

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth  
Legislature*

OF THE

STATE OF MAINE

**Volume II**

**April 23, 1973 to June 5, 1973**

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Wednesday, May 9, 1973

Senate called to order by the President.

Prayer by the Rev. Richard Cleaves of Winthrop.

Reading of the Journal of yesterday.

**Papers from the House  
Non-concurrent Matter**

Resolve, Providing Funds for the Maintenance of Ocean Beaches. (S. P. 278) (L. D. 826)

In the Senate May 7, 1973, Passed to be Engrossed.

Comes from the House, the Minority Ought Not to Pass report Read and Accepted.

On motion by Mr. Danton of York, the Senate voted to Insist.

**Joint Order**

WHEREAS, spelling is a skill to propagate for, if properly developed and integrated into life's activities, it can deeply enrich and make living more adequate; and

WHEREAS, Thomas Connell, 14-year-old son of Mr. and Mrs. Kenneth E. Connell of Lewiston possesses such a skill and with it has earned the title of Maine spelling champion for 1973; and

WHEREAS, he will represent the State of Maine at the national spelling bee at Washington, D.C. during the week of June 11th; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the 106th Legislature of the State of Maine extend congratulations to Thomas Connell on his outstanding skill and achievement and offer the very best wishes of the Legislature for his future success and happiness; and be it further

ORDERED, that a duly authenticated copy of this Joint Order be transmitted forthwith to the new champion and his proud parents. (H. P. 1486)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**Committee Reports  
House**

The following Ought Not to Pass reports shall be placed in the

legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Relating to Minimum Wages for Students." (H. P. 352) (L. D. 467)

Bill, "An Act Relating to Sentence for Crime Committed by Parolee." (H. P. 358) (L. D. 473)

Bill, "An Act Relating to Zoning Certain Throughways as Commercial." (H. P. 893) (L. D. 1180)

Bill, "An Act Relating to Positions of Trust for Prisoners in Jails." (H. P. 1090) (L. D. 1422)

Bill, "An Act Relating to Support and Education of Persons 18 Years of Age and Older." (H. P. 1135) (L. D. 1470)

Bill, "An Act Providing for Suspension of Motor Vehicle Operator's License of Person Convicted of Possession of Marijuana in a Motor Vehicle." (H. P. 1219) (L. D. 1576)

**Ought to Pass**

The Committee on Appropriations and Financial Affairs on Bill, "An Act to Replace Lump Sum Financing of State Employees Retirement with Percentage Financing Based Upon Payrolls Paid." (H. P. 216) (L. D. 289)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

Which report was Read and Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

The Committee on Health and Institutional Services on Bill, "An Act to Clarify the Barber Law and Increase Certain Fees." (H. P. 387) (L. D. 516)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

Which report was Read.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I don't pretend to know anything about the content of this bill, which is very much a barber's bill, but may I ask through the Chair of any member of the Committee

whether there will be a subsequent amendment to this bill?

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed an inquiry through the Chair which any member of the Committee may answer if he desires.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Thereupon, on motion by Mr. Minkowsky of Androscoggin, tabled until later in today's session, pending Acceptance of the Committee Report.

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The Committee on Judiciary on Bill, "An Act Relating to Venue of Personal and Transitory Actions Involving the Residents of Brunswick and Harpswell." (H. P. 1169) (L. D. 1508)

Reported that the same Ought to Pass.

The Committee on Judiciary on Bill, "An Act to Place Jurisdiction of Annulment and Divorce Actions in the District Court." (H. P. 1240) (L. D. 1611)

Reported that the same Ought to Pass.

Come from the House, the Bills Passed to be Engrossed.

Which reports were Read and Accepted in concurrence, the Bills Read Once and Tomorrow Assigned for Second Reading.

#### **Ought to Pass — As Amended**

The Committee on Appropriations and Financial Affairs on Bill, "An Act to Allocate Money from the Federal Revenue Sharing Fund for the Fiscal Years Ending June 30, 1974 and June 30, 1975." (H. P. 341) (L. D. 456)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-326).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I notice that this bill is amended by H-236. Apparently it makes an attempt to dispose, for various reasons, of all our accumulated

revenue sharing dollars, or at least this is what it appears to me. Might I possibly request an explanation through the Chair of any member of the Committee to explain specifically what we are doing here?

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Sewall.

Thereupon, on motion by Mr. Sewall of Penobscot, tabled until later in today's session, pending Acceptance of the Committee Report.

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The Committee on Judiciary on Bill, "An Act Relating to Oral Settlements or Releases from Injured Persons Confined to Hospitals." (H. P. 1154) (L. D. 1487)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-327).

The Committee on Health and Institutional Services on Bill, "An Act Relating to the Registration of Osteopathic Physicians and Surgeons." (H. P. 1274) (L. D. 1677)

Reported that the same Ought to Pass as amended by Amendment "A" (H-330).

Come from the House, the Bills Passed to be Engrossed as Amended by Committee Amendment "A".

Which reports were Read and Accepted in concurrence and the Bills Read Once. Committee Amendments "A" were Read and Adopted in concurrence and the Bills, as Amended, Tomorrow Assigned for Second Reading.

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The Committee on Natural Resources on Bill, "An Act to Enable Communities to Establish Multiple Community Solid Waste Districts." (H. P. 1138) (L. D. 1520)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-321).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A" and House Amendment "A" (H-333).

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee

Amendment "A" was Read and Adopted in concurrence. House Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

#### Ought to Pass in New Draft

The Committee on Appropriations and Financial Affairs on Bill, "An Act Providing Funds for a Study of Bicycle Traffic." (H. P. 969) (L. D. 1276)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Providing Funds for a Study of the Recreational and Transportation Aspects of Bicycling." (H. P. 1480) (L. D. 1908)

Comes from the House, the Bill in New Draft Passed to be Engrossed.

Which report was Read and Accepted in concurrence, the Bill in New Draft Read Once and Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Health and Institutional Services on Bill, "An Act to Require Certain Adjustments in the Fluoride Content of Some Public Water Supplies." (H. P. 1282) (L. D. 1669)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

HICHENS of York  
GREELEY of Waldo  
MINKOWSKY  
of Androscoggin

Representatives:

DYAR of Strong  
SANTORO of Portland  
SOULAS of Bangor  
MORIN  
of Old Orchard Beach  
LEWIS of Bristol  
McCORMICK of Union  
BERRY of Madison  
GOODWIN  
of South Berwick

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Representatives:

WHITZELL of Gardiner  
LaPOINTE of Portland

Comes from the House, the Majority report Read and Accepted.

Which reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: In just looking at this bill, this would seem to be a bill that would call for the fluoridating of the water supply in the State of Maine. I know it is a bill that has been hassled over session after session here, but every study I read indicates that Maine kids have the worst teeth in the entire nation. This is demonstrated by studies with reference to people going into the service. There seems to be no question whatsoever about it.

Apparently, all the strong arguments are that if we fluoridate the water supply we can improve that condition, so I was wondering what the thinking is of the majority of that Committee in voting Ought Not to Pass.

At this time, I would make a motion to accept the Minority Ought to Pass Report, and I would like to hear an explanation of why they are opposing this.

The PRESIDENT: The Senator from Cumberland, Senator Brennan, moves that the Senate accept the Minority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate: First, I will ask for a division on the motion that has just been made, but I would like to explain that this bill doesn't have anything to do with all of the youngsters' teeth and so forth. It just takes away the referendum privileges that we now have in all of our towns in the State of Maine where they can vote for themselves whether they want fluoridation.

In the area which the Senator who has just spoken lives in, his own city has voted for it, but the other cities which have the same water, South Portland and Cape

Elizabeth, have always voted against it.

If you will notice, in the title of this bill it says "An Act to Require Certain Adjustments in the Fluoride Content of Some Public Water Supplies." That is a very misleading title because it makes mandatory fluoridation of all of our water supplies in the State of Maine. And that is the question which we are voting on this morning: whether we want to make it mandatory that everyone has to have their water fluoridated, without having a choice in their own communities or their own families, or whether they can have that choice by local referendum.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: The dental health situation in the State of Maine is well known to every member of this body. The State of Maine ranks 50th among the states in poor health in dental care. There is also no question about the fact that fluoridation in water supplies would go a far way toward alleviating that very serious dental problem.

I would support the motion to adopt the Minority Ought to Pass Report on this bill and ask for a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: I am going to vote against the passage of this legislation for a very, very specific reason: the people in my community on several occasions have had referenda, and they have very clearly indicated, at least in the City of Augusta, that they do not wish fluoridation, and I feel bound to respect that wish and reflect it in my vote. But I call to the attention of the Senate the fact that failure of passage of this legislation this morning will not make any contribution to the cause of dental health.

I think that the members of the Appropriations Committee could locate very quickly a little item of a quarter of a million dollars

that is in the biennial budget this year, and it was in last year, to underwrite the cost of dental education of various Maine students at Tufts Dental School. This is just part of the price we are paying for our lack of dental care in the state, and everything I hear indicates that fluoridation is certainly the most effective kind of care.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Brennan, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act to Require Certain Adjustments in the Fluoride Content of Some Public Water Supplies."

A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Brennan, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act to Require Certain Adjustments in the Fluoride Content of Some Public Water Supplies." A "Yes" vote will be in favor of accepting the Minority Ought to Pass Report: a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Aldrich, Brennan, Cianchette, Clifford, Cyr, Fortier, Kelley, Marcotte, Morrell, Richardson, Sewall, Speers, MacLeod.

NAYS: Senators Anderson, Berry, Danton, Graffam, Greeley, Hichens, Huber, Joly, Katz, Minkowsky, Olfene, Peabody, Roberts, Schulten, Shute, Tanous, Wyman.

ABSENT: Senators Conley, Cox, Cummings.

A roll call was had. 13 Senators having voted in the affirmative, and 17 Senators having voted in

the negative, with three Senators being absent, the motion did not prevail.

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted in concurrence.

#### Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act Relating to Challenges of Jurors in Civil and Criminal Cases." (H. P. 1151) (L. D. 1482)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot  
BRENNAN

of Cumberland

SPEERS of Kennebec

Representatives:

WHITE of Guilford  
WHEELER of Portland  
GAUTHIER of Sanford  
BAKER of Orrington  
PERKINS

of South Portland

CARRIER of Westbrook

HENLEY of Norway

McKERNAN of Bangor

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Representatives:

DUNLEAVY

of Presque Isle

KILROY of Portland

Comes from the House, the Majority report Read and Accepted.

Which reports were Read and the Majority Ought Not to Pass Report of the Committee Accepted in concurrence.

#### Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act Relating to Inspection of Jails." (H. P. 1241) (L. D. 1612)

Reported that the same Ought Not to Pass.

Signed:

Senator:

TANOUS of Penobscot

Representatives:

KILROY of Portland

BAKER of Orrington

PERKINS

of South Portland

CARRIER of Westbrook

WHITE of Guilford

WHEELER of Portland

GAUTHIER of Sanford

HENLEY of Norway

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Senators:

SPEERS of Kennebec

BRENNAN

of Cumberland

Representatives:

DUNLEAVY

of Presque Isle

McKERNAN of Bangor

Comes from the House, the Majority report Read and Accepted.

Which reports were Read.

Mr. Tanous of Penobscot moved that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: This particular bill would simply allow the Department of Mental Health and Corrections to inspect municipal jails, the jails in our towns and the jails in our cities. I don't think any one of us expect that this will result in an actual inspection in every jail in the state. The Department of Mental Health and Corrections has not the manpower to do that. But I do believe that they should have the authority to do that whenever possible. Should one of their inspectors be in an area, they should have the authority to inspect a municipal jail, just as they now can inspect the various county jails in our state.

I would oppose the motion to accept the Majority Report for that reason.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: Presently we have some local lock-ups and local jails that are in absolutely terrible condition. I

think Portland is an example; they are doing something about it by building a big police station. I understand Augusta is in terrible shape.

I feel that the people that go to these local lock-ups aren't going there voluntarily, not by choice. I think then the state has some burden to maintain minimum standards of cleanliness and to make sure that they are fit for human habitation. In the situation with the local lock-up, someone just arrested may stay there from Friday night until Monday morning and the case be dismissed against him. He is definitely in that clear area of presumption of innocence, and I think if you put someone in a place like that, the state has that responsibility, if the local municipalities are not meeting that responsibility. If there is some sort of inspection, I think, if these places aren't fit for human habitation then they should be closed down, and that is about all this bill calls for. So I would oppose the motion to accept the Majority Ought Not to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: At the public hearing there were two people present: Mr. Whitzell, the sponsor of the bill, and someone from the Department of Health and Welfare. Neither one of them had ever been to another jail other than the Augusta jail, and they could show no need in the State of Maine to have an inspection of each jail.

Now, I haven't gone around the state either to inspect the jails as to whether they are adequate for people or not. I am sure Senator Brennan has only perhaps seen the one in the Cumberland area, and I don't know whether Senator Speers has seen any jails at all.

All I want to point out to you members of the Senate is that there was no demonstrated need at the public hearing for a bill of this type. The sponsor of the bill appeared there — I don't know what his hang-up is on jails — and he brought along somebody from the Health and Welfare

Department who, I guess, is perhaps looking for more work or looking for hiring some people to help him.

Now, Senator Speers brings up a very pertinent point when he says that they don't have to inspect them. Well, I call your attention to the second line of that bill that specifically states "and shall inspect all such jails and facilities at least twice in each year and report annually." When he said they are going to need more money to do it with, I agree with him, but there is no appropriation on the bill either.

I would ask that you join me, in the spirit of defeating bad legislation, and permit this session to go along smoothly. Thank you.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that the Senate accept the Majority Ought Not to Pass Report of the Committee on Bill, "An Act Relating to Inspection of Jails."

A division has been requested. As many Senators as are in favor of accepting the Majority Ought Not to Pass Report of the Committee will please rise and remain standing until counted. All those opposed will please rise and remain standing until counted.

A division was had. 20 Senators having voted in the affirmative, and six Senators having voted in the negative, the Majority Ought Not to Pass Report of the Committee was Accepted in concurrence.

#### Divided Report

The Majority of the Committee on Taxation on Bill, "An Act Relating to Certain Property and Excise Tax Exemptions." (H. P. 556) (L. D. 736)

Reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington  
COX of Penobscot  
FORTIER of Oxford

Representatives:

IMMONEN of West Paris  
DAM of Skowhegan  
MAXWELL of Jay  
FINEMORE

of Bridgewater



**MERRILL**

of Bowdoinham

**DRIGOTAS of Auburn**

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft Under Same Title (H. P. 1482) (L. D. 1909)

Signed:

Representatives:

MORTON of Farmington

SUSI of Pittsfield

DOW of West Gardiner

COTTRELL of Portland

Comes from the House, the Majority report Read and Accepted.

Which reports were Read and, on motion by Mr. Wyman of Washington, the Majority Ought Not to Pass Report of the Committee was Accepted in concurrence.

**Divided Report**

The Majority of the Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds to Provide a Public Information Officer at Bangor State Hospital." (H. P. 1254) (L. D. 1631)

Reported that the same Ought Not to Pass.

Signed:

Senators:

SEWALL of Penobscot

CONLEY of Cumberland

Representatives:

BRAGDON of Perham

SPOUL of Augusta

JALBERT of Lewiston

SMITH of Dover-Foxcroft

CARTER of Winslow

HASKELL of Houlton

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Senator:

**MORRELL**

of Cumberland

Representative:

**NORRIS of Brewer**

Comes from the House, the Minority report Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read.

Mr. Anderson of Hancock moved that the Senate Accept the

Minority Ought to Pass Report of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. ANDERSON: Mr. President and Members of the Senate: I was on the committee that studied the Bangor State Hospital in the 105th Legislature. One of the things we found was that there was a credibility gap between the hospital, the legislature and the general public, and we felt that this document would fill that gap.

Now, it calls for a very small appropriation: In the years 1973-'74, \$8,875, and in 1974-75, \$12,500. I urge passage of this document.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Morrell.

Mr. MORRELL: Mr. President and Members of the Senate: I think perhaps I ought to explain very briefly why I signed the Minority Ought to Pass Report. I think we have all seen instances of when the manner in which certain institutions have been operated, and as they change their policies, there are disagreements through, I feel, lack of information on the part of not only this legislature but the general public.

Now, we have a situation at Bangor Hospital where they are undergoing some changes. They have a relatively new superintendent. That superintendent is presently doubling as clinical director and does not have the time to explain to us and, more particularly, to the general public just what they are trying to do during this period of transition.

It seems to me when we bear in mind that the study committee, which we authorized in the last legislature, made this recommendation as one of the things that they thought would be an extremely good thing to do, I, for one, feel that we would have a much clearer picture if we tried this course of action — not that we want this proposed individual to give us a pack of lies — but to tell us honestly just what is going on and what the feeling is toward the operation of that facility. So I hope that all of you will support the Minority Ought to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President and Members of the Senate: I also served on this particular study committee during the interim period of time, and I would like to concur wholly with the remarks made by Senator Anderson and Senator Morrell that there is a definite need for a public information officer at the Bangor State Hospital.

With 500 patients, more or less, at the Hospital at the present time, there is, no doubt, a lack of communication, and I think this particular effort would really help serve the situation very well, and I sincerely hope that all members of the Senate would support the Minority Ought to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President and Members of the Senate: At the risk of overkill, I would just like to add that I think this person should not be called "information" so much as "education". There are a tremendous number of new programs being done in all the hospitals throughout the nation and, as you know, it wasn't too long ago that we passed a resolution congratulating the Augusta State Hospital on their accreditation. I think this is one step in the right direction toward getting Bangor closer to becoming accredited, and I hope you would accept the Minority Ought to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON: Mr. President, when the vote is taken, I move it be taken by a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate: I would read the statement of fact on L. D. 1631: "The intent of this legislation is reflected in the following findings and recommendations of the Special Legislative Committee which

studied the Bangor State Hospital: This Committee found a credibility gap existing between the Bangor State Hospital, the Legislature and the general public. The Committee felt that a public information and educational person is necessary and needed to correct this major problem. This person would provide a direct line of communication to the general public and the Legislature on the many problems requiring information."

When I first became a member of the legislature, I went down and visited Pineland with a group of interested legislators. We were taken around the area by the communications or public information officer there at Pineland, a Mr. Moore, and then later Mr. Moore was transferred to Augusta to be a public relations man for all of the institutions of the state, all of the mental and retarded institutions. I don't know just how much of a job Mr. Moore is doing. I notice that he is at Augusta most of the time, and I don't know what salary he is being paid.

We also have a man under the direction of the Commissioner who is in charge of the mental institutions of our state, Dr. Schumacher, and I know that he is being paid in excess of \$30,000. Yet when the subcommittee of the Health and Institutional Services Committee met with him, Dr. Wirtz, Dr. Anderson, and Commissioner Kearns, we talked for two hours and we couldn't find out who was in charge of the Children's Psychiatric Hospital at Pineland. They kept throwing the ball around, one to the other, and we still don't know who is accepting the responsibility.

Now, I am all in favor of having a public information officer at Bangor, perhaps one at Augusta, and one at Pineland. At \$12,500 apiece, this would come to \$37,500. I am all in favor of these three people, and let's get rid of Mr. Moore and Dr. Schumacher, and we will be on the right road.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I have

communicated with one of the signers of the report by telepathy, and I feel I have a message I should transmit. I think, first, that the individual may be so weak from the force of the debate and the substance of the argument that his stomach does not permit him to rise to the occasion, and I think that he would support the bill if an amendment was put on transferring this so-called public relations officer's office from Western Avenue to Bangor.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. Sewall of Penobscot then requested a roll call.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, under the Constitution, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE: Mr. President, before I cast my vote on this apparently very important matter today, I would like to hear some explanation of what the Majority Report is all about. It seems we have all sweetness and light to accept the Minority Report. Is there anyone who is willing to espouse the cause of the Majority Report?

The PRESIDENT: Apparently not. A "Yes" vote will be in favor of accepting the Minority Report; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Aldrich, Anderson, Brennan, Cianchette, Clifford, Cummings, Danton, Fortier, Grafam, Hichens, Huber, Joly, Katz, Kelley, Marcotte, Minkowsky, Morrell, Olfene, Peabody, Richardson, Roberts, Schulten, Tanous, Wyman, MacLeod.

NAYS: Senators Berry, Cyr, Greeley, Sewall, Shute, Speers.

ABSENT: Senators Conley, Cox.

A roll call was had. 25 Senators having voted in the affirmative, and six Senators having voted in the negative, with two Senators being absent, the Minority Ought to Pass Report of the Committee was Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Liquor Control on Bill, "An Act Relating to Definition of Class A Restaurant under Liquor Laws." (H. P. 761) (L. D. 994)

Reported that the same Ought Not to Pass.

Signed:

Senators:

OLFENE

of Androscoggin

FORTIER of Oxford

SCHULTEN of Sagadahoc

Representatives:

CRESSEY

of North Berwick

IMMONEN of West Paris

STILLINGS of Berwick

CHICK of Sanford

FARNHAM of Hampden

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Representatives:

TANGUAY of Lewiston

RICKER of Lewiston

GENEST of Waterville

KELLEHER of Bangor

FAUCHER of Solon

Comes from the House, the Minority report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-339).

Which reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Olfene.

Mr. OLFENE: Mr. President and Members of the Senate: It is my understanding that there will be presented on this piece of legislation an amendment that perhaps will correct the situation that we have been looking for. Therefore, I would move at this time that we accept the Minority Report.

The PRESIDENT: The Senator from Androscoggin, Senator Olfene, now moves that the Senate accept the Minority Ought to Pass Report of the Committee in concurrence. Is this the pleasure of the Senate?

Thereupon, the Minority Ought to Pass Report of the Committee was Accepted in concurrence and the Bill Read Once. House Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

### Senate

The following Ought Not to Pass reports shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Determining Position of Names of Candidates on Primary and General Election Ballots." (S. P. 480) (L. D. 1547)

Bill, "An Act Relating to the Selection of Architects, Engineers and Land Surveyors." (S. P. 532) (L. D. 1685)

### Leave to Withdraw

Mr. Clifford for the Committee on State Government on Bill, "An Act Relating to Legislative Counsel or Agents." (S. P. 557) (L. D. 1721)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

### Leave to Withdraw — Covered by Other Legislation

Mr. Joly for the Committee on Election Laws on Bill, "An Act Pertaining to the Posting of Voting Lists." (S. P. 282) (L. D. 829)

Reported that the same be granted Leave to Withdraw, Covered by Other Legislation.

Which report was Read and Accepted.

Sent down for concurrence.

### Ought to Pass

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

Reported that the same Ought to Pass.

Mr. Wyman for the Committee on State Government on Bill, "An Act to Clarify Certain Provisions of the Personnel Law." (S. P. 524) (L. D. 1655)

Reported that the same Ought to Pass.

Which reports were Read and Accepted, the Bills Read Once and Tomorrow Assigned for Second Reading.

### Ought to Pass — As Amended

Mr. Kelley for the Committee on Labor on Bill, "An Act to Create a Commission to Study the Workmen's Compensation Law." (S. P. 541) (L. D. 1693)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-113).

Mr. Roberts for the Committee on County Government on Bill, "An Act Relating to Probate Fees." (S. P. 172) (L. D. 427)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-114).

Which reports were Read and Accepted and the Bills Read Once. Committee Amendments "A" were Read and Adopted and the Bills, as Amended, Tomorrow Assigned for Second Reading.

### Ought to Pass in New Draft

Mr. Roberts for the Committee on Legal Affairs on Bill, "An Act to Simplify the Procedures on Municipal Charters Amendment Elections." (S. P. 284) (L. D. 831)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 611) (L. D. 1914)

Mr. Greeley for the Committee on Health and Institutional Services on Bill, "An Act to Repeal the Statute on Boards of Visitors to State Institutions." (S. P. 401) (L. D. 1250)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 612) (L. D. 1915)

Which reports were Read and Accepted, the Bills in New Draft Read Once and Tomorrow Assigned for Second Reading.

### Divided Report

The Majority of the Committee on Health and Institutional Services on Bill, "An Act to Expand the Authority of Pharmacists to

Dispense Drugs by Their Generic Names." (S. P. 505) (L. D. 1589)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HICHENS of York  
MINKOWSKY  
of Androscoggin  
GREELEY of Waldo

Representatives:

McCORMICK of Union  
DYAR of Strong  
SANTORO of Portland  
SOULAS of Bangor  
LEWIS of Bristol  
BERRY of Madison  
MORIN  
of Old Orchard Beach  
LaPOINTE of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Representatives:

WHITZELL of Gardiner  
GOODWIN  
of South Berwick

Which reports were Read.

Mr. Brennan of Cumberland moved that the Senate Accept the Minority Ought to Pass Report of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. BRENNAN: Mr. President and Members of the Senate: Prescription drugs are now a \$4 billion a year business in the United States. The drug manufacturers run one of the most lucrative enterprises in America. And I am not talking about the local druggist; I am talking about the manufacturers.

According to findings of the Subcommittee on Antitrust and Monopoly of the Senate Judiciary Committee, the drug industry's profits were twice as high as the rest of American industry, and for some companies annual gross profits before taxes were as high as 75 percent of sales. Advertising accounts for one-fourth of the total cost, and research and development costs were only one-fourth of the advertising cost. Even the research and development that was undertaken was tax deductible and often redundant as corporations attempted minor variations

to avoid the patent rights of other companies. The result of these staggering figures is the high cost of brand name prescriptions for Maine consumers.

Prescribed drugs are consumer products of a very special kind, because the actual consumer of drugs neither determines the demand nor does he choose the product he will use or purchase. Consumers have but one responsibility in the acquisition of prescribed drugs: that of paying for the products selected for them by somebody else. Because drug costs to the consumers can and do vary often by considerable margins, depending on which products are ordered for the patient, the particular prescribing decisions of practitioners can make the difference to the consumer of several dollars per individual prescription.

One of the most important ways the heavy cost of prescription drugs can be reduced for the patient is through the use of generic drugs, and that is what this bill is talking about. The generic name of a drug is the common, official and established name by which a drug is known and by which the active ingredients of a drug are identified. The generic name refers to a drug, regardless of its source of manufacture.

According to the Wall Street Journal, some federal experts feel widespread substitution of generic drugs can result in cost savings to the consumer of between 20 and 40 percent. The purpose of this legislation is to secure the benefits of price reductions for the benefit of the elderly and ill in the State of Maine. Generic drugs are typically cheaper than brand names, and the major savings come from the absence of huge advertising costs.

It is estimated — and this is a very conservative estimate — that drug manufacturers spend more than \$3,000 a year, and much closer to \$4,000 a year, on each physician in the United States dealing with advertising, or more than \$600 million annually.

Widespread use of generic equivalents would exert powerful competitive pressure on brand

name drugs to lower their prices. So even where it was medically necessary to use the drug formulation of a particular company, the consumer would still experience cost savings.

Generic drugs are the same drugs as brand name drugs without the label. They are chemically equivalent, at least to the same extent as any two batches of a drug may be without regard to source.

Dr. Philip R. Lee, Assistant Secretary for Health and Scientific Affairs of the Department of Health, Education and Welfare, told the Senate Subcommittee on Monopoly last year that "We have reached the conclusion that, except in rare instances, drugs which are chemically equivalent and which meet all official standards can be expected essentially to produce the same biological or chemical effects." So there is nothing intrinsically wrong with the idea of substitution. It is not a hazard to the public health.

Many brand name companies also sell drugs by their generic names. Many generic drug companies are large and important suppliers to government agencies, foreign countries, and group purchasers. Many brand name companies subcontract to generic suppliers, so that the product labeled was not necessarily produced by the labeler.

Brand name companies have been known to engage in deceptive advertising and to distribute harmful drugs because of the competition involved in this business, so that their alleged reliability oftentimes is somewhat of doubtful value. So while it may be true that, despite Federal Drug Administration standards, not all drugs actually marketed meet those standards, the failures are not limited to generic manufacturers but are industry-wide.

Past experience justifies permitting sales by generic names. The largest purchaser in the United States is the U. S. Department of Defense. There are less than half a dozen drugs which it will not purchase by the generic name out of approximately 1,200

single drug entities and 6,000 combination drugs currently on the market. They also run their own quality control program, which costs several millions of dollars. They are somewhat reluctant to disclose that to the public. If this bill should move along somewhat, we hope to be able to get our congressional delegation in Washington to be able to get those quality control results as to which drugs they have tested they feel are effective.

In summary, insofar as there is medical justification for prescribing a brand name drug, the act has an adequate safeguard in the physician's veto. If he writes it out in his own handwriting — and I am willing to offer an amendment so if he does it over the phone orally — the drug that the pharmacist would give to the patient would be limited to the one that he specifies.

Insofar as brand names are simply an advertising gimmick to direct trade to a particular manufacturer's versions of a drug, Maine consumers need and are entitled to price reductions and the price competitions this authorization for sale by generic name would allow. In virtually all cases, the therapeutic effect is not significantly different, and insofar as quality is a problem, it is a problem for both the drug and the brand name manufacturer. And again I cite the policy of the Department of Defense. Our federal government is not necessarily known for its great ability to save money. They apparently are interested in saving money in this area, and I am sure they are not lowering the quality to so do.

I appreciate this bill doesn't have the sex appeal of a battle between Porteous, Mitchell & Braun and the Value House, but I think it really does have an awful lot of appeal for Maine consumers. And I will state that there are a couple of amendments that will be offered if we accept the Minority Report, so I hope you would accept the Minority Report, and I would ask for a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate: I would rise in opposition to that motion, but go along with the roll call request.

This hearing on this generic drug bill was one of the most interesting that was conducted by the Health and Institutional Services Committee. It was very unique by the fact that we had a motion picture presented to us showing the problems which arise by having generic drugs produced in very less than practical circumstances, very less than acceptable circumstances.

Another very unique part of that hearing was the fact that the gentleman who has been recognized by the President of the Senate this morning, the Honorable David Kennedy, sat through that whole hearing without having his cigar in his mouth. We have a rule in our Health and Institutional Services Committee hearings that there is no smoking, and that man really went through agony in going without his cigar. He told me afterwards that the only time he ever would come to our hearings was when he had to because he didn't enjoy sitting in on them under the circumstances.

So, with those two unique facts on the hearing, we went on to the substantial facts which were presented to us. It was a prolonged hearing, not getting through until after 5:00 o'clock in the afternoon. We had the facts before us, and the Committee came out with an 11 to 2 Ought Not to Pass Report on the Bill, for many varied good reasons. But I think probably the best reasons I can present this morning is by reading from a release which was just handed to me today.

"Health Groups Adopt Antisubstitution Statement — Washington, D.C., April 27, 1973: Twelve medical, dental and pharmaceutical organizations have adopted a joint statement in support of the traditional prescription drug antisubstitution laws and regulations." I am not going to read the twelve groups; if anyone is interested, I

will supply them. But they went on to say that "Patient welfare is best served by present antisubstitution laws and there are no convincing reasons to modify or repeal them. Since drug product selection entails knowledge derived from clinical experience, the role of physicians and dentists in product selection remains primary and does not permit delegation of decisions requiring medical and dental judgment.

"The statement is a response to attempts in some states to repeal or modify current laws and regulations so that pharmacists could substitute any firm's product for the one specified by the physician or dentist on a patient's prescription.

"The statement declares: 'The physician or dentist is clearly the one to exercise control over patient therapy. They have much more information about the patient with which to make a prescribing decision than does a pharmacist.

"Antisubstitution laws have not obstructed enhancement of the professional status of pharmacy . . . as a practical matter, however, such laws and regulations encourage interprofessional communications regarding drug product selection and assure each profession the opportunity to exercise fully its expertise in drug usage to the advantage of patients.

"The pharmacist's knowledge of the chemical characteristics of drugs, their mode of action, toxic properties and other characteristics that assist in making drug selection decisions should be utilized to the fullest extent practicable by physicians and dentists in serving their patients."

I am not going to prolong this, but I would bring to your attention the fact that at the close of that hearing I asked all of those who were in favor of the bill to stand, and then all of those who were opposed to the bill. The sponsor of the bill, the Senator from Cumberland, Mr. Brennan, stood in opposition to his own bill.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I wonder if the Secretary would read Paragraph 2 of the actual bill. I believe there could be an error in here.

The PRESIDENT: The Secretary will read Paragraph 2, and there is an error.

The SECRETARY: "Limitation. A pharmacist who receives a prescription for the dispensing of a drug or drug combination shall not dispense the generic or chemical drug or drug combination actually specified in his own handwriting on the face of the prescription that the generic or chemical equivalent of the drug or drug combination is not to be dispensed."

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President, that was a typographical error that was brought to the attention of the Committee chaired by the distinguished Senator from York, Senator Hichens, and I had hoped that it would have been corrected coming out of Committee, but it wasn't. As I said, if the Minority Report is accepted, we will offer an amendment to clarify that typographical error. We will also offer an amendment so that if a doctor calls on the phone and specifies a certain drug, it would not have to be in his own handwriting.

In reference to the Committee situation, as to what happened at the hearing, it was mostly peopled by pharmacists and mostly pharmacists spoke against it. In my recollection, there were several people that were in support of this bill. I don't recall the standing situation as Senator Hichens recalls it. I know I was sitting next to a few people; one was a member of this legislature, and I think he spoke on behalf of the bill, but he certainly supported it. I know there were several people representing poor people, low-income people, from the Portland area who were there on behalf of this bill.

So, again, I would urge you to support the Minority Ought to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Joly.

Mr. JOLY: Mr. President and Members of the Senate: I rise to agree with the good Senator from York, Senator Hichens. I am a consumer, as we all are, and as far as I am concerned, when I am sick I want to make sure that if I get a prescription I get something that is going to help me out. I think this bill would substitute the judgment of a doctor or physician by the judgment of a pharmacist.

If we are interested in the consumer, I think this is one point where we can show it by voting Ought Not to Pass on this bill.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President and Members of the Senate: I attended this hearing and I was very much impressed with the film that was presented to the Committee showing how some of these drugs are manufactured under really adverse conditions. I think it had quite a psychological impact on the Committee, but I think also the Committee, in its wisdom, really analyzed and was quite concerned with the consumer and the rising cost of drugs, but the question really was using a generic name versus a brand name.

There is, according to the testimony presented by reliable sources, a radical difference between a generic named drug and a brand name drug, and they are not chemically equivalent, as I believe Senator Brennan of Cumberland tried to project.

We were not concerning ourselves really with the advertising cost or the profits of the drug companies as a whole, and I believe that this really was part of the debate that took place in the Committee at the time, that this would play a significant part in reducing the drug costs in the State of Maine. It wouldn't affect the State of Maine one iota because this is done on a national scale, and a lot of these drugs are manufactured outside of the country.



Insofar as the therapeutic effects, I believe even the physicians would much prefer to use brand name drugs instead of using generic brands, as is recommended in this particular piece of legislation.

I would sincerely hope that the Senate would go along with the Majority Ought Not to Pass Report of the Committee in reference to this particular bill.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: I recognize the problem that exists in the state and, here again, killing the bill isn't going to solve the problem. I will vote against the motion to accept the Minority Report. I guess my own personal experience has influenced my vote on this, and I would urge all of you never to come into my shop and ask for a diamond and permit me to substitute the generic substitute, which is a hunk of coal, because I think you would be getting something other than what you want.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr. RICHARDSON: Mr. President and Members of the Senate: On a perhaps more serious note, there is no more regulated industry that I am aware of — but certainly with the drug industry, having represented such firms as the Rexall Drug Company and others, which I do not now represent, I know that there is no more regulated industry. The Food and Drug Administration is extremely careful about the circumstances under which drugs are manufactured and offered for sale. The contents of the great majority of drugs which are prescription drugs are prescribed in the U.S. Pharmacopoeia.

This bill, as I read it, does not take away the right of a physician to prescribe a specific brand name in the event that he wishes to do so, and I, for one, at this point in time intend to vote in favor of the acceptance of the Minority Ought to Pass Report, in the hope that we can let the amendments

be presented and we can continue the analysis of this important legislation further on in this session. If you kill this bill now, the issue is over — and I suppose that might shorten the session a little bit — but I think this is a very important piece of legislation.

I know you are all concerned about the quality of health care available to the people in Maine, and particularly to those that live on limited incomes and the elderly. I think this has some significance in that area, and I hope that you would vote on the roll call to accept this Ought to Pass Report, and then let's proceed forward with this.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Brennan, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act to Expand the Authority of Pharmacists to Dispense Drugs by Their Generic Names."

A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Brennan, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act to Expand the Authority of Pharmacists to Dispense Drugs by Their Generic Names." A "Yes" vote will be in favor of the Minority Ought to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Aldrich, Brennan, Clifford, Cyr, Danton, Kelley, Marcotte, Morrill, Richardson, Roberts, Speers.

NAYS: Senators Anderson, Berry, Cianchette, Cummings, For-

tier, Graffam, Greeley, Hichens, Huber, Joly, Katz, Minkowsky, Olfene, Peabody, Schulten, Sewall, Shute, Tanous, Wyman, MacLeod.

ABSENT: Senators Conley, Cox.

A roll call was had. 11 Senators having voted in the affirmative, and 20 Senators having voted in the negative, with two Senators being absent, the motion did not prevail.

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted.

Sent down for concurrence.

#### **Committee of Conference Report**

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

On the part of the Senate:

RICHARDSON

of Cumberland

ALDRICH of Oxford

ROBERTS of York

On the part of the House:

WHITZELL of Gardiner

PERKINS

of South Portland

McKERNAN of Bangor

Which report was Read and Accepted.

(See action later in today's session.)

#### **Second Readers**

The Committee on Bills in the Second Reading reported the following:

##### **House**

Bill, "An Act to Clarify the Permanent School Fund." (H. P. 258) (L. D. 338)

Bill, "An Act Relating to the State Police Retirement System." (H. P. 832) (L. D. 1091)

Resolve, Authorizing Attorney General to Convey Interest of the State in Frogg Island in Little Sebago Lake to Ruel E. Taylor, Jr. (H. P. 1244) (L. D. 1615)

Bill, "An Act Permitting Local Option Questions on Liquor to be

Voted at any State-wide Election." (H. P. 1319) (L. D. 1715)

Bill, "An Act to Require Fees for Motor Vehicle Inspection Mechanic's Examination." (H. P. 1324) (L. D. 1750)

Bill, "An Act Relating to Provisional Motor Vehicle Licenses." (H. P. 1410) (L. D. 1850)

Resolve, to Reimburse Higgins Classical Institute for Costs of Certain Students. (H. P. 1439) (L. D. 1865)

(On motion by Mr. Katz of Kennebec, temporarily set aside.)

Bill, "An Act Relating to Solid Waste Disposal." (H. P. 1478) (L. D. 1903)

(On motion by Mr. Schulten of Sagadahoc, temporarily set aside.)

Which were Read a Second Time and, except for the matters set aside, Passed to be Engrossed in concurrence.

The President laid before the Senate the matter temporarily set aside at the request of Mr. Schulten of Sagadahoc:

Bill, "An Act Relating to Solid Waste Disposal." (H. P. 1478) (L. D. 1903)

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN: Mr. President and Members of the Senate: Item 7-8, L.D. 1903, "An Act Relating to Solid Waste Disposal", actually represents quite a triumph over a lot of false starts in the endeavor to set up a solid waste disposal management act in this state. As many of you remember, we wrestled with this problem in the last session of the legislature and we got nowhere. Now finally we seem to have come up with a bill that will really meaningfully serve the people of the state.

It would provide the Department of Environmental Protection with the power to set up guidelines and set up regulations, however, such guidelines and regulations would not become effective until 1975, which would mean that all the work that the Department of Environmental Protection would be doing between now and the time the 107th Legislature convenes, all their guidelines and proposed regulations would then be subject

to review by the 107th Legislature. So one again we would have a real check to make certain that the guidelines and regulations were in accord with the legislature.

This is a very needed piece of legislation, and I would certainly hope the Senate would go along with this. I do find, however, that there is one minor amendment that should be tacked on to the bill, and I would hope that some very distinguished Senator in the Chambers here today would table the bill for one legislative day to permit the amendment.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Thereupon, on motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

The President laid before the Senate the matter temporarily set aside at the request of Mr. Katz of Kennebec:

Resolve, to Reimburse Higgins Classical Institute for Costs of Certain Students. (H. P. 1439) (L. D. 1865)

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, this resolve, which was just called to my attention, appropriates something over \$11,000 for cost of room and board of twelve Indian students from Peter Dana and Pleasant Point Reservations during the school year 1971-72. The reason for my confusion is that the 105th Legislature was asked to approve a program whereby Indians could be offered resident education outside of their area on a tuition basis, and the legislature turned it down. This bill seems to be authorizing that which the legislature previously said would not be acceptable. I wonder if somebody could explain the background of the resolve and how come we are asked for an appropriation we previously said would not be authorized.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Joly.

Mr. JOLY: Mr. President and Members of the Senate: Not having been a member of the previous

legislature, I don't know anything about what happened at that time regarding this subject. I do know at this hearing we had the headmaster and some other people present that pointed out that Indian students at both Peter Dana and Pleasant Point Reservations have a long history of not completing school. One way they thought they might get them to continue and to get their high school diplomas was perhaps to go to other schools, and they have been going to Higgins.

Now, at the beginning arrangements were made, there seemed to be complete understanding, tuition has been paid and there was no problem with that, but for some reason there was some mix-up and the room and board was not paid. The school itself, which is like many of our private schools today, not in terribly beautiful financial shape, really needs this money, and we felt at the committee hearing — as I say. I can't remember the details of why they weren't paid — but we were satisfied at the time that they should be paid, and that is why the committee reported unanimously Ought to Pass on this resolve.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: I won't delay passage of this resolve to be engrossed, but I would be very interested to find out if this program were authorized under existing law before it was implemented.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, the Resolve was Passed to be Engrossed in concurrence.

#### House - As Amended

Bill, "An Act Relating to Premises of Liquor Licensees to Proximity to Post-secondary Schools." (H. P. 760) (L. D. 993)

Bill, "An Act Revising the Laws Relating to Electricians." (H. P. 651) (L. D. 878)

Which were Read a Second Time and Passed to be Engrossed, as Amended, in concurrence.

**Senate**

Bill, "An Act Relating to Non-payment of Corporate Franchise Taxes." (S. P. 224) (L. D. 659)

Bill, "An Act Relating to Comparative Negligence in Civil Cases." (S. P. 342) (L. D. 1041)

Which were Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

**Senate - As Amended**

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

Bill, "An Act to Provide a Portion of all Public Places and Transportation Vehicles to be Set Aside for Nonsmokers." (S. P. 322) (L. D. 989)

Bill, "An Act Relating to the Escape of Prisoners." (S. P. 473) (L. D. 1507)

Which were Read a Second Time and Passed to be Engrossed, as Amended.

Sent down for concurrence.

**Reconsidered Matter**

Mr. Joly of Kennebec moved that the Senate reconsider its prior action whereby the Senate accepted the Committee of Conference Report on Bill, "An Act Raising the Maximum Age of a Juvenile Offender". (H. P. 489) (L. D. 643)

Thereupon, on motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending the motion by Mr. Joly of Kennebec to Reconsider.

**Enactors**

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act Relating to Credit Unions. (S. P. 337) (L. D. 1036)

An Act to Repeal Borrowing Limitations Relating to Trust Companies. (S. P. 414) (L. D. 1253)

An Act Relating to Boundaries of Ocean Park Game and Bird Sanctuary. (H. P. 346) (L. D. 461)

An Act to Regulate the Size of Shot in Shotgun Shells for Waterfowl Hunting. (H. P. 1466) (L. D. 1891)

(On motion by Mr. Richardson of Cumberland, tabled and

Tomorrow Assigned pending enactment.

An Act Relating to Tread Depth of Motor Vehicle Tires. (H. P. 1051) (L. D. 1380)

An Act to Provide an Agricultural Education Consultant within the Department of Educational and Cultural Services. (H. P. 1288) (L. D. 1673)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

Which, except for the tabled matters, were Passed to be Enacted and, having been signed by the President, were by the secretary presented to the Governor for his approval.

Resolve, Designating August a Bridge as "Father John J. Curran Bridge." (H. P. 1050) (L. D. 1369)

Which was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

**Emergency**

An Act Changing Name of South Kennebec Agricultural Society and Relating to Membership Therein. (H. P. 1290) (L. D. 1678)

This being an emergency measure and having received the affirmative votes of 30 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

**Emergency**

Resolve, Designating Kennebass Road in Indian Township, Washington County, as A State Road. (S. P. 601) (L. D. 1892)

(On motion by Mr. Greeley of Waldo, placed on the Special Highway Appropriation Table.)

**Orders of the Day**

The President laid before the Senate the first tabled and specially assigned matter:

Bill, "An Act Transferring Laws Relating to Education of War Orphans and Widows to Bureau of Veterans' Affairs." (H. P. 1353) (L. D. 1785)

Tabled — May 7, 1973 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

Which was Passed to be Engrossed in Concurrence.

The President laid before the Senate the second tabled and specially assigned matter:

JOINT ORDER — Relative to Committee on Appropriations and Financial Affairs to make continuing review and evaluation of State budget. (S. P. 606)

Tabled — May 7, 1973 by Senator Berry of Cumberland.

Pending — Passage.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: I am not really against this order in many respects; I am for zero-based budgeting. I think it makes an awful lot of sense that we get into a situation where we set up priorities. If these priorities are set up by the various departments, we may focus on some programs that were justifiable and it was right to take the people's money and spend it, say twenty years ago, that may not be justified now. So as far as that talks about zero-based budgeting, I support that concept.

But I was concerned with the apparent freezing out of the other committees and denying their expertise to the legislative process, such as the Committee on Health and Institutional Services, chaired by the distinguished Senator from York, Senator Hichens, and the Committee on Education, with the distinguished Senator from Kennebec, Senator Katz. I would like to know if that would be explained by the good Senator from Penobscot, Senator Sewall, as to whether or not we are going to make use of these other committees. For example, I think even Judiciary might contribute something. If we are going to do something about trying to cut down the costs of the court, possibly Judiciary could contribute some expertise. So that is a question I would like to have answered.

Another question: I wonder if some of the sponsors and sup-

porters of this order have contacted the Maine Management Cost Survey Team as to whether or not they feel there was any breach of faith with them, or as to whether or not there is going to be a coordinated operation after a certain date. I would seriously appreciate it if someone would explain these things.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr. RICHARDSON: Mr. President and Members of the Senate: As the sponsor of the order I can answer, I think, at least partially, two of the questions that have been raised.

Number one, there is no thought, at least in my view, of freezing out the expertise of other committees. This is particularly true with respect to committees such as the Joint Standing Committee on Education. Since we commit such a substantial portion of all of our tax revenues in support of public education, I think it is very clear that the Education Committee has to play a significant roll in evaluating the programs that we are funding to determine whether or not those programs are necessary, whether or not funding them through some other means might be appropriate, and so forth. Therefore, I feel that the Joint Standing Committee on Education, to name but one, is one that ought to have authority to continue a continuing review of programs with which it is involved.

Even the ignominious Committee on Veterans and Retirement might have an opportunity to make some contribution. I know that having heard from probably 45 bills this session asking for changes in the retirement system in order to advantage one special interest group or the other, I am convinced that we simply have got to bring some order to what is now a very chaotic situation.

So the short answer to the question of the good Senator from Cumberland, Senator Brennan, is that there is no thought of freezing out other committees. The whole idea behind this order is to carry out what I say is a legislative func-

tion. The Senator from Penobscot, Senator Sewall, and I met with the Chief Executive of the State of Maine in order to allay his fears about the legislature getting into a position of entering into departmental policy with respect to spending and that sort of thing, but the fundamental obligation to the people that we have as legislators, and I say we have not discharged, is the responsibility to continually review programs to be sure that they are in fact still viable, still necessary, that the monies that are being spent are being spent efficiently and effectively, and that those programs are worth continuing.

The thrust of this order is to simply arm the Appropriations Committee with the necessary authority now to carry out an analysis of whether or not zero-based budgeting or program budgeting, or budgeting reform is appropriate. It doesn't direct them to do anything except study it and tell us what they are going to do.

Finally, the Maine Management Cost Survey is a unique effort, which I fully support, to have outside business people come in and look at state government and tell us whether or not we are in fact doing the job, but I continue to insist that the fundamental responsibility for state spending is the legislature's, in that we come in here and we approve programs and raise monies, then we have the obligation to see to it that those programs are working properly. We are not discharging that function under our present method of operation.

I hope that this will be, as our Senate President has said, the legislature's legislature. I think that one of the things that ought to be done is that the committees which are charged with responsibility in these various areas will be assigned continuing responsibility to produce a better legislative product.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I am very happy to join with my colleague,

Senator Brennan from Cumberland, in support of this measure, and particularly I paid attention to his comment that he is in support of the priority program analysis, which is otherwise known as zero-based budgeting. This is embodied in a bill which I have that will be heard shortly by the Appropriations Committee, and I would welcome Senator Brennan from Cumberland there presenting our case as to the need for it.

The need, of course, for the Appropriations Committee to have this authority is that, as has been said, the Appropriations Committee has immediate responsibilities in its area which some of the other committees do not have at the moment. This embodies the thrust of the so-called legislative reform package for the Appropriations Committee, which the package will provide for all committees. But as Senator Richardson from Cumberland has said, there is a time element here and the Appropriations Committee has a responsibility to this session of the Legislature to analyze and handle the program. So I think what we are doing is authorizing the Appropriations Committee to proceed forthwith in an area with which all the committees will be authorized upon hopeful passage of the legislative reform bill.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

The President laid before the Senate the third tabled and specially assigned matter:

Bill, "An Act Providing for Payment of Sales Tax on Motor Vehicles at Time of Registration." (H. P. 1477) (L. D. 1902)

Tabled — May 8, 1973 by Senator Greeley of Waldo.

Pending — Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY: Mr. President and Members of the Senate: This bill came out of the Taxation Committee with a Majority Ought Not to Pass Report, and all three

members of that committee from this body signed the Ought Not to Pass Report. In my opinion, if this bill receives passage, it will create many more problems than it will ever solve. Therefore, Mr. President, I move this bill be indefinitely postponed.

The PRESIDENT: The Senator from Waldo, Senator Greeley, now moves that Bill, "An Act Providing for Payment of Sales Tax on Motor Vehicles at Time of Registration", be indefinitely postponed.

The Chair recognizes the Senator from Oxford, Senator Fortier.

Mr. FORTIER: Mr. President and Members of the Senate: When I moved acceptance of the Minority Ought to Pass Report on this bill several days ago, I stated that I thought it could be tied in with staggered registration which will be presented at a later date in this session. However, it has been pointed out to me now that the staggered registration could not possibly be effected for at least two years.

Meanwhile, there are also very serious administrative problems in the transfer of this authority from the Bureau of Taxation to the Bureau of Motor Vehicles and Secretary of State's Office, and these problems have not yet been realized. Apparently there is no particular rush, even if there were the advantages which the proponents of this bill claim, because the whole situation could not be clarified for at least two years, and possible the 1975 Legislature would be in a much better position to regulate this than we are. So I will support the motion for indefinite postponement.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the fourth tabled and specially assigned matter:

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

Tabled — May 8, 1973 by Senator Hichens of York.

Pending — Passage to be Engrossed.

Mr. Hichens of York then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-112, was Read and Adopted and the Bill, as Amended Passed to be Engrossed.

Sent down for concurrence.

The President laid before the Senate the fifth tabled and specially assigned matter:

Bill, "An Act Relating to the Immunity Provisions of the Unfair Trade Practices Act." (H. P. 1235) (L. D. 1606)

Tabled — May 8, 1973 by Senator Danton of York.

Pending — Enactment.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President, yesterday we asked a question of any member of the committee if they would kindly explain the need for this, the purpose and the effect. What is this all about?

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: As a member of the Business Legislation Committee, regretfully, I was not at the public hearing and cannot answer the question. I notice the absence of the chairman and I am not confident that anyone in the chamber presently is in a position to give the answers.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Thereupon, on motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Enactment.

The President laid before the Senate the sixth tabled and specially assigned matter:

SENATE REPORTS — from the Committee on Judiciary — Bill, "An Act Relating to Qualifications for Jury Service of 18-year - old Voters." (S. P. 496) (L. D. 1583) Majority Report — Ought Not to Pass; Minority Report — Ought to

Pass as amended by Committee Amendment "A" (S-104).

Tabled — May 8, 1973 by Senator Morrell of Cumberland.

Pending — Acceptance of Either Report.

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Acceptance of Either Report.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the first tabled and unassigned matter:

Joint Resolution Memorializing Richard M. Nixon, President of the United States of America, to Lift the 18-Month Moratorium on Federal Housing Programs. (H. P. 574)

Tabled — February 8, 1973 by Senator Berry of Cumberland.

Pending — Adoption.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I would urge the vote of the members of this body against passage of the joint resolution.

The resolution itself states something that is incorrect and that is that there is in effect an 18-month moratorium. There is no such period in existence as far as Federal Housing funds are concerned. The Maine Legislature is considering significant changes in the financing of housing, and is going distances and in directions that a few years ago we in Maine thought would be impossible.

I think we may have here a difference of political philosophy that is basic. I think the opposition party has the cradle to the grave theory that the federal government knows what is best for us and the Republican Party feels that insofar as possible we should solve our problems at the state and local level. The passage of the memorial would accomplish nothing, and I would urge your vote against it.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President and Members of the Senate: I rise to support this joint resolu-

tion and I would move its adoption. This has been lying on the table, as you know, since February 8 unassigned. We have made many attempts to have this pulled off the table but, as you know, in practice the Majority Floor Leader has the option when and if, and we were notified this morning as the bell was ringing that this would be a good time to pull this particular resolution off the table. Fine, I am all in favor of cleaning up the calendar, everything we can do, and I urge you all to support this resolution.

Now, your information is somewhat outdated. I am sure back in February, just a few days prior to February 8, you all had the current information regarding the statistics of this moratorium. The reason for this resolution is simply to ask that the present housing program freeze be removed until such time as a more appropriate method can be implemented. As a result of the present freeze — now, I want you to listen to this — I am not sure where the good Senator from Cumberland, Senator Berry, got his information, but I understood as late as this morning that the 18-month moratorium is in effect, so we have a difference of opinion on the correct information there. It is still my opinion, and my information, that there is an 18-month moratorium on housing in Maine.

You know, in this 18-month period Maine's something like — again, as my information provided to me says — something like \$100 million is lost to the Maine economy because this current program has been cut out. I don't think that we can call this a political division here on this particular issue. I think it is a little bit ridiculous to call it a political division. This involves so many Maine people that this is a very important program to Maine and its people. Something like 18,000 people in the construction business alone are directly involved with the HUD programs and the federal housing programs that in Maine has been implemented.

We understand that cities have some problems with the federal housing programs, and I say let



the federal government take care of the cities, but for us to stand here and not even offer to the federal government, in the name of our President, information for Maine saying that we like our housing program, we want to continue that 18,000 Maine people working, we want to continue that \$100 million of Maine economy, well, we are simply asking him to look into Maine's situation. Now, if we don't have that authority here in this Senate and in the Legislature then where should it come from? We are simply asking that they take a look at Maine's situation.

You know, back earlier in this session one of ours Senators — and I won't name him — a very good friend of mine, mentioned something about being a statesman. And you know, I think this is a chance right here for members of the Senate to prove that they are statesmen, and not simply party-minded, because we are talking about all of the people in the State of Maine. So, I would urge that those Senators here who feel that they are statesmen support this resolution. Again, I won't mention any names.

You know, I heard that this is a low-down Democratic trick to embarrass the President. Now, fellows, come just think about that a minute. Let me just say what it says, after all the "Whereas's": "That the Senate and House of Representatives of the State of Maine now assembled do wish to express our profound belief to Richard M. Nixon, President of the United States of America, that a moratorium in these housing programs should be lifted at once, and be it further resolved that an attested copy of the above resolution be sent to Richard M. Nixon, President of the United States." Now, I ask you, fellows, and Mr. President, do you think by any stretch of the imagination a resolution like this would embarrass President Richard M. Nixon under the conditions he is under today? Thank you.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: First, I want to agree with the very fine remarks of the good Senator from Somerset, Senator Cianchette. It really is rather strange that this item has been laying on that mythical table for twelve weeks, and nine o'clock this morning we were advised that they are going to take it off. Apparently some sudden emergency has been created. We ask for a day so we can look this over so these questions won't be raised as to whether or not the moratorium is all over, and so forth and so to speak, but instead, we just get a raw gross exercise of political power saying "No, you can't do it", which I am really not very happy with, frankly.

As far as I am concerned with the distinguished Senator from Cumberland, Senator Berry, this is not a question of a difference in party philosophy; that is not the issue here. The issue here is adequate housing supply for the people of the State of Maine; do we care about that need?

In reference to the need, according to a study made in 1971 by the New England Regional Council, and the report they gave on housing, it said that Maine needs 35,000 new housing units and they need rehabilitation of 30,000 existing housing units. Furthermore, that study indicated 80 percent of Maine families are eligible for federally subsidized housing which is now frozen. Also from a housing inventory list I have here, it indicates that there was something like 9,600 housing units produced in 1972 in Maine. The estimated loss of housing units from deterioration was something like 12,100, so we are going back at least 2,500 just in the last year, so I think this is pretty serious business.

I personally, as a rule, am not too excited about resolutions. You probably noticed that we haven't jumped in with a resolution in reference to Watergate. It is because I am not that excited; I think it is a national affair. However, I think, once a resolution is introduced, I think it is very bad to defeat it. I think the federal

government if they are accepting resolutions or anything down there these days, they could construe this in a very negative way. They could say, in effect Maine doesn't care about federal support for public housing. So I say that once this resolution is introduced, to defeat it, I think, would give them a crutch not to do anything about the terrible situation we have for housing supply in this state. And you don't have to go more than a mile from the Capitol. The biggest problem, again, is not where I come from in Portland; that is bad enough, but some of the rural poverty, some of the conditions of the rural homes, is absolutely incredible. And how we can in this Senate in good conscience oppose trying to get the federal government to help us do something about it is beyond me. Again, I would ask for a roll call, and urge passage of this joint resolution.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: There is no question in anyone's mind, or any of the Senators here, I believe — and the reason that the good Senator from Somerset, Senator Cianchette, did not mention the names of the statesmen in this body is because he would have had to have read 33 individual names — but there is no question on the part of anyone's mind that housing is most assuredly an extremely important issue to the people of the State of Maine.

Now, the Committee on State Government currently has before it several bills dealing with this very same particular issue, the problem of housing and the problem of providing the Maine Housing Authority with certain programs and funds to carry on programs to provide housing for the people. Now, the place to take action on the issue of housing is on the bills that are before this legislature that will have some actual effect on the housing situation in the State of Maine. Passage of this particular memorial will not

build one more house, will not provide any interest subsidy, and will not provide any rent subsidy for any family in the State of Maine.

I agree with the Senator from Cumberland, Senator Brennan, when he says that he really can't get too excited over memorials to Congress, because it really has very little effect whatever. Let there be no mistake that the issue that is before us here today is whether or not we wish to merely speak on this matter as a body, or whether we wish to wait until the bills that will have some actual effect on the housing situation in the State of Maine are before this body, and the Senate can then take some concrete action to provide for housing for the people of this state.

The PRESIDENT: The pending question before the Senate is the Passage of the Joint Resolution, House Paper 574. A roll call has been requested. In order for the Chair to order a roll call, under the Constitution, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The question before the Senate is the adoption of Joint Resolution Memorializing Richard M. Nixon, President of the United States of America, to Lift the 18-Month Moratorium on Federal Housing Programs. A "Yes" vote will be in favor of Adoption of this Resolution; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Aldrich, Brennan, Cianchette, Clifford, Cyr, Danton, Fortier, Kelley, Marcotte, Minkowsky.

NAYS: Senators Anderson, Berry, Cummings, Graftam, Greeley, Hichens, Huber, Joly, Katz, Morrell, Olfene, Peabody, Richardson, Roberts, Schulten, Sewall, Shute, Speers, Tanous, Wyman, MacLeod.

ABSENT: Senators Conley, Cox.

A roll call was had. 10 Senators having voted in the affirmative,

and 21 Senators having voted in the negative, with two Senators being absent, the Joint Resolution Failed of Adoption.

The President laid before the Senate the matter tabled earlier in today's session by Mr. Minkowsky of Androscoggin:

Bill, "An Act To Clarify the Barber Law and Increase Certain Fees". (H. P. 387) (L. D. 516)

Pending — Acceptance of the Committee Report.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President and Members of the Senate: In reply to the question that the good Senator from Kennebec, Senator Katz, posed to the Committee on Health and Institutional Services in reference to this particular document, basically this just simply defines or clarifies the barbering laws in the State of Maine. It clarifies the penalties insofar as barbering, it clarifies a law pertaining to barber technicians, and does increase fees in costs of operation.

I think the State Board of Barbers and many barbers attended this hearing, and were in full agreement that the fees should be adjusted simply because Maine, I think, originally a few years back had in excess of 1,500 barbers, and now I think they are down to about 700 and, in order to maintain the quality of service on behalf of the Board, they felt to raise the fees from ten to fifteen dollars would not be a great imposition upon the barbers, and to increase the fees for the examination from five dollars to twenty dollars would not be an excess. This is predicated simply on the idea that the only income the State Board of Barbers has is from dedicated revenues from licensing and fees.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: I would like to inform the gentleman from Androscoggin, Senator Minkowsky, that I have got to report some misgivings about the bill in its

present form. I think that on its passage to be engrossed would be a proper time to see if it can be amended to suit those purposes. So I thank you for your information.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, the Ought to Pass Report of the Committee was Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

The President laid before the Senate the matter tabled earlier in today's session by Mr. Sewall of Penobscot:

Bill, "An Act to Allocate Money from the Federal Revenue Sharing Fund for the Fiscal Years Ending June 30, 1974 and June 30, 1975." (H. P. 341) (L. D. 456)

Pending - Acceptance of the Committee Report.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL: Mr. President and Members of the Senate: In response to the inquiry of the good Senator from Kennebec, Senator Katz, as to the substance of this bill, very simply this takes the 38 odd million dollars which the federal government has allocated to the State of Maine as its share of the federal revenue sharing program and has allocated it to the towns for the purposes of education.

Initially a bill was presented to us which would have allocated some \$8½ million for the teachers retirement program. After considerable thought, and checking with both our own Attorney General and with the Federal Bureau of the Budget, we have decided it would be a good simple way to go with this federal money to allocate the entire amount to the municipalities for school operating purposes. This would make this money completely identifiable as opposed to, let's say, using some of it for a myriad of various programs. One of the federal restrictions is that it be kept identifiable, and this would certainly do this.

As I am sure many of you are aware, our subsidy program to the towns and cities throughout the state for education now totals some \$140 million every two years. This money then would reduce revenues required from the general fund this year, assuming that the subsidy program remains static—and I will be surprised if it does — reduce it down to some \$100 million instead of \$140 million. I don't really have much more to say about it. We on the Appropriations Committee felt that this was a simple method to distribute these federal revenue dollars. Thank you very much.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, the Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, T o m o r r o w Assigned for Second Reading.

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On motion by Mr. Sewall of Penobscot,

Adjourned until 9:30 tomorrow morning.