouellette, Kelly Briggs, Richard Levasseur and Paula Marsh of Auburn be appointed Honorary Pages for today.

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

Non-Concurrent Matter

Bill "An Act to Specifically Include Sundays in the Seasonal Date Limitations for Hunting in Commercial Shooting Areas." (H. P. 1836) (L. D. 2327) (S. "A" S-329) which was indefinitely postponed in the House on February 7.

Came from the Senate with the bill enacted in non-concurrence. (S. "A" S-329)

In the House:

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

Mr. GOOD: Mr. Speaker, I move we recede and concur.

The SPEAKER: The gentleman from Westfield, Mr. Good, moves that the House recede and concur with the Senate.

The Chair recognizes the gentleman from Lincoln, Mr. Cameron.

Mr. CAMERON: Mr. Speaker, I would move we insist.

The SPEAKER: The Chair would inform the gentleman that the motion to recede and concur does take precedence.

The Chair recognizes the same gentleman.

Mr. CAMERON: Mr. Speaker and Members of the House: On this bill, we had this here last week and this bill was killed by a vote of 2 to 1. This is under the heading of a Sunday hunting bill, and this is a Sunday hunting bill. A poll was taken last year by our out-of-state hunters, and they voted 87 percent for Sunday hunting. What this bill does, this bill is discrimination from the very start. I believe if they can have Sunday hunting in one area, they could have it in another area. We find that this is just something to get their foot in the door for a Sunday hunting bill.

Up through my area I have had many calls from my Fish and Game Club and many calls from other people, and they asked me to oppose this. They are definitely opposed to this bill.

When the vote is taken, I move it be taken by the yeas and nays.

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

Mr. GOOD: Mr. Speaker and Members of the House: The way I see it, the only bad part of this bill is in the title, and that is where it is referred to as Sunday hunting.

I rise to defend this bill only because I think there is a great inconsistency in the statutes regarding this type of sport. Some people, like the previous speaker, will say this is a foot in the door thing as

a prelude to Sunday hunting. This is not so.

We can now run pointer and setter trials on Sunday where live birds are used and shot if the man and dog are good enough. The law allows us to have retriever trials where live waterfowl is used. These birds, incidentally, are privately raised and bought and the state gets a fee from this operation.

My father served in this House for 14 years as a Representative and legislator, a Senator and a Councilman, and in all his time here he wouldn't even vote for a bill that would remotely contribute to the moral breakdown of the people of the state, and I have tried to follow in his footsteps. However, as he did, I hate inconsistent, ridiculous bills.

Some years ago we had a law on the books where a man couldn't stand up in a bar with a drink in his hand, while at the same time we had a bill where you couldn't sit down with a drink in your hand in another place. I voted against these bills, and I don't think I liberalized the sale of liquor by so doing. At the same time, we had a bill that would allow public golf courses to sell liquor where private golf courses couldn't, or vice versa. I voted to change this, and I figure that I can defend my position in any town in my district.

We have commercial shooting areas in almost every state in the Union, and they operate seven days a week. Some may think that a commercial shooting area like the one in question is breaking the Sabbath with the shooting of guns and the like, but I don't look at it that way. Maybe it would be better if we went back to the old Blue Laws. I would probably go along with that because I live in the Bible belt, and that is probably the way they understand things. But if we did, we would have to outlaw baseball games, football and basketball games, stock car and auto racing and snowmobile competition. We would have to outlaw county fairs and Sunday church dinners, almost everything we do, and I think that would be very hard for most of us to accept.

You must admit that we are a trifle liberal in most things today, but what good does it do to discriminate against a small minority just because they are too small to fight back?

There is only one commercial gunning area in the state today; however, the law does permit two in each county. When the people who run this area were researching their project, the state officials, and they thought they were right, told them that it could run seven days a week as they do in most other states. After they got started, a ruling from the A.G.'s office decided that that Sunday operation was illegal and this took away about half of their business.

These areas are not cheap to set up. They have to build an isolated tract of land not less than 200 acres and not more than 400 acres. They set up markers and stake it off. They have to build dog kennels, storehouses, some kind of a canteen and numerous other buildings, a skeet range and whatever else goes with the area. Then they have to get a license from the state at a cost of \$250. Each man that comes to train his dog and shoot pays the state \$5 for a license over and above his hunting license. They have to buy a wing clip for each bird released at a cost of 5 cents for the state. So you see, there is some expense to the operator and a great deal of revenue to the state.

I feel that this is a good bill, and in all fairness I think we should pass this bill today.

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

MR. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: As I said the other day, these are not fat cats, as referred to here. They are not for the rich people entirely, as referred to here the other day. This is for everyone. This is a clean industry, and I call it industry because it does bring a lot of money into the little Town of Palermo. They do not run a rough place of drinking. They have had no problems there whatever. The Fish and Game Department informed them if they met all regulations that they could be open on Sunday. Then after they went to all this expense, they discovered that they could not.

I have always, as I stated before, fought against hunting on Sunday, but this is not, as I consider it, hunting on Sunday. This is an enclosure. They buy their own birds, and I dare say that one third of them got away from them last

year to go out for the public to hunt in open season. So I hope this morning that each and every one of you will go along with these young people who have heavily invested here so that they can operate a clean business and bring more people to our state and so we can go there and enjoy ourselves also.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of what Representative Brawn has said because we have had the same thing happen in the fish game down in Washington County and Cherryfield. A program was started there several years back to replace salmon in the river there, Narraguagas River, and that was a destitute looking place in Cherryfield. Today, it is very bright with the added economy that came to them through the restoration of fish.

As far as this bill here is concerned, I have had several calls in favor of it, none opposing out of Washington County.

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

Mr. FARRINGTON: Mr. Speaker and Members of the House: I rise this morning to support the motion. I really cannot see why this would be that much different than going to a golf course that is allowed to be open on Sunday, and some of us occasionally get a birdie there — that is supposed to be a pun.

Actually, this area in question lies just east of my district. I do not, however, think this is paramount. The law provides the entire state — anyone who wishes, who has the land available that wishes to fence it in, abide by the regulations that would govern such a shooting range, I think should have the right to do so.

I won't go into a long dissertation to explain the various other things that can be done to create more noise and more discomfort to people on this day of the week. I simply say this morning that I can see no harm in it and I hope the prevailing motion will stand.

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

Mr. DYAR: Mr. Speaker and Members of the House: I would like to

clarify my position on this bill that I had the other day. Mr. Brawn has brought up several points here this morning. I am not too concerned with the situation in Palermo right now. It is a Maine operation, handled by Maine people, but I would suggest in my own county I have ITT, Remegah Corporation, the Flint River Rod and Gun Club. I also have the Metuchen, New Jersey Rod and Gun Club, which has about 1,500 members, and I can see any of these four groups coming into my county, setting up two preserves legally under this bill, tying up 800 acres of land, which would disenfranchise a small fish and game club in my area, a small independent from doing the same thing because the law says we can only have two per county.

If these four groups I have mentioned do this, and this is strictly an assumption, if they do this, I am quite sure that your membership fee in this club could be five hundred to a thousand dollars a year. I must assume that you would have to pay certain fees when you use the facilities. I am quite sure that you would pay a fee for each bird you shot. So I do not think that a state-wide bill is what the people want.

The same committee would promote this bill here today and would not allow the workingmen in the State of Maine to shoot the lowly rabbit on Sunday. And yet, they are opening up a can of worms, in my mind, by allowing 32 private hunting clubs to start. I cannot vote for this type of legislation until we can give the workingman of this state the same privilege. I don't think the workingman can afford to get into these 32 potential clubs.

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 Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, I would like to direct a question through the

Chair to anyone who can answer it. Is the area in question, or other areas that might be formed like it, open to the public, or is it a private club? I think the implication in the remarks of the gentleman from Strong was that these would be private clubs. I would like to have that clarified.

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

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

Mr. KELLEY: Mr. Speaker, I answer that in the affirmative. It is open to the public. Each person has to have a license from the state for \$5.

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

Mr. DYAR: Mr. Speaker and Members of the House: I would personally feel that they are correct in the present situation, but I think in the future they could be private clubs.

The SPEAKER: The pending question is on the motion of the gentleman from Westfield, Mr. Good, that the House recede and concur with the Senate on Bill "An Act to Specifically Include Sundays in the Seasonal Date Limitations for Hunting in Commercial Shooting Areas," House Paper 1836, L. D. 2327. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Berube, Boudreau, Brawn, Briggs, Brown, Bunker, Carrier, Chick, Chonko, Churchill, Conley, Cote, Cottrell, Crommett, Curran, Curtis, T. S., Jr.; Deshaies, Dunleavy, Evans, Farrington, Ferris, Fraser, Garsoe, Good, Hancock, Herrick, Jackson, Kelley, R. P.; Keyte, Knight, Lewis, E.; Lewis, J.; Maddox, Maxwell, McTeague, Mills, Morin, L.; Morin, V.; Morton, Najarian, Palmer, Parks, Perkins, Pratt, Ross, Santoro, Shaw, Shute, Simpson, L. E.; Theriault, Walker, Webber, Whitzell, Willard, Wood, M. E.

NAY — Albert, Baker, Berry, G. W.; Berry, P. P.; Binnette, Birt, Bither, Bragdon, Bustin, Cameron, Carey, Carter, Clark, Cooney, Cressey, Dam, Dow, Drigotas, Dudley, Dunn, Dyar, Emery, D. F.; Farnham, Faucher,

Fecteau, Finemore, Flynn, Gahagan, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Haskell, Hobbins, Hoffses, Hunter, Immonen, Jacques, Jalbert, Kauffman, Kelleher, Kelley, LaPointe, Lawry, LeBlanc, Lynch, Mahany, Martin, McCormick, McHenry, McMahon, McNally, Merrill, Mulkern, Murchison, Murray, Pontbriand, Ricker, Rolde, Rollins, Sheltra, Silverman, Smith, D. M.; Smith, S.; Snowe, Sproul, Stillings, Strout, Susi, Talbot, Tanguay, Tierney, Trask, Twitchell, Wheeler, White.

ABSENT — Connolly, Davis, Donaghy, Farley, Genest, Huber, Kilroy, LaCharite, Littlefield, MacLeod, McKernan, Norris, O'Brien, Peterson, Soulas, Trumbull, Tyndale.

Yes, 56; No, 77; Absent, 17.

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

Thereupon, on motion of Mr. Cameron of Lincoln, the House voted to adhere.

Order Out of Order

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

ORDERED, that Pamela Raymond, Angela Gilbert and Kathleen Raymond of Gardiner be appointed Honorary Pages for today.

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

Messages and Documents

The following Communication:

The Senate of Maine
Augusta

February 13, 1974

E. Louise Lincoln
Clerk of the House
First Special Session
106th Legislature
Dear Madam Clerk:

The Senate voted to Adhere to its action whereby it Indefinitely Postponed Joint Order (H. P. 1950) relative to Joint Select Committee on Energy.

Respectfully,
(Signed)

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

Orders

Mr. Birt of East Millinocket presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Joint Standing Committee on Election Laws of the First Special Session of the One Hundred and Sixth Legislature is directed to report out a bill which will:

1. Establish a filing deadline for Representatives to the Legislature in 1974.
2. Permit the use of multi-colored ballots for voting purposes.
3. Establish a fixed number of signatures required for a name to be placed on a ballot for the 1974 election. (H. P. 1968)

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

Mr. Birt of East Millinocket was granted unanimous consent to address the House.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: This order which is now being circulated allows the Election Laws Committee to report out a bill to take care of some problems that might develop in the process of reapportionment. One of them is to allow them to extend the filing deadline, to establish a definite number of signatures and also it would allow the Secretary of State, if in his judgment he feels it is necessary, to use multi-colored ballots.

Mr. Curtis of Orono presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Joint Standing Committee on State Government be authorized and directed to report out one or more bills to cover the several subjects contained in "AN ACT Relating to Certain Bureaus in the Department of Finance and Administration" H.P. 1865, L. D. 2359, of the 106th Legislature. (H. P. 1966)

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

On motion of Mrs. McCormick of Union, it was

ORDERED, that Elmont S. Tyndale of Kennebunkport be excused for the duration of his illness.

House Reports of Committees

Leave to Withdraw

Mr. Kelleher from Committee on Public Utilities on Bill "An Act Relating to Definition of Governmental Unit under Maine Municipal Bond Act" (H. P. 1675) (L. D. 2068) Emergency reporting Leave to withdraw

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft

New Draft Printed

Mr. Soulas from Committee on Public Utilities on Bill "An Act to Include the Town of Monmouth in the Augusta Sanitary District" (H. P. 1714) (L. D. 2107) reporting "Ought to pass" in new draft (H. P. 1967) (L. D. 2506) under new title "An Act to Amend the Charter of Augusta Sanitary District"

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

Divided Reports

Tabled and Assigned

Majority Report of the Committee on Liquor Control on Bill "An Act to Exempt Charter and Tour Buses as a Public Place under the Liquor Laws" (H. P. 1853) (L. D. 2346) reporting "Ought not to pass"

Report was signed by the following members:

Messrs. OLFENE of Androscoggin
SCHULTEN of Sagadahoc
FORTIER of Oxford

— of the Senate.

Messrs. STILLINGS of Berwick
FARNHAM of Hampden
CHICK of Sanford
CRESSEY of North Berwick
IMMONEN of West Paris
FAUCHER of Solon
GENEST of Waterville
KELLEHER of Bangor

— of the House.

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

Report was signed by the following members:

Messrs. TANGUAY of Lewiston
RICKER of Lewiston

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes

the gentleman from Berwick, Mr. Stillings.

Mr. STILLINGS: Mr. Speaker, I move that the House accept the Majority "Ought not to pass" Report.

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

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

(Cries of Yes and No)

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that this matter be tabled pending the motion of Mr. Stillings of Berwick to accept the Majority "Ought not to pass" Report and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

59 having voted in the affirmative and 46 having voted in the negative, the motion did prevail.

Consent Calendar

First Day

(S. P. 880) (L. D. 2466) Bill "An Act Relating to Transporting School Children to Other Than Public Schools" — Committee on Education reporting "Ought to pass"

On the request of Mr. Garsoe of Cumberland, was removed from the Consent Calendar.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, if it is in order, I move the indefinite postponement of this L.D.

The SPEAKER: The gentleman from Cumberland, Mr. Garsoe, moves the indefinite postponement of this Bill.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I wonder if the gentleman would care to give us his reasons why he is moving indefinite postponement of the unanimous committee report.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, poses a question through the Chair to the

gentleman from Cumberland, Mr. Garsoe, who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I was standing by my microphone waiting to be recognized and to address myself to my motion when it looked like the salmon were starting upstream at this point.

We debated this bill last year well into the evening, well into the night, and I think I was defeated in my efforts to indefinitely postpone this original legislation at that time. I think perhaps one of the greatest criticisms of my position was, why should I be opposed to a piece of legislation that, after all, was to be determined by a local referendum. Now we find the bill before us again with that very factor being taken from it.

At the time of our original debate on this piece of legislation, I pointed out that in my opinion this was one step towards a dilution of the efforts that we were putting into public education, and I wasn't satisfied with it even with the proviso of a local referendum. I am even more concerned now to find that this safeguard, if you will, is being removed from it, and in view of the recent step this legislature took in passing L. D. 1994, I can only say, in spite of the high respect I have for superintendents of schools, I am not ready to allow them to enlarge upon the expense of our public school system by by-passing local referendum and determining solely on their local situations, solely on the decision of any municipal body or any superintendent that the public school monies will be spent for anything except public schools.

I think you will give this serious consideration and go along with my motion.

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

Mr. BITHER: Mr. Speaker and Members of the House: I would like to remind the House again that this bill came out of committee, the Education Committee, and in its infinite wisdom brought this out "ought to pass" unanimously, and the only thing this bill does — now we have on the books today, whether you like it or not, the bill is on

the books today to allow transportation of private school children if the municipality so desires. The only thing this bill does — the only thing this bill does is take the referendum away. You would no longer require a referendum. It would be up to the municipal officers or the superintendent of schools.

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

Mr. DONAGHY: Mr. Speaker, I would like to ask through the Chair of anyone who can tell us what this is liable to cost the taxpayers of the State of Maine?

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, 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 and Members of the House: To answer the question, the legislature in the last session appropriated money to reimburse communities that do decide to provide this service. This is not costing any additional taxpayers' dollars. The last session decided on an appropriation.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think we ought to recognize that on the national level the court decisions have been that in this particular area, this is not aid to education but in recognition of the rights of the children that go to private schools to have the same accommodations, the same public protection as those who go to public schools.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I am personally in favor of providing transportation to students of non-public schools, but I feel strongly that the people in each community should make that decision.

I hope you support the motion to indefinitely postpone.

Mr. Finemore of Bridgewater requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Cumberland, Mr. Garsoe, that this Bill be indefinitely postponed in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Berry, G. W.; Berry, P. P.; Birt, Bragdon, Churchill, Clark, Cressey, Curtis, T. S., Jr.; Dam, Davis, Dudley, Dunn, Emery, D. F.; Farnham, Farrington, Flynn, Garsoe, Hamblen, Hoffes, Hunter, Immonen, Jackson, Kauffman, Knight, Lewis, E.; Littlefield, McCormick, McMahon, Merrill, Mills, Morton, Murchison, Norris, Parks, Perkins, Peterson, Pratt, Shaw, Shute, Simpson, L. E.; Snowe, Sproul, Susi, Trask, Willard, Wood, M. E.; The Speaker.

NAY — Albert, Ault, Berube, Binnette, Bither, Boudreau, Brawn, Brown, Bunker, Bustin, Carey, Carrier, Carter, Chonko, Conley, Connolly, Cooney, Cote, Cottrell, Curran, Deshaies, Donaghy, Dow, Drigotas, Dunleavy, Dyar, Evans, Farley, Faucher, Fecteau, Finemore, Fraser, Gahagan, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Haskell, Hobbins, Jacques, Jalbert, Kelleher, Keyte, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, J.; Lynch, Maddox, Mahany, Martin, Maxwell, McHenry, McTeague, Morin, L.; Morin, V.; Mulkern, Murray, Najarian, Palmer, Pontbriand, Ricker, Rolde, Rollins, Ross, Santoro, Sheltra, Silverman, Smith, D.M.; Smith, S.; Stillings, Strout, Talbot, Tanguay, Theriault, Tierney, Twitchell, Walker, Webber, Wheeler, White, Whitzell.

ABSENT — Briggs, Cameron, Chick, Crommett, Ferris, Gauthier, Genest, Herrick, Huber, Kelley, Kelley, R. P.; MacLeod, McKernan, McNally, O'Brien, Soulas, Trumbull, Tyndale.

Yes, 48; No, 85; Absent, 18.

The SPEAKER: Forty-eight having voted in the affirmative and eighty-five in the negative, with eighteen being absent, the motion does not prevail.

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

(H. P. 1910) (L. D. 2446) Emergency Bill "An Act Increasing Indebtedness of Stonington Water Company" — Committee on Public Utilities reporting "Ought to pass"

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

Consent Calendar Second Day

(S. P. 851) (L. D. 2419) Bill "An Act Repealing the Law Relating to Youth Community Activities"

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

Passed to Be Enacted Emergency Measure

An Act to Increase of the Ogunquit Sewer District (H. P. 1818) (L. D. 2305) (C. "A" H-669)

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

Emergency Measure Tabled and Assigned

An Act to Clarify the Power of the Commissioner of Maine Department of Transportation and the Chief of the Maine State Police to Lower Speed Limits in Order to Provide Energy Conservation (H. P. 1857) (L. D. 2350)

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

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

Mr. DUDLEY: Mr. Speaker and

Members of the House: I have the bill before me, but I am not very well prepared, but I don't think most of you realize what this bill does and the implications it involves. Actually, what it does in substance is, it cuts the speed limit in the State of Maine to 55, which I am in favor of and I suspect you are. It complies with the federal regulations and what the Governor's Proclamation has already done. This I would be in favor of, and I suspect you are.

It goes a little deeper than that. An awful lot of my constituents — I live in the little Town of Enfield and my constituents have to drive to Bangor to work, which is 35 miles or 38 miles, and the rest of them drive to Millinocket, which is 58 miles. Some of them have 2 points gone already. It is the points I am considering and that I am concerned about. I think we should have them prosecuted, possibly pay a fine, but if they lose their points, in my area an awful lot of them are going to end up on welfare because the people on welfare get snowmobiles and go fishing almost daily and they are enjoying life, and these people are working every day in the shoe factory in Bangor for a very small wage, and the time they pay the high price of gasoline and other breakdowns and cold mornings when their cars won't start, they end up with almost less money now than the people on welfare. So it wouldn't be too bad if they did lose their points, because they see themselves with a little better living without points because then they would be on welfare. They would have the excuse they couldn't get to work.

I think, from my conservative point of view, that I don't want to put a great many more of my people on welfare. I believe if the bill passes in its present form, that is what it would do. So I would like to ask this House to reconsider this bill. Then I would like to ask some other kind soul to table it one day. I have an amendment that was offered in the Senate, but I want to add to the Senate amendment to make it more palatable to both the House and the Senate. Then I would like to have you look at it, and if you won't accept it, we will go back to the original.

This morning I would like to ask you to reconsider this bill and then ask

someone to table it. So this morning I ask you to reconsider our action that is now before us on item two.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question to anyone in the House who may be able to answer. Since the Governor's Proclamation of 55 miles an hour, and I hear there has been a number of people hauled into court for going over the speed limit, is this absolutely necessary? Do we have to pass this to make the 55 miles an hour proclamation that the Governor issued legal? Do we need this bill?

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I will attempt to answer the question from the information that has been supplied to me. It is my understanding that the so-called speed limit which we have at the present time in Maine, set by the Governor through the Board that existed is, in fact, more of a recommendation than effective. To my knowledge, I know of a number of state police officers and other municipal officers who are giving out warning slips rather than attempting to bring people to court, based on an assumption that it probably would get thrown out of court.

I don't know the legal entities of this, and I am sure the attorneys in the House could probably go into greater detail. It is my understanding, however, that this type of thing is needed if we are going to attempt to enforce it.

I do share the concern of the gentleman from Enfield, Mr. Dudley, in reference to the point system and the effect it will have on the number of people who drive. I am aware that there were some attempts in the other body to amend this bill but that those were not successful. I don't know whether or not if they would be successful if we attempted to do that in this body.

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

Mr. DESHAIES: Mr. Speaker, I move this be tabled for one legislative day.

Thereupon, Mr. Birt of East Millinocket requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Westbrook, Mr. Deshaies, that this matter be tabled pending passage to be enacted and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

68 having voted in the affirmative and 45 in the negative, the motion did prevail.

Emergency Measure

An Act Simplifying Variance Procedures Due to the Energy Crisis (H. P. 1941) (L. D. 2478)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Enactor

Tabled and Assigned

An Act Exempting Machinery and Equipment Used for Manufacturing and Research from Sales and Use Tax (S. P. 746) (L. D. 2158)

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 tomorrow assigned.)

Passed to Be Enacted

An Act Relating to Fees for Inspection of Elevators (S. P. 836) (L. D. 2377)

An Act Relating to Jurisdiction of the Boxing Commission (H. P. 1880) (L. D. 2390)

An Act Relating to Organizational Change in Department of Transportation (H. P. 1886) (L. D. 2396)

An Act Relating to the Land Damage Board (H. P. 1887) (L. D. 2397)

Finally Passed

Resolve Reimbursing Southern Aroostook Community School District for Loss by Fire (H. P. 1847) (L. D. 2340)

Resolve to Reimburse Edgar W. Tupper of Madison for Loss of Beehives by Bear (H. P. 1900) (L. D. 2408)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be enacted, Resolves finally passed, all 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:

Joint Order (S. P. 889) Relative to Appropriations and Financial Affairs reporting out bill to establish a Maine Public Transit Fund

Tabled — February 12, by Mr. Simpson of Standish

Pending — Passage

Thereupon, the Order received passage in concurrence.

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

Bill "An Act to Eliminate Collection of Delinquent Accounts by the Treasurer of the State" (S. P. 852) (L. D. 2420)

Tabled — February 12, by Mr. Simpson of Standish

Pending — Motion of Mr. Carrier of Westbrook that the House adopt House Amendment "A" (H-681)

Thereupon, House Amendment "A" was adopted.

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

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

Joint Order (S. P. 896) Relative to Maine Management and Cost Survey Recommendation that Schools in Unorganized Territory be Closed

Tabled — February 12, by Mr. Simpson of Standish

Pending — Passage

Thereupon, the Order received passage in concurrence.

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

Joint Order (S. P. 897) Relative to Review of on-going Programs in Instruction of Metric System by Maine Education Council

Tabled — February 12, by Mr. Birt of East Millinocket

Pending — Passage

Thereupon, the Order received passage in concurrence.

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

Joint Order (S. P. 898) Relative to Maine Delegation to the New England Board of Higher Education Review Ongoing Programs Relative to Improving Health Services

Tabled — February 12, by Mr. Birt of East Millinocket

Pending — Passage

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: I do want to make a comment relative to this order. I am not opposing the order; however, I do wish to make it part of the record that there is a danger in a study group of this sort. There is a tendency to usurp some of the legislative prerogatives. A case in point, last year in a hearing before the Appropriations Committee, we learned rather accidentally from testimony presented that there were extra places available at the Vermont Medical School, contract places, that the State of Maine could take advantage of. But for a period of some weeks, apparently members of the delegation of the New England Board of Higher Education had indicated that in their judgment the State of Maine was not interested in taking advantage of these contract places. The Appropriations Committee, on the basis of the testimony we heard, felt that the state was, in fact, interested and vitally interested in securing these additional opportunities for graduates of the State of Maine who were interested in medical school. So I think the members of the Board should be careful in their assessments not to intervene in the area that is properly the prerogative of the legislature and not make decisions of this sort without consultation with appropriate legislative committees.

Thereupon, the Order received passage in concurrence.

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

Bill "An Act to Repeal Certain Due Process of Law Provisions by Governmental Agencies" (S. P. 717) (L. D. 2129)

Tabled — February 12, by Mr. Simpson of Standish

Pending — Motion of Mrs. Baker of Orrington that the House accept the Majority "Ought to pass" Report as amended by Committee Amendment "A"

Thereupon, the Majority "Ought to pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-341) was read by the Clerk.

On motion of Mrs. Baker of Orrington, Committee Amendment "A" was indefinitely postponed in non-concurrence.

The Bill was assigned for second reading tomorrow.

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

Bill "An Act Relating to Expunging of Certain Records of Arrest" (H. P. 1957) (L. D. 2492)

Tabled — February 12, by Mr. Talbot of Portland

Pending — Passage to be engrossed

Mr. Talbot of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-686) was read by the Clerk.

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

Mr. TALBOT: Mr. Speaker and Members of the House: This bill that we have now before us is a complete new redraft of my bill, which is 2180. The amendment only does two things. It deletes the last paragraph in section 2 of the bill on page 2, which reads, "Any person granted a dismissal or acquittal by a court shall present within 5 days of the effective date of the acquittal or dismissal to the clerk of that court a list of all persons, officers, agencies and other entities which such person has reason to believe the record of such arrest under their jurisdiction or control,

the clerk shall inform said party of the acquittal or dismissal being granted and the requirement to expunge their record and shall inform all parties to be notified of the penalty provision of this section."

But really, I believe this is an impossibility. There is just no way that somebody that has been acquitted or found guilty of a charge can within 5 days gather all that information to give to the clerk of courts, especially if somebody is in the low income category. There is no way he can afford that expense. I think it is just an impossibility and would like to have that deleted.

The second that it does, it puts back into this new draft the part of the bill that was in the original draft. Apparently, the present procedure of the State Bureau of Identification is to stamp these records with the words "Expungement — Do not release." In other words, communication, investigative records and mug shots. This puts back in the law that instead of excluding these, they include these. That is all that amendment does.

I would move its passage, Mr. Speaker.

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

Mr. PERKINS: Mr. Speaker and Members of the House: I sincerely hope you do not accept the amendment and would indicate my reasons as being those which we have certain individuals charged with various crimes, and because of one technicality or another, they are never brought to trial. I speak primarily in terms of moral offenses that involve children, females, individuals who have been subjected to some form of a moral offense and because of the type of offense, it is never brought to trial. They refuse to testify for what they have to go through, and the individual is let off scot free.

I agree one hundred percent that technically the individual is innocent until proven guilty, and as such we should treat him that way. However, I do think investigative materials, including mug shots and finger prints, should be left intact, should it ever happen that someone else is attacked and it is necessary to show the individual mug shots to determine whether or not it was

an individual previously brought before the courts and not found guilty.

I believe the original bill is, as we have presented it to you from committee, is a good bill. I think it makes it clear that the cases of where an individual has been acquitted or the case has been dismissed, that he should for all intents and purposes, up to the point of investigative materials, have those records wiped clean.

I hope you do not accept passage of the amendment as now being proposed.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I certainly would agree with the last speaker, provided one thing is quite certain. The reason I agree with him is because we have had some difficulties in my area just recently in which a small girl was assaulted. I think it is important that we provide very bit of assistance that we possibly can to the law enforcement officials of the state, provided that they use the information with considerable discretion.

I would like to pose a question through the Chair to the gentleman from South Portland to inquire whether the information that we are speaking of, the mug shots and the finger prints and so forth could ever be used by anybody other than law enforcement officials?

The SPEAKER: The gentleman from Orono, Mr. Curtis, poses a question through the Chair to the gentleman from South Portland, Mr. Perkins, who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. PERKINS: Mr. Speaker and Members of the House: As I understand the bill, it could not be used for any other purpose than the law enforcement officials.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I totally agree with the Representative from South Portland, Mr. Perkins. This is a bad amendment, and you want to realize right off hand that the bill is lousy, too. So we will take care of the amendment first, if we can, and then we will come back on the bill.

It is immaterial to me if they keep mug shots or not, but it is material to me that they erase all the records of the people who have victimized other persons in this state. I actually appeal to you on behalf of the victims, and I have before. And as far as the amendment goes, to me that doesn't do too much one way or another. It just makes it easier so the clerk of courts doesn't have to do this or the person who committed the crime is getting away with it easier. But I am not interested in that; I am interested in the ultimate outcome of the bill itself. I don't buy the philosophy of the ones who have spoken before today or any other day, that we should give criminals the go ahead on everything.

The main part of it that I don't like is the fact that — this is not on the amendment, so I will refrain from that. I just hope that you kill the amendment. Let's start with the amendment and then we will go from there.

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

Mr. McTEAGUE: Mr. Speaker, I would pose a question through the Chair to the gentleman from Orono, Mr. Curtis, or the gentleman from South Portland, Mr. Perkins. I would like to preface the question, Mr. Speaker, by saying that this is one of the times when I think the debate on the floor has really been illuminating as a member who was not really aware of the bill. I think the gentleman from Portland has genuine concern and interest in justice for people who are not found guilty. I am personally moved by the other conversation, particularly in moral offenses involving children.

I would like to know if it is possible, to know with certainty, and to have a citation to the statutory section involved that law enforcement officials and other public employees are absolutely precluded from using any records involving someone who is not convicted for other than law enforcement purposes. I am concerned about this information getting out to the general public, prospective employers and so on. I would ask the gentleman from South Portland if he can give us the statutory citation now existing in the law which precludes that.

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

The Chair recognizes the gentleman from South Portland, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, I am sorry, I can't answer the question in terms of what the statutory provision is. I don't recall, I don't have it here, and I am aware that this has been brought up several times in committee that the dissemination of information, investigative materials or otherwise, photographs, are not to be used for any other purpose than law enforcement purposes. However, I can't, I am sorry, give you the citation, but I would be glad to do my best to check it out.

Thereupon, on motion of Mr. McTeague of Brunswick, tabled pending the adoption of House Amendment "A" and tomorrow assigned.

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

Bill "An Act to Prevent Physically Handicapped Discrimination under Human Rights Act" (H. P. 1665) (L. D. 2058) (H. "A" H-668)

Tabled — February 12, by Mr. Ault of Wayne

Pending — Passage to be engrossed

On motion of Mr. Ault of Wayne, retabled pending passage to be engrossed and later today assigned.

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

Joint Order: (H. P. 1965) Relative to State Government Committee reporting out a Bill Transferring the Human Rights Commission to the Office of the Attorney General

Tabled — February 13, by Mr. Ross of Bath

Pending — Motion of Mr. Martin of Eagle Lake that the Joint Order be indefinitely postponed

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: Quite independently, after seeing this order

yesterday, I thought it might be worthwhile to really take a look at it, just for the heck of it, and see what the possibilities are or just exactly what is going on.

The other night I had the opportunity to watch television, a priest from Sanford, I do not recall his name, was on and giving the position of the commission's view relative to the problem that exists within the Human Rights Commission downstairs right now, and his argument seemed to be that the people who are on board weren't doing the job well enough in their investigations and they were coming to the advisory commission and asking that they prosecute or ask to prosecute, and they said they didn't feel as though they were doing the job well enough and didn't have substantial evidence enough to. Since that time, I see now in the paper where we seem to have the opposing point of view from the employees within the Human Rights Commission. So I thought, you know, maybe this makes sense. Maybe the place for it is in the Attorney General's Office.

I started to think about the Consumer Fraud Division that we placed in the Attorney General's Office and to see just exactly what type of a job is being done there. It seems, you look at a comparison, since we created that position, at the present time, just in the first six months of 1973, six people — they have three attorneys, an investigator and two secretaries — they handled 451 inquiries. They are averaging 20 to 25 complaints every day. The Human Rights Commission is averaging 2 complaints a day with a staff of six, plus an advisory commission, plus the fact that they then have to call on the A.G.'s office to do the prosecuting for them once they get involved in it.

I think one of the things that I get very concerned with that seems to be happening around the State House Complex is the fact that the legislature gets asked to create new positions and we say no. Suddenly we find that these positions are then being funded through a council grant or through some other funds, and they are called consultants. They are not people on the payroll,

personnel members and subject to personnel laws, but they are consultants, and we have got two down there right now that are being funded by federal funds. Here again, I think this points out one of the problems with federal funds. They give us a few funds, we put a couple positions in, and now all of a sudden federal funds are being pulled back. We take a look at this year's appropriation, and we find that in this particular that there is an appropriation to cover these two people who have been paid by federal funds.

I am not so sure but what this order really should go through here. We have got a bill, the bill was drafted a year ago, in fact, which would do the very thing. I think we should look into it. I think the bill should come back out here then for open debate. As I look at the thing right now, I think we have got a far more efficient group within the Attorney General's Office handling this type of thing and it seems to me that right now is the time to make that type of move and place the Human Rights Commission right in there in a separate division within itself.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: As those members that have been here for three or four sessions who remember it, we spent I think two regular and two special sessions on the creation of the Maine Human Rights Act and the commission under it. The principal reason that we created in Maine the Human Rights Commission as a vehicle to deal with problems of discrimination was that we wanted to deemphasize the punitive or criminal or judicial aspects of the problem and to emphasize conciliation and reconciliation between people.

I am certain that as with most agencies, particularly most new agencies, there has been less than perfection in the administration of the Human Rights Commission. But I think there has been a very high degree of success with a sense of promise, made by those of us who advocated the creation of the Maine Human Rights Commission, when we said we wanted to

deemphasize the criminal or the punitive aspects and we wanted to deal with the very sensitive human problem on a basis of conciliation and reconciliation to the extent possible. The figures are easy to quote, but we have to know what we are talking about. You can't compare apples to oranges, and I am afraid possibly that has been done here this morning.

The principal function of the Attorney General's Office is a legal function. Indeed, the Criminal Division is, I believe, one of the larger divisions within the A.G.'s office. I have considerable personal respect for the incumbent in that office who served with many of us in this House. I think it would be a step backwards, a step away from reconciliation and a step towards judicial or criminal handling of the matter to put it under the Attorney General's Office. There are legal problems and there is a need for legal advice in the area of civil rights, but basically they are human problems, not criminal and not legal ones.

I hope very much the order offered does not go through. Mr. Speaker, if the motion is in order, I would make a motion at this time for the indefinite postponement of the order and ask for the yeas and nays on it.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I was here three or four years ago when this was passed, so were many others of you here. As a matter of fact, when the vote was taken, three or four times this thing was killed, maybe more than three or four times. But I claim to you that through this deceit and through lies, this is how this bill got passed over here. I submit to you that this bill was passed on June 24, 1971, and as of the day it was doomed for failure. You have seen the failure of the commission within the last three or four weeks over here, and the last two weeks in the paper.

Now we are talking about this bill, the Human Rights Commission, I believe, should be under the Attorney General's Office, because I think it involves the law and it doesn't involve the feelings of

certain parties or certain minority groups like I am, and I said at that time I didn't need the Human Rights Commission and I don't now. I called it then the Human Wrong Commission and it still is the Human Wrong Commission, because it persecutes people and employers on assumptions of what others say.

Let's figure what the Human Rights Commission has been, especially the cost of it. We started off, if I recall right, that we were going to give them \$18,000. They came and they asked for about \$36,000 or \$40,000. We cut it in half, which was actually just a move to get it under the books, that is all it was. So back in 1971 and 1972 they were allowed \$13,950. In 1972 to 1973 they were allowed \$40,000, an increase of \$27,000. Now we are back to 1973 and 1974, and the first part of the budget which all of you know and you can look at it, the Human Rights Commission has a total, with the federal funds, they have a total to work with of \$67,268. Now I ask you, in two years time, just what have we accomplished with this for \$67,000? But this is not the crux of the thing, the crux is this, where do we go from here? You have in the Governor's budget here under L. D. 2289 and 2290 for asking another \$68,000 to finish the biennium — the year. Now this will make it for the year 1974 and 1975 a total budget of \$135,000, and that does not include all the federal funds they will get beyond that.

So if we have the time, it would be nice to actually divide this thing and find out where the money goes to. I don't think it goes to help the people that need the help. I think it goes into wages, that is where it goes. I don't think that we need this Human Rights Commission as this is set up right now. In the first place, I never thought we needed it anyway. We have other laws to take care of this stuff.

I think that if there is any time, the time is now to change this to the Attorney General's Office. I have always been of the idea in the first place that is where it should be. I was probably slow in taking the initiative, but I think that some people have done so and I think that there is much more to discuss. I could tell you how lousy and filthy the discussion on this Human Rights Commission was at that particular time.

I just want to make it clear to you people who were not here at that time, a very important point, that at the hearing of the Human Rights Commission, there were only three people that talked in favor of it. I am back again to where I was before. If we are going to pass laws in this legislature, we should pass it for the people and not for individuals. I still say that this is not a good commission, but I think that at least it would be a step forward to send it to the Attorney General's Office. I had talked with the Attorney General's Office last year when I thought of promoting this and at that time he mentioned that two lawyers would be plenty to take care of the job, and two lawyers roughly at \$20,000 apiece is much less than \$165,000 which we are allowing them this year.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: For some of you and some of us who have been here for a number of terms, especially when this bill was enacted, I am sure it seems like old hat because it appears to be the same arguments we are hearing again.

The gentleman from Parsonsfield, Mr. Pratt, and the gentleman from Westbrook, Mr. Carrier, were very much opponents of the legislation at that time and spoke their heart out as to why the legislation ought not to become law. I am sure, unless I am mistaken, the gentleman from Lubec, Mr. Donaghy, will also get involved and give us the same reasons he gave us a number of years ago as to why we shouldn't have the legislation.

As I look back, I would just like to make a couple of points. First, in reference to the point that the gentleman from Standish, Mr. Simpson, made. He indicated that we could save money by placing it in the Attorney General's Office. I have the 1968-69 budget document in front of me. I would just like to relate to you a couple of facts of life. The Part I budget in 1965 and 1966 for the Attorney General's Office was \$181,000. The budget recommendation for that following year was \$235,000. If you look at the budget recommendation for that

department for this year, you are somewhere around eight hundred and some odd thousand dollars. It has been a pretty good increase.

I am sure that this Attorney General and past Attorneys General — I have heard them before when I sat on the Appropriations Committee — have expressed a desire and the need for more attorneys. This we have done and we have done by vast numbers over the years. We have been told at the beginning of the session by the present Attorney General that it would be impossible for that office to do drafting for us because there simply were not sufficient people on the staff to do it. And as a result, we have had to use most of our own people or attempt to do without. The Attorney General feels that the staff is not sufficient to take care of the problem. I have to take his word for it because that is what he has told us.

Now, in reference to the budget dealing with the Human Rights Commission, the figures that I think the gentleman from Westbrook was referring to were not quite accurate because if you look at the request, you are talking about the second year of the biennium in L. D. 2289, and the second year of the biennium calls for \$53,725, which is exactly the same amount or roughly the same amount that we gave them for the first year of the biennium. As you remember, we funded them and funded all state departments for only one year rather than two.

In the other L. D., which is your supplemental appropriations, there is a request for one additional staff person. Obviously that is in Appropriations Committee now and they can determine whether or not they are going to fund that particular position, but we are not talking about a yearly expenditure of \$100,000 of state funds; we are talking about \$54,000.

I don't want to get involved into what has happened in the last couple of weeks, because I am not fully aware of it and I don't think many members of the House are. The one point that I do want to point out is in reference to what the gentleman from Westbrook, Mr. Carrier, said, and, it is the harassment by attorneys, and I think that is important. Many of the problems that have been solved by the

Human Rights Commission have been done on a one to one basis, with the people of the staff discussing with an employer why there was discrimination, what could be done to correct it. This is the way to do it, in my opinion, rather than attempting to have an Attorney General, or with the title Attorney General, walk in or send in a letter saying you are being brought to court or we are threatening you with the following. It seems to me that employers, when they are asked to do the right thing and they are told what the law is, they will comply with it rather than being harassed.

Now, I just think that a special session, and this involves attempting to scuttle an agency such as this, is something that ought to be done at a regular session. And if it wants to be done at that time, then that is fine. Someone can introduce the bill. Otherwise than that, I probably would have opposed the — if this had been a regular session I would have let the order go and let the bill come out of committee. I don't think it is proper for us to do this now. I certainly ask you to vote for my motion.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I guess I know just a little bit more than some of you about the goings on in the dispute that they are having in the Human Rights Commission now. I don't think it has anything to do with the function of the Commission itself. I disagree with some of you. I think that the Human Rights Commission has had some top executives. I think it is doing its job; I think it has proven itself. But it just seems kind of foolish to me, maybe a little ridiculous to me, to find that here is a body that sits week after week debating the fact that the Longley Report had some misgivings to it the bills are poorly drafted or loosely drafted, so therefore, we have got to kill them or bring them back in the special session or forget about them. And all of a sudden because they are having a little communication problem over in the Human Rights Commission, all of a sudden we bring in an order one day and

are willing to move a whole agency under another agency the next day. It just doesn't seem right to me.

I didn't see that when the problems arose concerning the Maine Housing Authority under HUD. I didn't see us moving that agency under another agency. I think it is just pure and simple; somebody is out to kill, to do away with the Human Rights Commission, which I think has proven itself, has done a good job, is a viable agency and can stand on its own. I think its record goes to prove itself; 135 cases have gone through that agency, with little or no disturbance, and only two have had to have a little bit more than nominal care. So I think we are talking about something that is very serious here. And I would hope that you would go along with the motion to indefinitely postpone.

Mr. Speaker, Ladies and Gentlemen of the House, I guess really I could say a lot more about the commission itself. I won't go into that. I think what has happened in the commission itself is that—I guess Mr. Dunleavy is going to have to wait a few minutes. He is anxious to get up, I can see. But I think what has happened is just purely a communication gap in which the Commission and its top executive have widened the gap. But it has no function whatsoever with the rightful place that the Human Rights Commission deserves. So I would hope that you would go along with the indefinite postponement of this order.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentlemen of the corner for the introduction.

I am sure that the minority leader is well aware of what happened when I was a freshman legislator and the State Government Chairman was not here. And with the help of some very able people here in the House, we were able to beat off the first attempt on this Human Rights Commission, not because we have no consideration for human rights, but we felt that it wasn't necessary. And this is something new as far as the debate here today is concerned. We

didn't feel that we were necessarily required to compete with the federal government. They were doing a very good job in this line. We felt that more good could be done for the taxpayers of the State of Maine if we let the federal government do this. I think the debate that has gone on here today is talking around the subject rather than looking at the facts of what has happened.

The cost per case, the only actual settlement that I know of that came out of this was a young lady that didn't get a job that she applied for in one of the banks. And the bank was fined \$100, as I recall, but she still didn't get the job. So I am not too sure how effective this Human Rights Commission has been.

So if putting it under the Attorney General's Department will assure that people's human rights, or whatever rights there may be, are not jeopardized, I think this can be done there by people with some expertise in the field. Let's go ahead with it.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would preface my remarks by saying that last week I moved the previous question for the last time as long as I am here. Little did I know that at the time, and had I known that at the time the gentleman from Lincoln, Mr. Cameron, wanted to speak, I would have withdrawn my motion. It disturbed him, and the fact that he was disturbed, disturbed me, because I met him when he was a member of the Governor's Council and he was kind to me, and I appreciated that. I cherish his friendship, and I don't want to lose it.

But in this particular instance here, this thing would be referred to the State Government Committee, which is doing a fine job, but it is overloaded with work. Now, I think we have a Committee, a Legislative Council Committee, and I think it is possible that we could end this debate this morning by just killing this order and then asking them to study this thing and bring it up at the regular session of the legislature if it needs any serious consideration.

I voted for this, and I worked for this program the first time. I see some

troubles within the program, but I don't think we can solve it now. And to heap this one more burden on the State Government Committee is too much, in my opinion, and to keep on debating this thing now is just taking up a great deal of valuable time.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I certainly do agree with the comments made by the last speaker. In particular, I would like to point out that there was some mention on the news broadcast as I was driving down from Orono this morning that it was possible that the Maine Legislature might have to adjourn while the State Government Committee caught up with its work. I would like to assure you that the State Government Committee will be right there with its work with everybody else, unless you keep sending things to us that are going to require public hearings and notice of public hearings and great debate within the committee and further debate by the legislature.

This item, I would agree, if it needs to be studied at all, it should be studied. And the current procedure of an order from the Legislative Council or joint order to this Legislature, that State Government or some other committee study it and report back to the next regular session of the legislature.

So I would suggest that this is not an appropriate time to be dealing with such an important matter.

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

Mr. McTEAGUE: Mr. Speaker, Ladies and Gentlemen of the House: The topic is emotional. If my memory is correct, statements have been made about deceit and lies. We have the privilege here on the floor that I think we all treasure greatly with regards to legislative immunity. I don't think it adds to the light of the situation, but merely is heat, to make allegations of that kind, particularly without any factual support. And if there is any factual support, the floor of this House is the place to bring it forth.

But Mr. Carrier, the gentleman from Westbrook, in one of his statements he made, candidly admitted the fact that he

was an opponent, and I think I could say a vehement opponent, of the creation of the Human Rights Commission, the Human Rights Act, as was the gentleman from Lubec, Mr. Donaghy. And my recollection is, and I stand to be corrected, the gentleman from Parsonsfield, Mr. Pratt, has sponsored the order. I think in a sense, in my view it is unfortunate that anyone in the year 1974 in the United States of America is opposed to this, but I respect and recognize the right of other people to differ with me.

I would like to mention, so that everyone in this House who was not here before knows, who some of the supporters were of this bill. I would like to give you an idea of the bi-partisan nature of the bill and the support for it. The majority floor leader at that time was the gentleman from Cumberland, Mr. Richardson, now serving in the other body. He was an advocate of this, as was the gentleman from Madawaska, Mr. Levesque, from Portland, Mr. Brennan. Both sides of this House, both parties, worked together on this bill. It was a tough fight; it has been won.

The order is simply, in effect, an attempt to kill the Commission. That is all it amounts to. Consider the source, consider those who propose this order, and who advance it.

My friends in the other party, the Republican Party, just celebrated two days ago the birthday of the first Republican President of this country. You have a tradition to be proud of, to live up to. To those of this House who are Democrats, who are in my party; we are the party of John Kennedy. We have a tradition to live up to, too. I not only hope that this order is defeated and defeated resoundingly, but I pray that it is defeated resoundingly by a large bi-partisan coalition, so that people will know and Maine will know and America will know that in this state, at least, the idea of human rights for all citizens does not have the support of only one party, but has the solid support of both parties.

Mr. Speaker, if the motion has not been made, I would ask for a roll call.

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

Mr. SPROUL: Mr. Speaker and Members of the House: I hoped that maybe Mr. Martin would be down in his seat. I was in hopes to direct a question to him, if I may, through the Speaker.

The SPEAKER: The gentleman may proceed.

Mr. SPROUL: I noticed that he referred to the increase in the budget of the Department of the Attorney General since, I guess, 1965. So I would like to pose the question, if he would advise us new members here, as to how many new commissions and roughly what the caseload has been in the Attorney General's Department in that same time?

The SPEAKER: The gentleman from Augusta, Mr. Sproul, poses a question through the Chair to the gentleman from Eagle Lake, Mr. Martin, who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: If I had all those answers, I would be Governor, or a candidate for Governor.

I will, to the best of my ability, though, tell you what I know. It is quite true that over the years we have increased the responsibilities of the Attorney General's Department; for example, the Division of Consumer Protection, which we gave them two years ago or so, and four or five attorneys. We have added maybe 15 or 20 other attorneys through the years. We have, obviously, also increased salaries, and this was done with legislative direction. The point that I was trying to make, and maybe I didn't make it very well, was that wherever you put it, it is going to cost money. If you are going to scuttle it, then obviously, it is going to cost nothing. That is really the point I was trying to make.

The other point, of course, that I was also trying to make was that to hire attorneys is much more expensive than hiring other people, other professionals. And this is obvious by what we are paying for attorneys in the Attorney General's Office now, even though they are not really getting paid what they are worth.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker and Members of the House: I would like to ask a question through the Chair to anyone who may answer. I have looked this order over and it says, "transferring the Human Rights Commission to the Office of the Attorney General." Now, to me that means what it says, transferring the commission to that office. The gentleman from Brunswick, Mr. McTeague, implied that an affirmative vote for this order would be repudiating all of the Human Rights activities. I certainly don't feel that is the case, it merely moves it to the office of the Attorney General. If that is not the correct interpretation, I would like to be advised.

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

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I think the answer to the question is this. If you can't kill something directly, bury it, and that is what this is an attempt to do.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I would supplement this by calling your attention to the latest edict out of the corner from Mr. Martin. I think he put it very succinctly. This is not scuttling it, it is simply putting it where it will be done more efficiently and better for the people of the State of Maine.

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

Mr. CARRIER: Mr. Speaker and Members of the House: My name has been mentioned on different things that were said here, and I welcome this. So if I said something here that I said before, I want to remind those of you who have a little time or those that have been here before that before I said what I said here today, I went down and spent some time down in the library and I can give you the references of every day and everything that has been said when this came up in front of this House three years ago. I might be wrong somewhere,

but at least I made some research on it, and I am here to tell you the truth and to tell you the fact. And the only way I can tell you the facts is sometimes by being blunt. I probably don't have the polish as some of the others have, but like I tell you, one of the things that bothers me with this Human Rights Commission if we want to get right down to the nitty-gritty, I would be very interested to see how many cases of the people of French origin who have had cases up there — I am not there to cry, I never went there to cry, because I never believed in the commission.

But I want to know what representation do we have on the commission? The Frenchmen, the Italians, the Germans, any race, what do we have for representation on the commission? We don't have any. And if you were to go through this state you would go 200 miles from here or you can go even 30 miles or 60 miles where I live, there are people down there that don't speak English, and you bring them in front of the commission and they don't speak French and they don't speak Italian and they don't know what the heck they are doing. Now I am telling you that this is the kind of representation that they say over here — they talk about professional representation. When you get a lawyer or Attorneys General or some lawyers to actually come down and they look at a case they can digest, they can predict what might happen, what is feasible to do, what angle to tackle it from and everything else, I don't believe that a businessman, if they are such, and I don't believe they are such, because I have a list of the backgrounds of those who are on the commission, that they can do that. They can do that with business, but this is not business, this involves the human rights of people.

I never suggested to scuttle the commission, I suggest to put it somewhere we are going to have efficiency, under the Attorney General's Office. I don't have to use incorrect facts to present my point either, because the fact here is that the budget was \$56,000. That is what we asked. If this is what we asked, I got my figures from the Legislative Office. If they are wrong don't blame me, blame them, and right

here it says \$68,725 covered by L. D. 2289 and 2890.

Now we come around again, and this is what I say by — maybe it isn't intended, but somebody says over here that the majority leader at that particular time voted for this, Mr. Richardson. Well let me inform you, I have a couple of roll calls here and for a little lesson as to what was going on, Mr. Richardson wasn't even part of this House, he wasn't even in this House in 1971, according to the roll call. I don't know who the majority leader was, I think it was Mr. Susi, I am not sure. If we are going to say something, let's not change the facts all around to make a mixup around here. I think the people are smart enough, they can digest all this.

Another thing with the Human Rights Commission, why should we promote any commission that goes on TV and advertises for business? I don't want them to advertise against me, I don't need their help and I will never ask for their help as far as I am concerned. As far as one of the other things in here, \$15,000 for a special investigator — \$15,000, I wouldn't hire one of them for \$5,000. This is a matter of opinion, but it still is \$15,000. The director was getting \$17,000. Why should we pay an investigator \$15,000? I don't know. The whole thing is — I want to set one thing straight. I never suggested to scuttle the thing, I say that we would get more efficiency under the Attorney General's Office and I know what has been going on and I got papers and I dug it out and everything else. And if somebody wants any private information and wants to know what deceit and the lies were in the last session, all they have to do is see me personally and I got enough politeness not to say it on the floor of the House.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I think the gentleman from Westbrook has made an excellent point in asking for the clarification of the number of people involved in terms of Franco-American background and terms of the problem they face in relationship to employment in Maine. I must admit before I answer the question, that I frankly didn't realize

that I was Franco or Franco-American of French whichever you wish to use until I became a member of the legislature in 1965. I had always considered myself an American until I came down to Augusta from the boondocks of Eagle Lake. I was concerned and I still am of the number of discrimination problems against the minorities, in particular my own, and other minorities in the state.

In reference to the very question posed that one of the members of the commission is Father Clement Thibodeau who is a professor in southern Maine and is a member of that commission and a friend of mine and I have known him over the years. He is an outspoken proponent of the Human Rights Commission, and if any of you would wish to call him, I am sure he would be happy to communicate with any of you.

In relationship to the question of what effect has the Human Rights Commission had on people of Franco-American background, I will point out that over 50 percent of all cases involving work discrimination with which the commission dealt with during its first year of existence were with the people of Franco-American background. Now certainly this illustrates that an attempt is being made to solve some of those problems. I don't know about any of the other ethnic groups because I didn't ask. I didn't ask about the Irish, I didn't ask about the Italians. I was most concerned about my own, I guess. I am sure that other people can ask to get their own percentages if they so desire.

The one other point I think ought to be made is the staff positions in terms of needing someone to speak French, I quite agree with. It is my understanding that one has been hired or is in the process of being hired to take care of this very problem. This, I think, is very important.

One other thing that the gentleman from Westbrook, Mr. Carrier, said which is true. It was, in fact, Mr. Susi who was a member, who was majority leader during the 105th. He voted, as I recall, for the commission, but I may be wrong. When Harry Richardson was a member of the commission, I am sorry a member of this body he worked for it. We

had this gem, this particular bill around for a long time and it got killed, it got passed, it got killed and it got passed, as the gentleman from Westbrook very well knows. I just think that any attempt to transfer it at this time is an attempt to in fact scuttle it and that is why, I guess, I am concerned. It may well be that the gentleman from Westbrook feels that is not the case, I just react the other way. I respect his opinion and I just wish that he would respect mine in that light.

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, that this Joint Order, House Paper 1965, be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, P. P.; Bustin, Carter, Chonko, Clark, Conley, Connolly, Cooney, Cottrell, Crommett, Curran, Curtis, T. S., Jr.; Dow, Drigotas, Dunleavy, Emery, D. F.; Farley, Fraser, Gahagan, Goodwin, H.; Goodwin, K.; Greenlaw, Herrick, Hobbins, Jacques, Jalbert, Kelleher, Keyte, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Lynch, Mahany, Martin, Maxwell, McHenry, McTeague, Mills, Morin, V.; Mulkern, Murchison, Murray, Najarian, Norris, Peterson, Pontbriand, Ricker, Rolde, Ross, Santoro, Silverman, Smith, D. M.; Smith, S.; Soulas, Stillings, Talbot, Tanguay, Theriault, Tierney, Twitchell, Wheeler, Whitzell, The Speaker.

NAY — Ault, Baker, Berry, G. W.; Berube, Binnette, Birt, Bither, Bragdon, Brawn, Briggs, Brown, Bunker, Cameron, Carey, Carrier, Chick, Churchill, Cote, Cressey, Davis, Deshaies, Donaghy, Dudley, Dunn, Dyar, Farnham, Farrington, Ferris, Finemore, Flynn, Garsoe, Hamblen, Haskell, Hoffses, Hunter, Immonen, Jackson, Kauffman, Kelley, Kelley, R. P.; Knight, Lewis, E.; Lewis, J.;

Maddox, McCormick, McMahon, McNally, Merrill, Morin, L.; Morton, Parks, Perkins, Pratt, Rollins, Shaw, Sheltra, Shute, Simpson, L. E.; Snowe, Sproul, Strout, Trask, Walker, Willard.

ABSENT — Albert, Boudreau, Dam, Evans, Faucher, Fecteau, Gauthier, Genest, Good, Hancock, Huber, Littlefield, MacLeod, McKernan, O'Brien, Palmer, Susi, Trumbull, Tyndale, Webber, White, Wood, M. E.

Yes, 65; No, 64; Absent, 22.

The SPEAKER: Sixty-five having voted in the affirmative and sixty-four in the negative, with twenty-two being absent, the motion does prevail.

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker and Members of the House: I am delighted to get up just because of the subject I am going to discuss and just to get on a different vein, I can assure you.

I have the honor of being here longer than anyone else. I can remember when I was here when there were no lovelies in the House. I can remember when there were two, then there was one, there were four, then there were seven, eleven, fourteen, and now eighteen.

And you know, Mr. Speaker and members of the House, one of the reasons that I voted for ERA was because in all the years I have been here, with due respect to the lovelies, I have never had one who hollered and cried to get anything by because she was a member of the fairer sex. And that certainly includes one of my former colleagues who is presently Clerk of the House, who could do battle on her own, believe me, and I did battle with her and against her and loved her, regardless of the fact. And so, Mr. Speaker, ERA to me is put to one side today. This is the day that we love our lovelies as we do every day but particularly more on this day. So I would ask you, Mr. Speaker, to rap the gavel three times so that we can properly display our love and feelings for our lovely eighteen ladies.

(The male members of the House stood and applauded.)

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

Mr. ROSS: Mr. Speaker, as I said; this can be either on or off the record. I will leave that to the discretion of the presiding officer, and he will have my unconditional approval to rule it off the record at the end. But let's first have it on the record so that we will have something to expunge out.

WHEREAS, today is the day of hearts and flowers, and love runs rampant throughout the land; and

WHEREAS, no where in the world is love for our fellow persons more evident than within these hallowed halls; and

WHEREAS, we always show brotherly love and affection for all the boys and girls in both of our friendly and congenial political parties; and

WHEREAS, everyone loves everyone else equally, we deem it most appropriate that it should be here, that a birthday celebration be held for two of the cuddliest cupids of all, our esteemed President of the other group, Kenneth P. MacLeod and the Honorable Herold J. Beckett, a member of the prestigious Executive Council.

BE IT ORDERED: That we extend felicitations, congratulations and our birthday greetings to these beloved hearts and gentle persons; and

BE IT FURTHER ORDERED: That suitable copies of this order be prepared and transmitted forthwith to our birthday boys, said copies to be appropriately embellished with lace and ribbon and, of course, on red hearts.

Now, to add to this superb order, we have an ode by an unknown author: Birthdays come and birthdays go,
And one thing surely is true,
'Tis better to have a birthday come
To anyone other than you.
Now, eighty years is not too old,
You have a long way to go.
So, Hal and Ken, be always bold,
And shun the name "Old Crow."
We would like to pause on this happy day
To shout this greeting out loud.
Best wishes to Hal, who loves to play;
And greetings to Kennie MacLeod.
(Applause)

Bill "An Act Relating to Price Information on Prescription Drugs and Permitting Advertising of Prescription Drug Prices" (H. P. 1793) (L. D. 2271)

Tabled — February 13, by Mr. Silverman of Calais.

Pending — Motion of Mr. Dyar of Strong that the House accept the Majority "Ought not to pass" Report (Minority Report "Ought to pass" in New Draft (H. P. 1964) (L. D. 2503)

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: We have patiently waited here for number 10 to come to the House Calendar. I also would like to say that a lot of people who buy prescription drugs have patiently waited over the years to be able to have some type of idea of pricing, understanding pricing, maybe getting competitive lower prices in this field.

The motion before us today is an "ought not to pass." I stand here and ask you to vote no on that motion. Presently, one of the reasons is that in merchandising and marketing a product, we have, say, what we may call in the monopoly-type business. We put state regulations on that business so the public will not be over-priced. In other words, we protect the public towards the pricing of that company. In the opposite sense, when we do not regulate, we allow free competition. We allow competitive pricing. And by competitive pricing, the market will sustain the price of that product and we hope the best price of that product to the people for which to buy it.

But under the law in code or laws relating to apothecaries or pharmacies, there is a rule under their rules and regulations, there is a Rule 21. And that rule says, "It shall be unlawful for any pharmacy, pharmacist or any other licensee of the Maine State Board of Pharmacy who furnishes drugs directly, to the consumer to advertise directly or indirectly by any public media whatsoever any law, medicine or appliance bearing the legend "caution" Federal law prohibits without prescription, any drug, media or appliance whose sale is restricted to prescription, dispensation by any state or federal law. Nothing in this regulation shall prohibit the furnishing of professional information to medical practitioners." Because of that law, we

can not have competitive retail pricing at the retail level in this state for people who need and require prescription drugs.

I could look at a whole mess or a whole group of literature I have studied in this field. One that I think is important is the prescription drug pricing study made by the Consumer Federation of America in Washington, D.C. in 1972, where they covered 17 states in this in trying to disclose what the difference was in the pricing of prescription drugs in pharmacies. And just to mention a few, 100 actified tablets found to be \$10, at other places at \$2.99 makes quite a difference. Or, 100 penicillin, 400,000 units for \$15 down to \$1.50. Or, 100 thyroid, 1 gram from \$3.90 to sixty-three. And the list follows. And somewhere I think some of us have got to come into this field and say not only do we have a Right to Life Committee or idea in this nation; we also need a Right to Health. And many people are deprived that right to health by a high cost medicine and prescription drugs. No question, this is going to be in the future. No question, this is one of the leading proposals today in Washington as well as, I hope, in Augusta. And I hope you will vote no. I will ask for the roll call vote, and we will be able to let the people who need prescription drugs have a chance to have the idea of competitive pricing to lower those drugs to their daily, or weekly, or monthly budgets.

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

Mr. DYAR: Mr. Speaker and Members of the House: I have to agree with many of the things the gentleman from Calais, Mr. Silverman, has said. But if you take the time to read the Minority redraft under L. D. 2503, it states that the Board or Commission of Professional Pharmacy shall annually in Augusta prepare a list of one hundred prescription drugs ordered most frequently in the State for the twelve months immediately preceding. Copies of this list in suitable form for display in type sufficiently large to be easily readable while on display with appropriate space left for a price for each drug listed shall be sent to each licensed pharmacist in the State annually upon publication.

Now, this one section alone concerns me greatly. You have a board on your left and a board on your right here this morning that has 151 names, plus the Speaker, 152. Now, these are three-inch letters which are, in my mind, easily identifiable. Now, the gentleman has also referred to several drugs. But I can visualize the word *teramycin* up there, 120 tablets at \$6.50. I don't know how we are going to judge on what size poster or sign that we are going to display these 150 drug names, quantities and prices. I think what we want to do is establish some precedent where our senior citizens and low income people can buy prescription drugs at a reasonable fee without excessive profits involved for the pharmacist. I don't think this piece of legislation is going to do it. I think we are going to confuse the people.

We go into the second section on advertising. Now, the minority committee advised that they thought that the pharmacist should be allowed to advertise within his store his price on prescription drugs, that these could be mimeographed on pieces of paper and left on the counter to be picked up or handed out. And the senior citizens of this state could go from drug store to drug store picking up these pieces of paper, put them in a notebook, and when they needed a prescription they could go down through this list and pick out the drug store that would sell it to them the cheapest. To me, again, we are confusing the issue. We are confusing the minds of our senior citizens. In fact, this bill could be detrimental to their health, because I don't feel that I, or any of us sitting here today, unless you are a pharmacist or are medical practitioners are in a position to decide what you should be taking for a drug.

Now when the doctor writes a prescription for a certain drug, and I believe it is against the law for him to actually suggest what drug store you go to, I think the person should have confidence in that medical doctor. When he goes to the drug store or the pharmacy of his choosing, I think he should have some understanding and confidence in that pharmacist. I feel that if there is a pharmacist in the State of Maine who is making excessive profits in the dispensing of prescription drugs,

then he should be taken care of, and I am quite sure that these people who are for this type of legislation could boycott that drug store to the point where he would either go out of business or he would change his method of operations.

L. D. 2503 is actually so uncertain that I feel we are going to create a mass confusion for our senior citizens and low income people. We did suggest for an amendment, which wasn't readily accepted by anybody, that we go along with the Cost of Living Council, which at the present time is supposedly setting up guidelines for prescription drugs. So in essence, if we pass this 2503, the minority report this morning and follow through and get it enacted, it is very possible that in two or three months we will be in conflict with the federal law.

Now if the Cost of Living Council should come out with another 150 drugs which is not the same 150 drugs on the Maine Pharmaceutical list, then the druggist is forced to post 300 drugs on his board. And you get 300 up there and you are really going to be confused.

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

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

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain to the members of the House this morning some of the reasons that I thought out very carefully in supporting and accordingly signing this particular piece of legislation so that everyone would have an opportunity to discuss it and hopefully vote positively on it.

The current statute as it exists, and the current rules and regulations that are promulgated by the Board of Pharmacy create an artificial price support in that by prohibiting disclosure of prescription drug prices through posting and advertising as called for in this particular L. D. 2503, artificially creates a higher price in drugs. I think that is basically the thrust of the L. D. 2503. Very simply, we are artificially supporting high price of prescription drugs.

I think it is important to point out to members of the House this morning that

although the elderly only represent 10 percent of our population, their drug needs represent 25 percent of the prescription drug business. I think that is a very, very important consideration, especially for those senior citizens, and most of them do live on fixed incomes. I essentially feel that is what this bill would accomplish, that is what the bill purports to do, and I do hope you support it this morning.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote to oppose the majority "ought not to pass" report and support the minority "ought to pass."

I would like to quickly explain the minority report and the redraft of the original legislation. Section 2204-D of the redraft requires that the State Board of Pharmacists prepare a list and annually review it of the 150 prescription drugs ordered most frequently in the previous year. This list will then be made up on a poster with spaces for prices and distributed to all licensed pharmacists in the state. These lists will then be required to be posted in a conspicuous place within the drug store, and that the current retail price that that druggist charges for those drugs will be inserted beside the name of the drug. This is already being done in many stores without too much confusion. Osco Drugs does it throughout their chain, and it has worked out very well.

This section then requires only that a list and prices of the 150 most frequently ordered drugs be posted in the drug store. The cost of this list will be borne equally by all pharmacists through the registration fees collected by each pharmacy.

The second section of the bill allows, but does not require, a druggist to advertise prescription prices. But he is only allowed to advertise those 150 drugs that are posted on the list. The intent of this section is to allow advertising but to limit it so that the list of prescription drugs does not become confusing over the technical generic or similarly spelled names of various drugs.

I am sure that many of you have been contacted by lobbyists for the

pharmacists and given what may sound, on face value, as legitimate arguments to oppose this measure. I would like to touch on some of the testimony that was made in the committee hearings and some of the statements that have been made.

First, one statement that has been made is "No states presently permit prescription drug prices advertising." This is false, as nine states do permit advertising and many more do allow or require posting. There has been testimony that the F.D.A. has opposed prescription drug price advertising. The fact is that the F.D.A. has taken no position. It just regulates advertising where it is permitted.

There has been testimony that the Federal Trade Commission opposed prescription drug price advertising. The fact is, the Federal Trade Commission strongly favors such advertising.

There has been testimony that the National Council of Churches has shown a correlation between drug advertising and drug abuse. The fact is, and I would like to state from a memo that was given to us by our legislative aide that Mrs. Ruth Hargraves, the Administrative Assistant to Dr. Thomas Price, Director of the Council of Churches "Project on Drug Advertising," provided the following information; the National Council of Churches has not made any study of the connection between drug advertising and drug abuse. The project on drug advertising is concerned primarily with drug-use advertising, the type of advertising which urges the use of a certain product because of a set of claims made about it. The National Council of Churches has not take a position on drug price advertising.

One last fact that has been brought out, and it was brought out by Mr. Dyar in the House this morning, was that the federal government was preparing new guidelines for the posting of prescription drugs. Well, in contacting the Cost of Living Council and every other place we could think of, we have found no evidence at all that any such guidelines exist or are even being contemplated.

From the testimony that our committee heard on this bill, I can only conclude that the only reason that

pharmacists oppose this measure is they are afraid of having to advertise their prices.

My feeling is that advertising of price competition is the backbone of our free enterprise system. When a pharmacist sells drugs they are selling a commodity, but it is a very special commodity in that they are typically expensive, they are a necessity and they have a captive market. Because of this, I feel that the people should have the opportunity to compare prices and shop with the benefit of knowing the prices rather than within a cloak of secrecy.

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

Mr. WHITZELL: Mr. Speaker and Members of the House: As a signer of the minority bill that came out of committee, and as the circulator of the information survey which showed the great variance in cost of one drug over another, the survey that was conducted by the Kennebec Journal in the Augusta area, I would like to add a few things to the comments in favor of this legislation.

"While the Code of Ethics," which was mentioned earlier by the gentleman from Calais, Mr. Silverman, while they do not have the force of law, it is bound into the laws and regulations distributed by the Maine Commission of Pharmacy. They are not state laws. The prohibition against drug advertising is being challenged in other states both by specific drug stores and consumer groups.

"One chain to attempt price advertising is the 178-store Osco Drugs Inc., which operates in 17 states and publicly lists the prices of its 100 most common prescription drugs.

"In one state its pharmacists were charged with "gross immorality," in another its druggists' licenses were suspended and in others price signs were taken down under court order.

"Other druggists and pharmacist-training schools also reacted against Osco's advertising policies.

"Another multi-state chain ran into trouble with its discount plan for elderly consumers, and discount drug stores have had difficulty obtaining licenses in other states.

"While drug associations maintain restrictions on advertising that they are necessary to maintain professionalism and protect the consumer, others charge it is simply another means of limiting competition.

"It has been reported in fact, the Justice Department is looking into the possibility of the antitrust action against the American Pharmaceutical Association as a possible party to suppressing price competition in retail medicine market.

"The Pennsylvania Supreme Court struck down that state's prohibitions against price advertising because it dampened price competition in the retail sale of drugs, and a federal court in North Dakota stopped the suspension of a drug store's license by the State Board of Pharmacy.

"State laws banning advertising collide head-on with the President's Phase II Price Controls which require retail stores to post the prices of their top 40 articles."

Now we know that Phase II has gone by, but even at that time the stores were not required.

I have a letter from a consumer that was writing in regard to the price advertising bill that was before this body two years ago. "Jerry Durnbaugh who was the writer who did the survey did the consumers a service by his revealing article on drug pricing practices in Augusta. Hopefully, the druggists will be ashamed enough so that a better system can be adopted. It is not surprising that the State Commission on Pharmacy has adopted certain rules and regulations which allow arbitrary price-fixing to take place outside the regular competitive pressures or normal business practices.

It is sort of funny to see the druggists hiding behind their own rules as if they had been established by neutral people.

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

Mr. BITHER: Mr. Speaker, Ladies and Gentlemen of the House: I won't bore you with any long dissertation about lists and one thing and another, because I don't know too much about it anyway. But I will say this; that I voted against this bill a year ago, or a similar bill. But I would like to tell you that I

think I am a living example of the price of drugs.

Some time ago my family and my doctor decided that I needed to be toned down a bit — and I still need it, someone says — so they put me on tranquilizers. And I was given Milltowns, 400 gram. Those are the big ones; I bite them in two. And a bottle of a hundred costs, at that time, this was some time ago, twelve to fourteen dollars. Twelve and fourteen, depending on where I bought them. Finally, I sent to the A.A.R.P., which is the American Association of Retired Persons, or retired teachers and anyone over 55 can join it. I sent to those people and I got the same, exactly the same thing, for \$7.25, just about one-half. Then a doctor friend of mine down in Jonesport advised me the next time I got a prescription to order Metrobanate, which is the real name for this drug. And so I ordered Metrobanate from this same concern, A.A.R.P., and got a hundred of the same pills which cost me \$7.25 and now cost me \$2.75. Incidentally, they have gone up slightly. I got some a month ago and they cost me \$2.99.

I have this doctor who is a friend, socially I mean, and he showed me his list. He can get the same thing, Metrobanate, from a profit-making organization; Metrobanate, 1,000 not a hundred, but 1,000 for \$2.85. Now there is a tremendous spread in the price of drugs.

I did not vote for that bill a year ago. I am voting for it now because I think anything that we can do that will reduce the price of drugs will be a help.

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

Mrs. BERRY: Mr. Speaker and Members of the House: I base my vote on the fact that this very same legislature last year voted for an order that would study these two bills; speaking of two bills, I mean the one for brand names and this one on pricing. This was not done. This study has not been made, and I don't feel as though I know any more about things than I did last year when we voted to send this out for study. This is one reason I voted against the bill.

I think it should also be pointed out that most pharmacies give the senior

citizen now a discount. And I wonder, if this pricing goes into effect, if the citizens would still be allowed a discount at these pharmacies. I think there is a lot to be studied here, and this is my reasoning behind voting against the bill.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I am opposed to this bill for this reason. I do some advertising, and it has to be added on the cost of merchandise I sell. And I presume when a product is advertised the benefactor will be the man in the advertising business, and the loser will be the people who buy the drugs. Because the cost of advertising has to be added to the cost of the merchandise. It could very well cost them more. At least the people that buy from my stuff when I advertise, it costs them more because I add the cost of the advertising to the cost of the merchandise, and I presume that the druggist will do the same. Therefore, it will cost them more money and the benefactor will be the advertiser.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker and Ladies and Gentlemen of the House: I have struggled over this bill. I am concerned about the price of drugs because I am aware of cases where there are different prices for the same thing at different places in the state.

I went to the hearing. I sat there for most of it, and I learned there that although they didn't like the idea druggists were willing to post prices in the stores. And if this bill carried just that provision, I could support it. But since it goes further than that and into the advertising area, which means that you are going to be able to put a list of 150 items in the newspaper or a flyer, I submit to you, ladies and gentlemen, that 150 items is quite a lot. There is 150 right there on the roll call. The ability to compare these, compare the names of these drugs outside of the drug store where you couldn't confer with the professional druggist would be difficult. And although I would like to support something that would help out in

determining the price of drugs in the drug stores, I reluctantly am going to have to go against this bill.

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

Mr. DYAR: Mr. Speaker and Members of the House: I would like to speak on the statement made by the gentleman from Houlton, Mr. Bither, in regard to his problem. Now, Miltown is the Cadillac of that particular drug, of that field. Under the present law, if Mr. Bither had been so inclined, when the doctor prescribed Miltown for him, he could have asked for the generic derivatives, which is the one he was getting for, I believe, \$7.00. I believe the one he is getting now for \$2.50 from A.A.R.P. is another generic derivative. So the individual with a prescription does have the right at the present time to ask their physician for the generic derivative or the generic substitute of the name-brand drugs. And this is the problem with this advertising. Under the law they are not supposed to substitute a generic for a name brand.

When you get the druggists in the State of Maine in a financial position where they are having to compete with units such as A.A.R.P. which is buying tablets by the millions and possibly billions, competing with a small-town druggist who is buying that same drug by the thousand, this is where you get your price differential. So, in essence, people here in the rural areas, if you have got a small-town drug store at this present time and he is forced to compete with A.A.R.P., let me tell you, a couple of years from now the 8 cent stamp, where you order the A.A.R.P. and the cost of mailing it back will be your responsibility, because that druggist is going to be out of business.

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

Mr. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: I would just like to make one observation here, since I have been listening to the opponents of the minority report.

And it strikes me that the main opponents to the minority report are all businessmen, who I assume would be strong supporters of the free enterprise system. And I find it hard to understand

how they can stand and support an idea prohibiting advertising which I feel is contrary to the idea of a free enterprise system where people can pick and choose what they want to buy.

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

Mr. WILLARD: Mr. Speaker, Ladies and Gentlemen of the House: May I pose a question to some member of the committee who will explain to us exactly what the difference is between a brand name drug and a generic drug?

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

Mr. LAPOINTE: Mr. Speaker and Ladies and Gentlemen of the House: First of all I would like to preface my reply to the question in that it is not relevant to the issue that we are discussing now. In no way are we talking about generic drugs per se. We are talking about the advertising of prescription drugs.

In order to answer your question, the brand name drug is a drug that is put on the market by a pharmaceutical firm. Generally, they have, as I understand it, a patent on this particular name or brand, this particular drug. But every drug has chemical equivalencies. That is, they are comprised of chemical compounds, and the chemical compound is given a chemical name which is oftentimes referred to as the generic name.

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

Mr. WILLARD: I don't think that answers my question. Just who makes the generic drugs and who makes the brand name drug? As I understand it, the generic drugs, a lot of them are imported from either England, Japan. They could come from anybody. They could be made by a fly-by-night outfit or a get-rich-quick outfit, and they could go out of business any time. And they certainly had sad experiences in Germany with generic drugs, for instance, where millions of children were born without arms or legs.

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

Dr. SANTORO: Mr. Speaker, Ladies and Gentlemen of the House: I was not

going to get involved in any of this discussion, but it came up, this point of brand drugs or generic drugs, but this is not in the bill anyway. But to explain some of these cases, when Miltown was first made, it was created by the Wallace Company. And beyond that, there was about a million dollars spent in order to create the drug and experiment it for five years, give free samples to the hospitals, and finally Miltown was put on the market and approved by the F.D.A. The price was \$12.00, \$10.00, and the cost to the wholesaler was \$7.95 per hundred.

Now, the gentleman says he bought through the discount house, which we have places where you can buy drugs when you retire, discounted almost 30 percent. And you can buy that for \$7.95, or a little more than what it cost. And we have drug stores throughout the State of Maine that do that, only 10 percent above cost.

Now, when a certain amount of years has gone by, and so that that particular company has revaluated its funds, in other words, they got their money back, then the drug can be produced by anyone. But they are going to use the ingredients, the chemical ingredients, that go in the drug, but they cannot use the name. So that is where brand names come from. Now when you create a matter for me you don't have to go through research that is gone through before when you didn't create the Miltown because it is already approved; it has been used in hospitals; it has been used by patients. That can be sold anywhere from two dollars to seven dollars. It depends on the people who distribute the drugs who makes it out. Any drug manufacturer can make those up. And the price varies, depends on the integrity of the manufacturer. So that is where the difference is, either you buy a Cadillac or you buy a Pinto. If I am sick, and my daughter is sick, and I want a good drug, I don't give a damn how much it is going to cost I buy it because I want the best.

The SPEAKER: The Chair would caution the gentleman to be prudent with his language please.

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

Mr. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: As a member

of the Health and Institutional Committee, we had this bill before us during the regular session, it reappeared here during the special session. I feel that we had a good hearing on both occasions. Practically the same individuals came and gave almost identical information both times. I think I agree with Representative Morton, that I could go along with the posting of drugs in the drug store if that were all the Amendment 2503 included.

This morning I feel that I am obligated to go with the "Ought not to pass" report of the committee because of the reason that this involves advertising in newspapers which I don't think is a practical thing to do. And I would hope this morning you would accept the majority "ought not to pass" report.

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

Mr. FRASER: Mr. Speaker and Members of the House: The senior citizens have been felt sorry for today, and many of them should be. As you heard a couple of weeks ago, I qualify, I am a senior citizen.

Now we are talking about buying medicine from the American Association of Retired People. I buy medicine from them, and my druggist knows it, and he knows why I do it. And he knows also that he cannot do anything about it. Now I want to give you an example of a drug that I had to buy about a month ago. My doctor gave me a prescription and I went to my druggist and it cost me \$14.75. I got home and I told my wife I thought that was pretty high. So I asked my doctor to give me a duplicate prescription. I sent it to the American Association and I got that back and it cost \$13.75. Now I don't believe my druggist was gypping me at all, and I don't believe he does on any of his prescriptions.

Another thing, I had an occasion here some time ago on a holiday to have a prescription filled. And my druggist left his home and came down and filled it. I don't know how you are going to do if you are going to be shopping around. If you shop around a druggist is not going to do this. And I would like to be on the right side of my pharmacist because I trust him. And a roll call vote on this issue

gets back home, and when he sees I voted for it he will think I don't trust him. I wouldn't want him to feel that way.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: I sat on the same Committee of Health and Institutions. And I also heard this bill twice, during the regular session and the special session. I think many of the issues are being a little confused with the bill. We are talking about generics, we are talking about advertising. I think we need a little more time with this so I move we table this until the year 2000.

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

Mrs. McCORMICK: Mr. Speaker and Members of the House: Also having served on this committee, I would also like to go along with the remarks made by Mr. Lewis, when he stated that the majority of the committee would have gone along with the posting. It is the advertising that we objected to. As you can see from the redraft and the report that came out there were only three on the committee that wanted the advertising. If they had left the advertising out and wanted just the posting I think the majority of the committee would have come out with that report. It is not the posting we object to, it is the advertising.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I might remind my very dear colleague from Union that she probably could have signed out a report just on the opinion that she stated here today.

I think of all the arguments heard, and I voted against the bill a year ago, but all the arguments that were heard here, I think Representative Bither gave the best demonstration, he paid \$14.00 for a prescription that he ended up paying \$2.00 for. That is all you have to consider right there.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: One thing hasn't been brought up here. Maybe Mr. Bither paid the differential. Now myself I take intravenous and intramuscular of two different drugs every day. I take B-12, one million milligrams. Now if I take this with a Squibb which has a different base, sure it cost me less money. Now some of these others which I buy I have a great reaction to them. There is much difference whether you are buying B-12 in one or in another. And other drugs are the same. I think most of your people go get a prescription from a doctor, they don't know what it says in the first place. I think they should be acquainted with the kind of drug they are buying.

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the Committee on Health and Institutional Services: Last year when this bill was defeated in the other body, not in the House, we passed it here in the House, I put in an order for a study. And surprisingly as it is, back in July, it was probably the last day before we left, I left one piece of paper inside my desk, that was a joint order for that study. And that is where it stayed, in seat 29. Nobody did anything about it. I am asking you in behalf of the people who need prescription drugs in this state, and in behalf of the druggist who we have heard do such a fine job; allow the people of this state to know the prices of those prescription drugs. This is what we are asking. If they are doing a good service, they will keep their customers I am certain they will. But if the people in this state through advertising can get better prices on their needed prescription drugs I think this law should be passed today. As far as the people who said, "we will go for posting but not for advertising," I say to you, let this bill live. If you have got the votes to amend out the advertising of prescription drugs, then you can do it, and then at least we will have posting. It is a start in the direction we want. I personally favor advertising of prescription drugs for the people of this state but I ask you do not kill a bill that is

needed. And let this bill show that the special session of the 106th legislature were concerned with the people of the State of Maine, the people back home, and the people who need prescription drugs.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I dislike to prolong this, but I have questions. I conferred with a most successful and respected physician in the Portland area. And I asked him, "What is the story on prescription drugs, generic drugs?"

He said, "We doctors prescribe drugs; they are name brand drugs; because we have confidence in them. Right at this time there are a great many drugs coming in from Italy, coming in from Russia, coming in from other countries." And he said, he has told me that, "we prescribe the name brand drugs because if there is any fault with a drug, that is not a name brand drug, we doctors are held financially responsible."

Doctor Santoro made another suggestion, he said, "When I prescribe drugs and when I use drugs myself, I use the best, I don't fool around with some of these generic drugs manufactured by companies we don't know, not in this land."

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: This is my fourth consecutive winter down here, both in regular and special session. And I think that this also holds true for the gentleman from Calais, Mr. Silverman. In that period of time, if my memory serves me correctly, we have never voted together once. If we ever did one of us made a mistake. I just want to say that today I am voting with Mr. Silverman.

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

Mrs. BERRY: Mr. Speaker and Members of the House: I voted against this bill, but I am willing to vote for it

today to keep it alive to see if we can do something with it on posting.

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 the Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I am sorry to get up at this late hour on this measure, but I have gotten up every time this bill has been presented. And my respect, feeling, for the gentleman from Calais, Mr. Silverman, he knows. I am going to tell you something now; that I invite any one of you as a guest in my home, I invite you anyway. But if we open up the ice-box the first two rows are rows of round bottles with pills in them ranging from \$1.60 to \$23.80. And I checked them this morning. Now, I am going to tell you something right now, if you pass this bill and what you are doing is inviting counterfeit drugs, that is exactly what you are inviting.

Now I want to travel first-class about a lot of things, and I can't afford to travel that way among some things. But if it means giving up a necktie, believe you me, I want to travel first-class as far as the prices are concerned. The doctor, who is absolutely qualified, believes in a certain type of drug. He prescribes. That prescription I take religiously to the druggist who is a competent druggist, and he fills that prescription. The price he puts on, that is his business. If he wants to do business with me, the price I charge him, that is my business. But remember this, if you pass this bill, then you are inviting counterfeit drugs. That is exactly what you are doing.

There was the argument the last time that I was voting because of the gentleman who used to be the Speaker and he was also lobbying for the people I was working for. He is not around, so I am a free-lancer today. I was then, but let's say that I am a definite free-lancer today.

This is a bad bill!

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

Mr. GOODWIN: Mr. Speaker and Members of the House: I would like to answer a few misconceptions that have been strewn upon the House here this morning, and one of them by the last speaker. This bill does nothing to change the relationship between the physician and the pharmacist. If the physician writes a prescription, that is the prescription that you are going to get. The only thing this bill will allow you to do is to look in the newspaper or go down to the pharmacist and check that price list and find out which pharmacist will give you the best price for that prescription drug that the physician wrote for you. It will have nothing to do with generic drugs, which I signed the report out "ought not to pass." And the other bill we have which hasn't come before you yet has nothing to do with drugs coming from out of this country and has nothing to do with counterfeit drugs. All it allows you to do is, a person buying a prescription drug can check the various pharmacists in your area and see which one has the best price. It has nothing to do with generic drugs or anything else.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The last speaker never could be more wrong in his life. It is common knowledge that I will gamble on what side of the House the Senate is getting on, that window or that window, at any time, but I am not going to gamble on your lives and I certainly am not going to gamble on mine. And when it comes to drugs, I am going first class. That means I am going to get this bill. So to clear the thing, Mr. Speaker, I move this bill and all of its accompanying papers be indefinitely postponed, and when the vote is taken, I want a roll call so my light will go on first.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves the indefinite postponement of this Bill and all accompanying papers and requests a roll call.

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

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: I oftentimes don't like to disagree with the gentleman from Lewiston, Mr. Jalbert, but I would like to set the record straight — the real record straight. This bill, in no way, in no way whatsoever, has anything to do with counterfeit drugs or second-rate brand drugs or generic drugs from Italy or Russia or Yugoslavia or any place for that matter. This bill does one thing and one thing only, it allows the pharmacist, gives him the legal authority to post the prices of those drugs and they can be first-rate brand name drugs or advertise those drugs.

Mr. Speaker, Ladies and Gentlemen of the House, I would like to also point out one other aspect of this argument that seems to be overlooked, and that is that the pharmacist is governed by a professional ethic, and that ethic would not allow him in any way to deviate or jeopardize the therapeutic relationship between himself, the physician and the patient. He has an ethical responsibility to the patient to assure him that the drug that he is giving him, regardless of whether it is advertised, his price is advertised or his price is posted. So, ladies and gentlemen of the House, I submit that the gentleman from Lewiston is adding a little humor in this and is flipping cue cards to me, but I would like to point out that he is absolutely dead wrong.

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

Mr. WHITZELL: Mr. Speaker and Members of the House: I would like to say that I know that I don't stand alone while I tell you a story about the need for lower drug prices. I walked into a trailer during my last campaign and found a man who was suffering from Parkinson's disease. Now, Parkinson's disease was bad enough, but the real futility was that he couldn't afford to buy the prescribed drug that would give him relief from the Parkinson's disease. And if any of you have seen old people with Parkinson's disease, you would sympathize with this man.

That is not the only one. Before I finished the week out, the lady that lives

in our house — we have a small apartment — had a prescription that her doctor had given her that cost her \$16.20. It was to treat her high blood pressure. She took one capsule which made her pass out and was unable to take any more of those pills. She called her doctor and said, "I will not take these pills, here's the reaction I had." He said, "That's right, don't take any more." I called the pharmacy and asked that they refund her \$16.20, in which case they answered, "Sorry, we can't take back used drugs."

A third case was an unemployed factory worker that I spoke to last week who had severe pain from a bursitis condition that was aggravated by striking at her place of work, so she was looking at workmen's compensation, possibly, but they hadn't ruled on it, who had a prescription in her purse to relieve the pain. But she could not afford to have that prescription filled because she already owed the pharmacist.

There are many Yankee people like here who will not, if they can't buy it out of pocket today, go down and attempt to charge it. So those people go without the medicines that they really need to alleviate their condition. And if every one of you here wanted to stand up and tell of similar situations, we could be here until Sunday morning. But every one of you have come across the same kind of situations, and what we are doing is, we are hoping that you will act reasonably, allow a reasonable bill to be passed. A reasonable bill will allow the posting and shall allow, if the pharmacist desires, the advertising of these drugs, and I would hope you would vote no on the last motion made.

The SPEAKER: A roll call has been ordered. 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 Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: Even though I signed the Minority "Ought not to pass"

Report, I think I am willing to eat crow this morning and go along and vote against the motion on the floor in order to keep the bill alive in anticipation that it will be amended and take out that part of it that would permit advertising in the newspapers.

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

ROLL CALL

YEA -- Brawn, Brown, Bunker, Cameron, Churchill, Cottrell, Cressey, Curran, Davis, Deshaies, Donaghy, Dudley, Evans, Ferris, Flynn, Ferris, Fraser, Good, Hamblen, Hoffses, Immonen, Jackson, Jalbert, Kelley, Keyte, Maxwell, Morton, Najarian, Parks, Pratt, Ricker, Shaw, Simpson, L. E.; Soulas, Strout, Theriault, Trask, Willard.

NAY — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Birt, Bither, Boudreau, Bragdon, Briggs, Bustin, Carey, Carrier, Carter, Chick, Chonko, Clark, Connolly, Cooney, Cote, Crommett, Curtis, T. S., Jr.; Drigotas, Dunleavy, Dunn, Dyar, Emery, D. F.; Farley, Farnham, Finemore, Gahagan, Garsoe, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Haskell, Herrick, Hobbins, Huber, Hunter, Jacques, Kauffman, Kelleher, Kelley, R. P.; Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, Mahany, Martin, McCormick, McHenry, McMahon, McNally, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Mulkern, Murchison, Murray, Norris, Palmer, Perkins, Peterson, Pontbriand, Rolde, Rollins, Ross, Santoro, Sheltra, Shute, Silverman, Smith, D. M.; Smith, S.; Snowe, Stillings, Talbot, Tierney, Twitchell, Walker, Webber, Wheeler, White, Whitzell, Wood, M. E.; The Speaker.

ABSENT — Binnette, Conley, Dam, Dow, Farrington, Faucher, Fecteau, Gauthier, Genest, MacLeod, Maddox, McKernan, O'Brien, Sproul, Susi, Tanguay, Trumbull, Tyndale.

Yes, 37; No, 96; Absent, 18.

The SPEAKER: Thirty-seven having

voted in the affirmative and ninety-six in the negative, with eighteen being absent, the motion does not prevail.

The pending question now is on the motion of the gentleman from Strong, Mr. Dyar, that the House accept the Majority "Ought not to pass" Report, a roll call having been ordered. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bragdon, Brown, Bunker, Cameron, Cressey, Curran, Davis, Deshaies, Donaghy, Dudley, Ferris, Flynn, Fraser, Hamblen, Hoffses, Hunter, Immonen, Jackson, Jalbert, Kelley, LeBlanc, Maxwell, Morton, Najarian, Norris, Parks, Pratt, Ricker, Shaw, Simpson, L. E.; Soulas, Strout, Theriault, Trask, Twitchell, Willard.

NAY — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Birt, Bither, Boudreau, Brawn, Briggs, Bustin, Carey, Carrier, Carter, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cottrell, Crommett, Curtis, T. S., Jr.; Drigotas, Dunleavy, Dunn, Dyar, Emery, D. F.; Farley, Farnham, Finemore, Gahagan, Garsoe, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Haskell, Herrick, Hobbins, Huber, Jacques, Kauffman, Kelleher, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, Lewis, E.; Lewis, J.; Littlefield, Lynch, Mahany, Martin, McHenry, McMahon, McNally, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Mulkern, Murchison, Murray, Palmer, Perkins, Peterson, Pontbriand, Rolde, Rollins, Ross, Sheltra, Shute, Silverman, Smith, D. M.; Smith, S.; Snowe, Stillings, Talbot, Tierney, Walker, Webber, Wheeler, White, Whitzell, Wood, M. E.; The Speaker.

Yes, 36; No, 93; No, 22.

The SPEAKER: Thirty-six having voted in the affirmative and ninety-three in the negative, with twenty-two being absent, the motion does not prevail.

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

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

Bill "An Act Providing Emergency Funds for Staffing a Fuel Allocation Office Within the Bureau of Civil Defense for the Fiscal Year Ending June 30, 1974 (S. P. 834) (L. D. 2366) (S. "A" S-344) Emergency

Tabled — February 13, by Mr. Birt of East Millinocket.

Pending — Motion by Mr. Kelleher of Bangor that the House reconsider the failure of Final Enactment

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I think it would be important for this House to reconsider its action, because the people who are running the Fuel Allocation Office and to sustain this office needs the funds that will provide it out of the Appropriations Committee. I understand that there are some hangups here by members of the House as far as the Civil Defense Office is concerned and its productivity at the present and in the past. My suggestion to the House is that you reconsider this bill that is before us and if you have some problems with the Civil Defense, their budget is still before the Appropriations Committee and it is going to be coming back in here. If you think there should be some removals over there — and I am not necessarily disagreeing with your thoughts, then we can do it at this time.

I think we would be remiss if we failed to reconsider and then finally enact this bill.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House reconsider its action whereby this Bill failed of passage to be enacted as an emergency measure. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

82 having voted in the affirmative and 50 having voted in the negative, the motion did prevail.

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: Continuing the line of thought of Mr. Kelleher, the Appropriations Committee, yesterday,

appointed a subcommittee of myself, Representative Jalbert, Representative Norris, who are charged with the responsibility of examining the total operation of Civil Defense to determine what positions might be eliminated from the budget. This we are going to do as expeditiously as possible, and I agree with the line of thought that the public does look to the legislature for some constructive action in the field of the energy crisis, and certainly we have to have in place the apparatus to take care of fuel rationing, if it does come. The proposition before you is temporary funding of this operation between now and the first of July, and I think it is the responsible course to give it emergency passage that is called for.

Thereupon, Mr. Norris of Brewer requested a roll call vote.

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

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

The SPEAKER: The pending motion is passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Binnette, Birt, Bither, Boudreau, Bragdon, Briggs, Brown, Bunker, Bustin, Cameron, Carey, Carter, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Davis, Deshaies, Donaghy, Drigotas, Dunleavy, Dyar, Emery, D. F.; Evans, Farley, Farnham, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Haskell, Herrick, Hobbins, Huber, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LaPointe, LeBlanc, Lewis, E.; Littlefield, Lynch, Mahany, Martin,

Maxwell, McHenry, McMahon, McNally, McTeague, Mills, Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, Palmer, Parks, Perkins, Peterson, Pontbriand, Pratt, Ricker, Rolde, Rollins, Ross, Santoro, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Stillings, Strout, Talbot, Tanguay, Theriault, Tierney, Twitchell, Walker, Webber, Wheeler, White, Whitzell, Willard, Wood, M. E.; The Speaker.

NAY — Berube, Brawn, Carrier, Chick, Cote, Dunn, Hamblen, Hoffses, Hunter, Immonen, Lawry, Lewis, J.; McCormick, Merrill, Morin, L.; Trask.

ABSENT — Crommett, Dam, Dow, Dudley, Farrington, Faucher, Fecteau, Gauthier, Genest, MacLeod, Maddox, McKernan, O'Brien, Sproul, Susi, Trumbull, Tyndale.

Yes, 118; No, 16; Absent, 17.

The SPEAKER: One hundred eighteen having voted in the affirmative and sixteen in the negative, with seventeen being absent, the motion does prevail.

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

The SPEAKER: Will the Sergeant-at-Arms please escort the gentleman from Eagle Lake, Mr. Martin, to the rostrum.

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

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

Bill "An Act Relating to the Dredging, Filling or Otherwise Altering of Rivers, Streams and Brooks" (H. P. 1955) (L. D. 2490)

Tabled — February 13, by Mr. Birt of East Millinocket

Pending — Passage to be engrossed

The SPEAKER pro tem: The Chaaaaair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, I move that this Bill be recommitted to the Joint Committee on Judiciary.

The SPEAKER pro tem: The gentleman from Standish, Mr. Simpson,

moves that this Bill be recommitted to the Committee on Judiciary in non-concurrence.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I don't know what the reason is to send it back to Judiciary, but we had a couple of bills that were sent back to Judiciary recently, and we have got more troubles now than we had before. If we are going to come out with any good, I suppose it is worth the trouble. But this particular bill, as you will notice, I think it has a few amendments to it and everything else, and I think that maybe somebody is pushing our patience or our knowledge or something, but I really have great reservations about sending this back to Judiciary.

Thereupon, the Bill was recommitted to the Committee on Judiciary in non-concurrence and sent up for concurrence.

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

Bill "An Act to Errors and Inconsistencies in the Education Laws" (S. P. 895) (L. D. 2488) Emergency

Tabled — February 13, by Mr. Birt of East Millinocket

Pending — Passage to be engrossed

Mr. Dyar of Strong offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-682) was read by the Clerk.

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

Mr. SIMPSON: Mr. Speaker and Members of the House: I don't have this amendment on my desk. I would like to ask if it has been distributed, and I would like to at least have a copy of it.

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

Mr. DYAR: Mr. Speaker and Members of the House: This amendment was distributed yesterday. What it does, back in the 104th Legislature we made an attempt to allow the people living in the unorganized townships to go into a school administrative district, who are

registered voters within a municipality of the school administrative district the right to vote and speak at a school budget meeting. This is a rural bill. It does not refer to any of the metropolitan areas or the urban areas of the State of Maine.

In the 105th, this was allowed. In the 106th, under the Errors and Inconsistencies Education bill, it added, "and resides within a certain municipality." This disenfranchises the people in the unorganized township.

Under the present law, these people are represented by the Commissioner of Education, but I doubt if any of you have ever seen the Commissioner at a school budget meeting in a rural area, so I think these people are disenfranchised.

The Equal Protection clause of the United States Constitution guarantees this right to them. So what this amendment does, it says, "Each person whose name appears on the municipal voting list of the municipality within the district may attend and vote at a district meeting." It strikes out the words, "and resides within said municipalities."

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

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

The SPEAKER pro tem: The Chair will order a vote. The pending question is on the motion of the gentleman from Bath, Mr. Ross, that this matter be tabled pending the adoption of House Amendment "A" and tomorrow assigned. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

55 having voted in the affirmative and 34 having voted in the negative, the motion did prevail.

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

Bill "An Act to Clarify the Real Estate Subdivision Law" (S. P. 890) (L. D. 2485)

Tabled — February 13, by Mr. Donaghy of Lubec.

Pending — Motion of Mr. Briggs of Caribou that the House adopt House Amendment "A" (H-679)

The SPEAKER pro tem: The Chair

recognizes the gentleman from Caribou, Mr. Briggs.

Mr. BRIGGS: Mr. Speaker, Ladies and Gentlemen of the House: Even though the hour is late, I won't ask you again today to table it until later in today's session.

This is a very simple little amendment. It is sort of a housekeeping matter, actually. The only trouble is, it has had quite a lot of cooks operating on it. What it sought to do originally was to make clear that which was not very clear. Now we have had three shots at making it clearer, and if I may, I would like to withdraw House Amendment "A", which was my amendment, which I believe is not as clear as this present one that I have. Is that permissible, Mr. Speaker?

Thereupon, House Amendment "A" was withdrawn.

Mr. Briggs of Caribou offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-689) was read by the Clerk.

The SPEAKER pro tem: The Chair recognizes the same gentleman.

Mr. BRIGGS: Mr. Speaker, Ladies and Gentlemen of the House: What this applies to is our terribly important municipal land subdivision law which a very great deal of work was done on during the regular 106th session. It simply sets out to make clear — I can describe it this way for you. As you probably know, any piece of land divided into three parcels or more is a subdivision, so it has to come under the municipal land subdivision act for regulations and requirements.

Now were this a parcel of land, this piece of paper that I am displaying, we could call this parcel "A" and it would belong to someone, presumably the gentleman from Bath, Mr. Ross, or some such distinguished person as that of substantial means and position in his community. Now Mr. Ross, the gentleman from Bath, decides, because of the good will that he has in his heart, to sell off a small portion of that land down in one corner to a friend that he has had for a great many years, so he sells this portion of land down in the corner and we call that "B". So that is two parcels according to the barristers on

the second floor with whom I have been in communication.

What this amendment will do, it will make clear that when the third parcel is set off making it in fact come under the requirements of the municipal land subdivision law, this man that Representative Ross sold to originally will not be harmed. In other words, even though the subdivision doesn't qualify, as it is divided into the third parcel, the fellow who bought the first parcel from Mr. Ross will not be affected. However, it does say that that man's land may be considered in the whole question for whether or not the subdivision is legal and acceptable. But his home that he has constructed there will be held from harm. I hope and pray, dear friends of the House, that at this late hour I have made this no more complicated than the various amendments have already done. I thank you very much, indeed.

Thereupon, House Amendment "C" was adopted.

The Bill was passed to be engrossed as amended by House Amendment "C" in non-concurrence and sent up for concurrence.

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

Bill "An Act to Prevent Physically Handicapped Discrimination under Human Rights Act" (H. P. 1665) (L. D. 2058) (H. "A" H-688)

Pending — Passage to be engrossed.

The SPEAKER pro tem: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: I want to thank you for tabling this item a number of times so that I would have the opportunity to present an amendment. The bill as reported out of committee and amended by Mr. Bither is a worthy and fine piece of legislation. With the acceptance of my amendment, I am sure you will border on the excellent.

What this amendment does is require that all buildings or facilities constructed specifically as a place of public accommodation on or after September 1 of this year shall have accommodations suitable for a

handicapped person to use. It specifically grandfathers all construction that is in existence at that date.

I offer House Amendment "C" and moved its adoption.

House Amendment "C" (H-688) was read by the Clerk.

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

Mr. McTEAGUE: Mr. Speaker, I would ask a question of the gentleman from Wayne, Mr. Ault, regarding his House Amendment "C". Does this apply not only to the case of public buildings but also any place of public accommodation, even though privately owned?

The SPEAKER pro tem: The gentleman from Brunswick, Mr. McTeague, poses a question through the Chair to the gentleman from Wayne, Mr. Ault, who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that public buildings owned by municipalities or any governmental organization are covered now. What this does cover is privately owned accommodations.

Thereupon, House Amendment "C" was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" and House Amendment "C" and sent to the Senate.

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. Martin of Eagle Lake returned to his seat on the floor, amid the applause of the House, and Speaker Hewes resumed the Chair.

(Off Record Remarks)

Mr. Bither of Houlton was granted unanimous consent to address the House.

Mr. BITHER: Mr. Speaker and Members of the House: I would like to point out to you one thing we did with item 13, which was tabled one day. The

gentleman from Bangor, Mr. Murray, was a little slow in getting on his feet.

This bill should have gone through today because SAD No. 1 in Presque Isle, their time runs out tomorrow. They cannot borrow any more money until we get this bill well through the mill. And I would like to ask you — one of the things that allows them to borrow money, according to the bank's legal attorney in Presque Isle, is one of the items we have in errors and inconsistencies. I would like to ask you, Mr. Speaker, if we could rescind our action by which we tabled this bill.

The SPEAKER: The Chair would inform the gentleman that we may not reconsider a tabling motion. The matter has been assigned for tomorrow.

Mr. BITHER: We have made a bad mistake now, I will tell you.

Mr. Whitzell of Gardiner was granted unanimous consent to address the House.

Mr. WHITZELL: Mr. Speaker and Members of the House: During the course of the month of February, the half of it that is gone already, we have honored many men both in the House and there were some stirring speeches made about great men who are honored in February, born in February, such as Abraham Lincoln and George Washington. I am sure there are many many others. One of these men is here today that couldn't be here one year ago because he was hanging sort of by a thread to life. Since Monday is officially his birthday, and he is not going to be here Monday, nor are we, I think that we could pay tribute to him today and honor him today for being born on February 18. The gentleman I am talking about is my good friend and compatriot, Robert Soulas. (Applause)

Mr. Hancock of Casco was granted unanimous consent to address the House.

Mr. HANCOCK: Mr. Speaker and Members of the House: I am really speaking out of turn, because I am a long ways from being the House Chairman of the Election Committee, but if my memory serves me correct, we have reported out some bills from that committee. I would also like to remind

the House that there were some bills referred to us this morning, I received another within a half hour on my desk, and we do have executive sessions for next week. I don't know if there are other mistakes involved or not. I do want to say this, I agree entirely with the thrust of Mr. Simpson's remarks. We have got

to get busy; I agree with that. I am not sure that in every specific detail it is a hundred percent correct.

On motion of Mr. Birt of East Millinocket,

Adjourned until nine o'clock tomorrow morning.