LEGISLATIVE RECORD

OF THE

One Hundred and Seventh Legislature

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, April 29, 1975

Senate called to order by the President.

Prayer by Dr. Richard Cleaves, Augusta Mental Health Institute, Augusta:

May we pray. Eternal God, in the beauty of this day we turn to you, aware of the thankfulness for the richness and the beauty of the season, but also aware of our need for your strength and your guidance and your judgment in all of our deliberations. Help us ever to be mindful that we are trustees of yours as well as of the people who put us in positions of authority. Guide us, guard us, strengthen us, we pray. Amen.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

Bill, "An Act Providing for a State Development Disabilities Planning and Advisory Council." (H. P. 871) (L. D. 1077)

In the Senate April 16, 1975, Passed to be Engrossed, in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-210), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Joint Order

WHEREAS, through the course of each day, many visitors, employees and Legislators pass through this Capitol and its huge complex; and

WHEREAS, the domestic and custodial staff at the State House does an extremely thorough job at keeping this complex free of dust, dirt, its marble shining and its brass brightly polished; and

WHEREAS, carpenters, electricians and countless others go beyond the demands of their regular duties to aid in the comfort and convenience of the Legislature; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the 107th Legislature join in this expression of thanks to each of you within the several bureaus and agencies who service the Legislature, for your outstanding effort and our continued appreciation for the service you have so cheerfully rendered; and be it further

ORDERED, that suitable copies of this Order be prepared and presented to members of this dedicated work force to convey the sentiment expressed herein. (H. P. 1551)

Comes from the House, Read and Passed.

Which was Read.

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

Mr. SPEERS: Mr. President and Members of the Senate: It is not really very often that those small matters that we take for granted are recognized, and it is a very good gesture on the part of whoever introduced this order in the other branch to have introduced it.

I think those of us who have been here for a few years can recall the very many instances that visitors coming to this legislature, to this state house and to this chamber have commented on the chamber itself and on the demeanor in which the Maine Legislature conducts its business. And those of us who have visited other states both near and far can very well compare the demeanor and the chambers themselves with other states, and we do realize that we compare very well indeed.

We also realize that this is not by accident and that are those who labor and work very, very hard every single evening to keep these chambers and the hallways in such very good repair and condition as they are, and it is with great pleasure that I move the passage of this order in concurrence.

The PRESIDENT: Is it now the pleasure of the Senate that this joint order be passed in concurrence?

The motion prevailed.

Communications

April 28, 1975

Hon. Harry N. Starbranch
Secretary of the Senate
107th Legislature
Augusta, Maine 04330

Dear Mr. Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Filing Requirements for Perfecting a Security Interest in Mobile Homes under the Uniform Commercial Code" (S. P. 297) (L. D. 1023)

Rep. DAM of Skowhegan
Rep. DeVANE of Ellsworth
Rep. McMAHON of Kennebunk

Respectfully,
EDWIN H. PERT, Clerk
House of Representatives

Which was Read and rdered Placed on File.

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Filing Requirements for Perfecting a Security Interest in Mobile Homes under the Uniform Commercial Code" (S. P. 297) (L. D. 1023), the President appointed the following Conferees on the part of the Senate:

Senators:

THOMAS of Kennebec
CLIFFORD of Androscoggin
JOHNSTON of Aroostook

April 28, 1975

Hon. Harry N. Starbranch
Secretary of the Senate
107th Legislature
Augusta, Maine 04333

Dear Mr. Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Granting a Property Tax Exemption for Property Leased by Community Mental Health Centers" (H. P. 480) (L. D. 599):

Rep. BACHRACH of Brunswick
Rep. COX of Brewer
Rep. SUSI of Pittsfield

Respectfully,
EDWIN H. PERT, Clark
House of Representatives

Which was Read and Ordered Placed on File.

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Granting a Property Tax Exemption for Property Leased by Community Mental Health Centers" (H. P. 480) (L. D. 599), the President appointed the following Confereees on the part of the Senate:

Senators:

GREELEY of Waldo
HICHENS of York
CYR of Aroostook

On the disagreeing action of the two branches of the Legislature on Bill, "An Act to Restrict Armed Forces Preferences in State Employment to Veterans Who Were Not Career Officers or Career Enlisted Personnel and to Remove a Barrier to Affirmative Action Programs" (H. P. 1491) (L. D. 1739), the President appointed the following Conferees on the part of the Senate:

Senators:

COLLINS of Knox
KATZ of Kennebec
CONLEY of Cumberland

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 Requiring Used Car Dealers to Give a 60-Day Warranty for all Cars Less Than 7 Years Old on the Engine, Transmission, Front End and Rear Axle." (H. P. 968) (L. D. 1219)

Bill, "An Act to Allow and Encourage All Maine Citizens to Attend Public Meetings." (H. P. 1234) (L. D. 1540)

Bill, "An Act to Establish the Monarch Butterfly as the State Insect." (H. P. 698) (L. D. 874)

Bill, "An Act to Require that Magnetic Tape Recordings be Made of all Public Deliberations of Appointive Boards and Commissions." (H. P. 736) (L. D. 910)

Resolution, Proposing an Amendment to the Constitution to Provide for County Constitutional Charters. (H. P. 870) (L. D. 1076)

Bill, "An Act to Permit Municipalities to Authorize the Department of Finance and Administration to Make Certain Purchases on their Behalf." (H. P. 1000) (L. D. 1280)

Bill, "An Act Relating to State Employees Accrued Leave." (H. P. 1053) (L. D. 1325)

Bill, "An Act to Allow Commercial Shellfish License Holders to Petition the Commissioner to Test Areas Closed Because of Pollution." (H. P. 1142) (L. D. 1436)

Bill, "An Act to Change the Beginning of the Scallop Season in Casco Bay." (H. P. 1264) (L. D. 1576)

Bill, "An Act to Authorize Free Hunting and Fishing Licenses for All Maine Residents of 65 Years of Age or Older and for Certain Totally Disabled Maine Veterans." (H. P. 890) (L. D. 1065)

Bill, "An Act to Provide Combination Fishing and Hunting Licenses to Maine Servicemen at a Reduced Fee." (H. P. 1087) (L. D. 1367)

Bill, "An Act Prohibiting the Taking of Wild Animals by Use of Mechanical Devices Mounted on Motor Vehicles." (H. P. 1116) (L. D. 1398)

Bill, "An Act to Prohibit the Sale of Salmon by Anyone Not a Commercial Producer." (H. P. 1144) (L. D. 1438)

Bill, "An Act to Require Lane Markings on Highways and Roads to be Yellow." (H. P. 1134) (L. D. 1429)

Leave to Withdraw

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Establish a Loan Fund for Volunteer Ambulance Corps and Volunteer Squads." (H. P. 1451) (L. D. 1749)

Reported that the same be granted Leave to Withdraw.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Establish a State Veterans Home." (H. P. 1457) (L. D. 1735)

Reported that the same be granted Leave to Withdraw.

The Committee on Business Legislation on, Bill, "An Act Relating to Protection of Consumers in the Purchase of Hearing Aids." (H. P. 1136) (L. D. 1431)

Reported that the same be granted Leave to Withdraw.

The Committee on Business Legislation on, Bill, "An Act Amending the Consumer Credit Code as it Relates to the Timely Mailing of Billing Statements." (H. P. 1352) (L. D. 1655)

Reported that the same be granted Leave to Withdraw.

The Committee on Fisheries and Wildlife on, Bill, "An Act to Require Nonresident Hunters to Use the Services of a Maine Guide." (H. P. 849) (L. D. 1036)

Reported that the same be granted Leave to Withdraw.

The Committee on Judiciary on, Bill, "An Act Relating to Irreconcilable Marital Differences as a Ground for Divorce." (H. P. 1098) (L. D. 1380)

Reported that the same be granted Leave to Withdraw.

The Committee on Veterans and Retirement on, Resolve, Providing a Minimum Service Retirement Allowance under the State Retirement Law for Horace Strout of Hollis Center. (H. P. 1080) (L. D. 1360)

Reported that the same be granted Leave to Withdraw.

The Committee on Taxation on, Bill, "An Act Relating to Municipal Excise Taxes on Boats and Motors." (H. P. 862) (L. D. 1071)

Reported that the same be granted Leave to Withdaw.

The Committee on Taxation on, Bill, "An Act to Exempt Electrical Power Used to Operate Certain Pollution Control Facilities from the Sales Tax." (H. P. 1047) (L. D. 1335)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Change of Reference

The Committee on Health and Institutional Services on, Bill, "An Act to Establish an Alternative Method of Support Enforcement." (H. P. 1468) (L. D. 1793)

Reported that the same be referred to the Committee on Performance Audit.

Comes from the House, the report Read and Accepted and the Bill referred to the Committee on Performance Audit.

Which report was Read and Accepted and the Bill referred to the Committee on Performance Audit in concurrence.

Ought to Pass

The Committee on Taxation on, Bill, "An Act to Repeal Certain Tax Exemptions." (H. P. 650) (L. D. 802)

Reported that the same Ought to Pass.

The Committee on Taxation on, Bill, "An Act to Tax the Personal Property of Domestic Life Insurance Companies." (H. P. 695) (L. D. 872)

Reported that the same Ought to Pass.

The Committee on Taxation on, Bill, "An Act to Exempt Incorporated Nonprofit Volunteer Literacy Programs from the Sales Tax." (H. P. 790) (L. D. 963)

Reported that the same Ought to Pass.

The Committee on Transportation on, Bill, "An Act Relating to Motor Vehicle Inspection Mechanic Licenses." (H. P. 951 (L. D. 1189)

Reported that the same Ought to Pass.

The Committee on Public Utilities on, Bill, "An Act Relating to Railroad Crossings." (H. P. 1013) (L. D. 1271)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on, Bill, "An Act to Expand the Right-to-Know Law to Cover the Boards of Trustees of the University of Maine and of the Maine Maritime Academy." (H. P. 1018) (L. D. 1316)

Reported that the same Ought to Pass.

The Committee on Public Utilities on, Bill, "An Act Increasing Indebtedness of Jackman Sewer District." (H. P. 1029) (L. D. 1318)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on, Bill, "An Act Concerning the Powers of Officers of Religious Societies." (H. P. 1164) (L. D. 1463)

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.

The Committee on Legal Affairs on, Bill, "An Act to Revise Certain Provisions of the Act Creating Hospital Administrative District No. 4 in Piscataquis, Somerset and Penobscot Counties." (H. P. 933) (L. D. 1213)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-208).

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

Ought to Pass - As Amended

The Committee on Public Utilities on, Bill, "An Act Relating to Sources of Supply and Authority of Yarmouth Water District." (H. P. 1076) (L. D. 1356)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-195).

The Committee on Appropriations and Financial Affairs on, Resolve, Reimbursing Mars Hill Utility District for Bonds Issued for Sewer Construction. (H. P. 14) (L. D. 22)

Reported that the same Ought to Pass Amended by Committee Amendment "A" (H-196).

Come from the House, the Bill and Resolve Passed to be Engrossed as Amended by Committee Amendments "A".

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

Ought to Pass in New Draft

The Committee on Transportation on, Bill, "An Act Relating to Reciprocal Registration of Vehicles." (H. P. 732) (L. D. 908)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to Reciprocal and Apportioned Registration of Vehicles" (H. P. 1542) (L. D. 1853)

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 Legal Affairs on, Resolve, to Reimburse A. L. Stewart and Sons of Cherryfield for Loss of Beehives by Bear. (H. P. 335) (L. D. 418)

Reported that the same Ought to Pass.

Signed:

Senators:

CORSON of Somerset
CIANCHETTE of Somerset
DANTON of York

Representatives:

DUDLEY of Enfield
GOULD of Old Town
PERKINS of Blue Hill
HUNTER of Benton
SHUTE of Stockton Springs
CAREY of Waterville
FAUCHER of Solon

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Representatives:

JOYCE of Portland
BURNS of North Anson
COTE of Lewiston

Comes from the House, the Majority report Read and Accepted and the Resolve Passed to be Engrossed.

Which reports were Read.

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

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act to Permit the Disposal of Moose Killed in Motor Vehicle Accidents." (H. P. 977) (L. D. 1224)

Reported that the same Ought Not to Pass.

Signed:

Senator:

McNALLY of Hancock

Representatives:

CHURCHILL of Orland
KAUFFMAN of Kittery
DOW of West Gardiner
USHER of Westbrook
MILLS of Eastport
WALKER of Island Falls
MARTIN of St. Agatha

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-206).

Signed:

Senator:

PRAY of Penobscot

Representatives:

TOZIER of Unity
MacEACHERN of Lincoln

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

Which reports were Read.

Mr. McNally of Hancock moved that the Senate Accepted the Majority Ought Not to Pass Report of the Committee.

Mr. Pray of Penobscot then requested a division on the motion.

The PRESIDENT: The Senator has the floor.

Mr. PRAY: Mr. President and Members of the Senate: This is a very simple bill and what it does, the Minority Report as amended, it says that a resident, when a motor vehicle has an accidental collision with a moose, would have a right to keep

that moose. And if anybody looks at L. D. 1224, you will see that it adds the word "moose" behind the word "deer". It is a right which we give to people now who presently have an automobile accident and they hit a deer. This is just extending it to one more animal.

I think you are well aware of the damage that can be done to a vehicle by hitting a deer, and I think you can well imagine the damage that could be done by running into a moose.

You will also notice that the word "accidental" was included. This was not in the previous or the original legislation. The cause of the accident, of course, would be left up to the game warden, because when an individual does collide with an animal, he has to report it to a game warden that such has happened. I don't think it is asking too much to say that these same individuals, if an accident did occur where they ran into a moose, are able to keep it. Thank you.

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

Mr. McNALLY: Mr. President, it was testified on this bill, particularly by the department themselves, that most moose that are hit are of pretty good size, and the only way that they can be removed is by getting a wrecker and a truck to haul them away.

Now, supposing that this bill was passed so that the fellow who ran into a moose would dispose of it, and he only decided to take a small piece or one quarter and haul it off, the department would still have to get it away from wherever it was hit. And they have always pursued the giving of any amount of meat that the person that hit the moose has wanted in the past. You can see whereby, if it was left to some private individual, it might be that he had even up to a hundred friends that he would want to divide the moose among. And I am sure that there is that point they brought out that this might cause a good many moose to get run into, in case this was ever passed.

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

Mr. PRAY: Mr. President, as an individual who has once collided with a deer, I will tell you one thing, that that much meat is not going to be that available. It is according, first of all, to where the animal is hit. So the worry of 600 pounds of moose meat all at once coming in to a family, you know, where it is said that somebody might go out and try to run into a moose for that advantage, to get the meat — I think, for one thing, you are not going to find that many moose crossing the roads to cause running up and down the roads looking for a moose, although we do have a lot of them.

But I don't think that this is asking too much. We give this now to individuals who run into deer because of the damage done to their automobiles, and because it is claimed as a state animal. And carrying it over to one more animal is not going to bring on the fears, I think, which Senator McNally thought the Commissioner may have had. I definitely didn't receive that same impression from the Commissioner.

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

Mr. CIANCHETTE: Mr. President, I would like to ask a question through the Chair to the Senator from Penobscot, Senator Pray, that if we keep this bill alive today, would he offer an amendment that would take care of the problem that a person who has been granted the rights to this moose would be responsible for cleaning up the whole carcass, and not just leaving a mess for the Department?

The PRESIDENT: The Senator from Somerset, Senator Cianchette, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate: I would be willing to do so.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion by the Senator from Hancock, Senator McNally, that the Senate accept the Ought Not to Pass Report of the Committee. A division has been requested. Will all those Senators in favor of accepting the Ought Not to Pass Report of the Committee please rise in their places until counted. Will all those opposed to accepting the Ought Not to Pass Report please rise in their places until counted.

A division was had. 13 having voted in the affirmative, and 17 having voted in the negative, the motion did not prevail.

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

Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act to Permit Pharmacies to Advertise Drug Prices and to Require Pharmacies to Post Retail Prices of Commonly Sold Drugs." (H. P. 36) (L. D. 47)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Permit Pharmacies to Advertise Drug Prices and to Provide Retail Price Posting Information to Pharmacies" (H. P. 1538) (L. D. 1849).

Signed:

Senator:

BERRY of Androscoggin

Representatives:

LaPOINTE of Portland
GOODWIN of So. Berwick
KENNEDY or Gray
LOVELL of Sanford
CURRAN of So. Portland
POST of Owl's Head
HENNESSEY of West Bath

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under New Title: "An Act to Permit Pharmacists to Advertise Drug Prices and to Provide Retail Price Posting Information to Pharmacies" (H. P. 1539) (L. D. 1850).

Signed:

Senators:

HICHENS of York
GREELEY of Waldo

Representatives:

MORIN of Old Orchard
SPROWL of Hope
LAVERTY of Millonocket

Comes from the House, the Majority report was Read and Accepted and the Bill, in New Draft, (H. P. 1538) (L. D. 1849), Passed to be Engrossed.

Which reports were Read.

Mr. Hichens of York moved that the Senate Accept the Minority Ought to Pass in New Draft Report of the Committee.

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

Mr. BERRY: Mr. President and Members of the Senate: The reason for the divided report, if I might explain for the committee, is that the majority of the committee felt that with the second report there was no need for this legislation. We felt that with the Majority Report what it actually does is put the word "shall" in play of "may", and the word "may" would put the legislation, in our understanding as it is today, to where a pharmacist may advertise if he wishes. With the Majority Report, it would be compulsory for him to advertise. That is the main difference between the two, and I would ask the Senate not support the motion.

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

Mr. CONLEY: Mr. President and Members of the Senate: I would like to say right at the outset that nothing stated on the floor this morning should suggest that the Maine pharmacists are a bunch of greedy old men determined to rip off our sick people. They are not. They are small businessmen who are providing a very important function.

By the same token, it should be suggested that anything done on this bill is going to drastically lower the price of prescription drugs. But again by the same token, nothing done here is going to put the small town pharmacists out of business. People are going to continue to patronize their town drugstore because they know that the price is only one factor in purchasing prescription service. Convenience and service are two other very important factors.

But what we are trying to do here this morning is provide a few rights for our citizens who are buying prescription drugs. Nobody likes to spend money on prescription drugs, but from time to time we have to. It seems only fair, particularly for our senior citizens who suffer from chronic ailments, that the consumer should have the same rights, at the very least, as the consumer in a grocery store or a hardware store. At present, however, consumers buying prescription drugs have a hard time if they are ever going to find out where they can get a low price, which is particularly important in the case of prescriptions which are filled repeatedly.

Yesterday my office phoned eighteen different pharmacies in three major cities in this state. Each pharmacist was asked the price for the same quantity of the same three very common drugs, and I have asked to have distributed amongst you this morning a list of those quoted prices. If you don't have them on your desks, I am sure they are forthcoming.

In summary, however, it is obvious that the prices varied by about 30 percent within each city. Now, obviously, if my office can phone for these prices, so can any other consumer, with the exception of one pharmacy which does not quote prices over the phone. But all customers don't shop quite as methodically. As has been shown by a study in Boston, most drugstore customers are very reluctant to ask the druggist the price of a drug. We are used to seeing prices stamped on food and marked on other store items. Obviously, it can't be stamped onto prescription drugs which are not set out on shelves.

If I may, Mr. President, I would like to display to the Senate this morning the type of posting that does go on in many states, and particularly in the City of Boston. This

type of posting would be in an inconspicuous place in a pharmacy, where anyone who wanted to fill a prescription for a drug as advertised would be able to find exactly the quantity, the number of grams and the number of units, and would be able to compare at least from one pharmacy to another so as to know whether or not they were getting a bargain or whether or not they were being overcharged.

I would be glad to leave this on my desk for anyone who would like to take a look at this later on in the session or after the session adjourns today. But we can provide a poster, as I stated, such as this one here that is used in Boston, by which any citizen can look at prices without any embarrassment. That is all we are asking, that people have the right to obtain prices without embarrassment or hassle before they make a purchase.

Mr. President, I would hope the Senate would vote against the motion of the Senator from York, Senator Hichens, and would adopt the majority report from the Committee on Health and Institutional Services.

Now, if one has a copy of both the L.D.'s, they can clearly see that the only difference between the two bills is that one bill says "may" and the other says "shall". Report "B", the L.D. that the good Senator from York, Senator Hichens, is asking the Senate to adopt, as I stated, clearly says "may" on it, but if they do, then they shall go through the same procedures as listed in the majority report, or Report "A".

So I would ask, Mr. President, when the vote is taken that it be taken by the "Yeas" and "Nays".

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate: These bills have been before legislatures for the past ten years, including special sessions, and the arguments remain the same. But since the last debate in the special session of a year ago the pharmacists have conceded that drug advertising may be permitted, and all committee members so agree, but to require posting in the pharmacy is going to hurt rather than help the people of Maine. How can small pharmacies comply with required posting and remain in business? The end result will be that the rural areas will be without drug stores, and in emergency situations it may mean lives.

Arguments against my motion refer only to the large cities, but we must realize that Maine is largely a rural state and those people have to be considered.

Furthermore, drug advertising and price posting encourage "loss leader" discounting, and loss leader discounting misleads the public into believing that non-listed drugs or listed drugs in different quantities or strengths will be sold at the same margin of profit. To utilize the information provided through posting or advertising, the name of the drug on the patient's prescription must coincide with the posted or advertised drug name. The odds are rather small that the drug name on the prescription will be identical to the posted or advertised name.

Most prescribed drugs are distributed by several manufacturers. Many are distributed by a large number of manufacturers. And these manufacturers sell the drugs under a wide variety of trade names. Many prescribers habitually use trade names to designate the prescribed drug ordered for the patient, while others use the generic or common name.

To compound the difficulty to the patient, most prescription drugs come in a multitude of dosage forms, each of which has no price relationshp to another. Therefore, in those instances where the prescribed drug is identical to the listed drug, the dosage form must also be the same in order to enable price comparison. Common dosage forms are tablets, capsules, syrups, suspensions, injectables, ophthalmic drops and ointments, pediatric drop and topical ointments. The situation is further complicated by the variety of dosage from strengths, which again are not cost related.

Additionally, in this country there are two systems of weights and measures, the metric system and the apothecary system. Some physicians prescribe in one system, while others prescribe in the other.

Another confusing factor is the lack of proportional price relationship to the differing quantities of the drug, which leaves the patient unable to determine the purchase price of a listed drug, even though of the same name, dosage form and strength.

In addition to the points already noted, I would like to emphasize that price posting focuses attention on price only, and ignores information on available professional services, thus distorting what is true consumer value. This is extremely important to the elderly, to the poor and to the debilitated, who require many of the extra services provided by the community pharmacy and pharmacist. The price of a prescription should not be separated from the professional services included. Determination of true value must be made with a full knowledge of both factors.

Another critical factor to remember is that drug advertising will not necessarily lead to lower drug costs. Advertising is expensive, and someone must pay for this expense. That someone would be the consumer. An example of how it can inflate the price of a drug product is aspirin. Bayer aspirin is nationally advertised and sells for approximately $1.19 per hundred tablets, while Parke Davis aspirin, a product of the highest quality, is not advertised and sells for 59 cents per hundred. There are price variances, but the legislature and the public must understand why these variances exist. One causative factor is the differential pricing policy which exists in the drug manufacturing industry. If all pharmacies could purchase drug products at the same cost, this would go a long way toward eliminating the wide percentage of variance in prices.

A second reason for price variances is the different methods used by pharmacists to charge for their services. There are basically three methods: the professional fee approach, the straight mark-up system, and a combination of mark-up plus fee mechanism. The professional fee is a standard flat fee which compensates for professional services and overhead, and so forth, and is added to that ingredient cost for the determination of the purchase price of the prescribed drug. Under the mark-up system the purchase price is calculated by adding to the ingredient costs a fixed percentage of the cost of the product. With a combination approach a smaller fee is added to compensate for professional services, lower percentage mark-up is utilized to offset the overhead, and the purchase price is figured by adding to the ingredient costs the percentage of costs plus the smaller fee. No matter which of these methods is used in pricing the prescription, there will usually not be a proportional relationship between the prices of varying quantities dispensed.

If drugs are promoted like articles of commerce or simple commodities of trade, the public will be led to believe that obtaining prescribed medications is nothing more than a retail transaction. Promoting this theory would do a great disservice to the citizens of Maine, and particularly to our youth.

During the past few years we have witnessed an unprecedented growth in drug abuse and dependence ranging from the housewife and her diet pills and tranquilizers to the young student and his array of pills. It is believe by many, from evidence recently accumulated, that this present drug dependence of our society has resulted to a significant extent from the wide promotion to the consumer of non-prescription drugs. The public, through television commercials, newspaper advertisements and posted signs has been led to believe that there is a pill available to cure every disease and malady. Furthermore, the public, through this promotion, has been encouraged to consume pills in whatever quantities necessary to relieve every sign and symptom of pain or discomfort.

It is obvious that the power of persuasion of a skillfully designed advertisement or posted sign clearly has an inducing effect which if applied to the purchase and use of dangerous drugs would further endanger the health, safety and welfare of innocent persons. Such promotion encourages the use and acceptance of drugs. Dangerous side effects, contra-indications and incompatibilities are ignored, forgotten or minimized as promotion familiarizes the public with dangerous drugs and, thus, reduces drugs to common usage with no respect for the potentiality to cause harm. Therefore, the promotion of drugs in any form contributes and possibly enhances the incidence of drug dependence, misuse and abuse. Prescription medication should not be presented to the public other than as a part of the total health care service rendered to a patient to restore health and should be rendered in the same personal manner as those services provided by other members of the health team caring for the patient.

The posting of these drugs also adds to the abuse problems by giving the illegal drug user the correct spelling, strength and quantity of the abuse drugs, the information which is useful to those forging prescriptions for the purpose of obtaining drugs illegally. Forgeries are frequently detected because the drug name is incorrectly spelled, the strength is improperly designated, or the quantity is of an unusual amount.

An additional adverse reaction caused by consumer promotion of prescription drugs is that it tends to encourage the use of larger than needed quantities of prescription medication because larger quantities can justify lower unit cost. Larger than necessary quantities provide a false economy for the patient who may receive more of a drug than he reasonably needs or can utilize. For example, the possession of larger quantities encourages over-utilization of the drug prescribed, diversion, abuse and self-medication of unused prescribed drugs to treat ailments of friends and relatives, or later use by the patient for similar conditions. Larger quantities also establish greater time lapses between professional consultations with either pharmacists or physicians and, hence, may delay recognition of adverse

drug reactions or other reasons for discontinuing or changing themedication prescribed.

Finally, the posting and advertising of prescription drugs lends itself to increasing the risk of misuse and consequent harm for those who shop commodity prices. It is important to the best interest of the health and safety of the public that prescription drug use be professionally determined, carefully controlled, and continuously supervised to discourage increased or excessive use and to prevent delayed recognition of possible adverse drug reactions. Commercial promotion of prescription drug products discourages the selection of a single pharmacist who has gained the patient's trust and confidence based on his professional skill and ability to perform these functions. The practice of purchasing prescription medication from different pharmacies because of supposed cost-saving incentives could cause dire results.

The public will only be properly served when they have selected a single pharmacy to provide all their medication needs and the pharmacist is thus able to monitor the patient's total drug regimen to avoid undesirable drug conflicts which, if not discovered, can lead to an unnecessarily prolonged illness, hospitalization, and other avoidable medical expenses.

In summary, the promotion of and shopping for prescription drugs reduces the respect for prescription drugs, ignores the social ramifications of prescription drug familiarity, increases the difficulty of controlling illicit purchases of abuse drugs, and adds to the potential of patient injury caused by drug interactions. We live in a drug culture, much of it created by drug promotion. Prescription drug advertising and posting is inconsistent with the drive to correct this expensive social problem. Posting is a market concept designed to promote volume sales and increase profits. It doesn't help the individual.

With these facts as presented, I therefore move acceptance of the minority report and I ask for a roll call.

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

Mr. CONLEY: Mr. President and Members of the Senate: I congratulate the good Senator from York, Senator Hichens, for his remarks on these two bills. However, I would like to call the attention of the Senate to examine them carefully, because both bills allow advertising and both bills allow posting. And the good Senator apparently does believe in advertising, contrary to his remarks, because he signed the ought to pass Report "B", which does exactly what Report "A" does, except Report "A" says that they "shall".

I am not going to belabor this any longer, but I certainly hope that the Senate has received enough knowledge through this transition of debate between the good Senator from York and myself to be able to reject Report "B" and adopt Report "A". Thank you.

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

Mr. BERRY: Mr. President and Members of the Senate: First of all, I would like to congratulate my good friend, Senator Hichens of York, on his presentation. I kind of felt like I was sitting through the testimony given by the druggists at the committee hearing.

But in all honesty, the Senator from Cumberland, Senator Conley, is correct. The only difference between the two bills is the words "may" and "shall." I think if you look at the chart that was passed out by Senator Conley this morning, and if you broke it down into percentages, you would realize there is a big need for this type of legislation.

If we may for a minute, for Aldomet in Augusta there is a variation of 24 percent; in Lewiston 21 percent; in Bangor 32 percent. Achromycin, in Augusta there is a 23 percent variation; 42 percent in Lewiston, and 30 percent. The list goes on and on. I think it is unfortunate that the name brand drugs came into play this morning during the conversations we have heard, and it was brought to our attention that brand name drugs in the same city in two drug stores within three blocks of each other had a variation as high as 48 percent for the same drug by the same company. So I think there is a need for this type of legislation. And once again, the only difference between the two bills is in the words "may" and "shall".

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I would just like something clarified. The difference between the reports on the "may" and the "shall", as I understand it, goes to the posting, but Report "A" does not require advertising. Am I correct on that?

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As a member of the Maine Committee on Aging, I know that senior citizens all over the state are in favor of this mandatory posting of drug prices so that they can save on their medication bills. That is the group which has the highest medication bills and

they are really in favor of this mandatory posting. Thank you.

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

Mr. CURTIS: Mr. President, I would like to pose a question through the Chair to anybody who might care to answer. From the debate I have heard I am a little confused. As I understand it, there is a proposal to permit drug advertising in newspapers but not on television. If that is correct, I would like somebody to explain the reason that we are authorizing in one media and are not going to permit advertising in another media.

The PRESIDENT: The Senator from Penobscot, Senator Curtis, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I believe it is because of the Food and Drug Administration, which prohibits certain advertising of drugs on television.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I have the same question in mind with respect to radio. I certainly would agree with the idea of prohibiting advertising on television, but I wonder why it should not also be extended to a prohibition against advertising drug prices on the radio. Could someone answer that?

The PRESIDENT: The Senator from Knox, Senator Collins, poses a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, the newspaper advertising was the main issue that was brought to us by proponents and opponents of the bill. And as the good Senator from Cumberland, Senator Conley, has said, there are regulations by the Drug Commission. Now, as to whether that includes radio or not, I think it is on all broadcasting, whether it is television or radio.

The PRESIDENT: The Chair recognizes the Senator from Anbdroscoggin, Senator Carbonneau.

Mr. CARBONNEAU of Androscoggin then moved that the bill be tabled and Specially Assigned for May 1, 1975, pending the motion by Mr. Hichens of York to Accept the Minority Ought to Pass in New Draft Report of the Committee.

Mr. Speers of Kennebec requested a division on the motion.

Thereupon, Mr. Carbonneau of Androscoggin withdrew his tabling motion.

The PRESIDENT: Is the Senate ready for the question? A roll call has been requested. In order for the Chair to order a roll call,it must be the expressed desire of more than one-fifth of those Senators present and voting. Will all those in favor of a roll call please stand in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The Chair will restate the question. The pending question before the Senate is the motion of the Senator from York, Senator Hichens, that the Senate accept the Minority Ought to Pass in New Draft Report of the Committee. 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 Cianchette, Cummings, Gahagan, Graffam, Greeley, Hichens, Jackson, McNally, Wyman.

NAYS: Senator Berry, E.; Berry, R.; Carbonneau, Clifford, Collins, Conley, Corson, Curtis, Cyr, Danton, Graham, Huber, Johnston, Katz, Marcotte, Merrill, O'Leary, Pray, Reeves, Roberts, Speers, Thomas.

ABSENT: Senator Trotzky.

A roll call was had. Mrs. Cummings of Penobscot was granted leave to change her vote from "Yea" to "Nay". Eight Senators having voted in the affirmative, and 23 Senators having voted in the negative, with one Senator being absent, the motion did not prevail.

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

Second Readers

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

Bill, "An Act Relating to the Location of Town Meetings." (H. P. 1532) (L. D. 1848)

Which was Read a Second Time and Passed to be Engrossed, in concurrence.

Bill, "An Act Amending the Lead Poisoning Control Act." (H. P. 1531) (L. D. 1847)

Which was Read a Second Time.

Mr. Berry of Androscoggi then presented Senate Amendment "A" and moved its Adoption

Senate Amendment 'A', Filing No. S-101, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down or concurrence.

Bill, "An Act to Authorize the Board of Environmental Protection to Solicit and Receive Testimony on the Economic Effects of Proposed Developments." (H. P. 1500) (L. D. 1823)

Which was Read a Second Time and Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

Bill, "An Act to Increase the Minimum Wage to $2.30 an Hour." (H. P. 1521) (L. D. 1834)

Which was Read a Second Time.

Mr. Pray of Penobscot then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-97, was Read.

Mr. Speers of Kennebec then moved that Senate Amendment "A" be Indefinitely Postponed.

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

Mr. MERRILL: Mr. President, I would ask that when the vote is taken it be taken by a roll call.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of more than one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

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

The Chair recognizes the Senator from Androscoggin, Senator Carbonneau.

Mr. CARBONNEAU: Mr. President, could we have the Secreatary read Senate Amendment "A"? We don't have a copy of it here.

The PRESIDENT: The Secretary will read Senate Amendment "A".

Senate Amendment "A" was Read by the Secretary.

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

Mr. SPEERS: Mr. President, I will be very brief this morning because the arguments and the comments that were made on this bill and the various amendments that are being presented here this morning were made yesterday, and because if comments were made on every single one of these amendments we could be here until late this afternoon.

I would point out a progression or a regression, however it may be termed, in the order in which these amendments presumably are to be presented, and would simply like to ask the leader of the minority party as to why the order in which these are presented is not upward rather than downward, and why perhaps the amendments that are being offered do not go above the $2.50 rather than below the $2.50. I don't want to presume that this body or any positions that are taken in theis body can state with certainty that we have arrived at an ideal, and as we get closer and closer to the $2.30 an hour are we really acting responsibly or are we playing games?

Now, the federal minimum wage will go to $2.30 an hour January 1. We are proposing to advance the effective date in ther State of Maine to $2.30 an hour, hopefully not putting outselves in a non-competitive position with rest of this nation.

As I said, the arguments and the comments were made yesterday that if we are not playing games, obviously the minority party believes that the ideal would be $2.50, and perhaps anything under that they could get would be all for the good. If they don't believe the $2.50 is the ideal, and if they truly believe that they are not simply playing games here this morning, then I would ask why they have not offered what they do consider to be the ideal, whether it be $2.50 or even more.

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

Mr. CONLEY: Mr. President and Members of the Senate: This is a bread and oleo issue with the Democratic Party, and it is a matter of history within this state that the Democratic Party has tried to protect the working man with the minimum wage. Prior to the session this morning I told the good majority floor leader that perhaps this would be one of the few issues this session that would be categorized as being partisan. It is partisan, and I wish it weren't.

The reason the amendments are before you in the order in which they occur is because we are willing, we are willing, to allow the majority party to support the $2.50, the $2.45, the $2.40, or the $2.35. As it was stated yesterday, $100 a week. And as the good Senator from Cumberland, Senator Merrill, said, we pick up in three days of expenses what we are asking here on this bill.

I would hope that the Senate could adopt Senate Amendment "A", as presented by the good Senator from Penobscot, Senator Pray, and we wouldn't have to offer these other amendments. But the working people and the working class in this state have to have some sort of purchasing power, and

you and I know exactly what it costs day by day to exist. We are trying to give them just a little additional purchasing power. When you get down to $2.35 an hour, imagine it, that is only $2 a week.

I hope the Senate would adopt Senate Amendment "A".

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

Mr. PRAY: Mr. President and Members of the Senate: I wasn't going to speak, but after the comments by the majority leader, and seeing how I am the sponsor of Senate Amendment "A" raising it to $2.50, I did this yesterday and I was not aware of the other amendments at that time.

The reason I went this route is because I heard some of the fears expressed yesterday of the immediate impact of Report "A" by the committee of the emergency action calling for a minimum wage to be raised to $2.30 in the first week of May. I have heard it said by both sides, by both parties, here yesterday that there is a need for an increase.

Report "B", as it comes out, calls for a 20 cent increase over what the federal government offers now because it was felt that there is a need for this increase. I know the cost of living has gone up roughly, it has been estimated, 12 percent in the last year. This increase will only take the minimum wage up an estimate of around 10 percent. The man on the bottom of the pole is still being left down there and not being watched, not being taken care of, and I feel in many instances not being represented.

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

Mr. KATZ: Mr. President, it was my pleasure during the 106th to sit in this seat day after day and hear roll calls requested by the minority party, roll calls which had only one purpose, to put the members of the majority party on record in as disadvantageous a light as possible, and we had dozens of them. The minority leader is correct, I think this is the first time this has occurred this session, with no hope of success for the amendment, but purely and simply to get roll call evidence of the fact that the minority party are the protectors of the working man.

If another roll call is necessary, let's have it, but I would hope that this is indeed a unique case because we have been singularly free of this kind of partisan shenanigan this session. I know that within the majority party caucus there has been significant encouragement to our leadership to avoid partisan confrontations just for the sake of getting people on the record.

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

Mr. MERRILL: Mr. President, I am surprised at the Senator from Kennebec, Senator Katz, in referring to asking for a roll call on an issue that affects Maine people as being a partisan shenanigan. This is a public body. We are elected by the public. And if it is a partisan shenanigan to ask that the members of this body stand up and be counted and that what they do be clear to the public, and where they stand on where the minimum wage should be, if that is partisan, then I am glad to promote that partisan effort. I think everyone here ought to be brave enough and proud enough of his own position on the issue, and because I think the members of this Senate arrive at their positions honestly, so that they would be more than willing to spell out exactly where they stand on an issue as important as the minimum wage.

When the Majority Leader, the Senator from Kennebec, Senator Speers, refers to this as a game, with some suggestion that if we were to raise the minimum wage only five cents above the $2.30 that that would be unimportant, I am reminded of the testimony that we had just a little while ago when we were considering a possible increase in the gas tax, which would have a very minor effect on the average worker in terms of the number of cents that it would take out of his paycheck per week, and we had testimony before our committee from a lobbyist and a noted Republican who was testifying against that bill. He talked about some wage earner plan work that he is doing as a lawyer now and the situations where he is finding people that are steadily going into debt at the rate of about $1.30 a week. And he has gone over the paychecks of those people and worked out with their bills and their situation, the living cost situation, and he testified before us, and I believe him, that it was impossible even to find a way to save $1.30 a week for that guy so that that guy could start meeting his bills. That is how hard put some people are in this state.

If any of us tried to live on the money we are, talking about here we would know what it meant. We would know it is not a game to talk about $2 to some of these people, it is not a game at all. Maybe it puts meat on the table once in a week. If that is what is a game, if that is a partisan shenanigan, then I am glad to play the game and I am glad to be a member of the party that I am.

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

Mr. KATZ: Mr. President, that was an excellent speech, right to the gut of the issue. The point that I was making is that we had a series of excellent speeches for about an hour yesterday which put each one of us who wished to spek right on record as to how we are going to vote. And the concern that I have is that we are on record already, the issue has been drawn, the proponents and the opponents have spoken, and this is what I refer to as shenanigans, not the importance of the issue, because I share the opinion of the Senator from Cumberland with respect to the importance of the issue.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President and Members of the Senate: I may be ostracized from the Democratic Party for the action that I am going to take here this morning, but I am going to support the $2.30 all the way.

In my opinion, we are trying to solve a problem with the wrong tool. It has been debated here that those that will bear the brunt and will be affected by this will be the small businesses. Well, the small businesses have no more control over their power, they have no more control over their taxes, they have no more control over the telephone and the heating. The only control they have is on their labor. And if we bring this minimum wage too high, they are going to bake a good hard second look at their labor and, as was stated yesterday, in many cases where they have six people they may cut it down to four.

So to me, I can see two detrimental effects. First, raising costs when inflation is a factor will have a detrimental effect. Second, raising labor costs when unemployment is rampant. I have no objection to going to $2.50, to $2.75 or $3.00, if the federal government goes to it. What I would like to see attached to this minimum wage bill is a clause whereby if the federal government goes above $2.30 then we will follow. But I certainly don't believe that a state that is 45th in the economic picture can afford to take the leadership in this field.

For those reasons I will support defeat of all the amendments that will come along that ask for more than $2.30. $2.30 is a 10 per cent increase over last year. It has been stated that the inflation is about 12 percent, 10 to 12 per cent in many cases. Now, if $2.30 is not satisfactory this year then $2.10 was not satisfactory last year.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Kennebec, Senator Speers, that Senate Amendment "A" be indefinitely postponed. A roll call has been ordered. A "Yes" vote will be in favor of the indefinite postponement of Senate Amendment "A"; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, R.N.; Carbonneau, Collins, Corson, Cummings, Curtis, Cyr, Gahagan, Graffam, Greeley, Hichens, Huber, Jackson, Katz, McNally, Roberts, Speers, Thomas and Wyman.

NAYS: Senators Berry, E.F., Jr.; Cianchette, Clifford, Conley, Danton, Graham, Johnston, Marcotte, Merrill, O'Leary, Pray and Reeves.

ABSENT: Senator Trotzky.

A roll call was had. 19 Senators having voted in the affirmative, and 12 Senators having voted in the negative, with one Senator being absent, Senate Amendment "A" was Indefinitely Postponed.

Mr. Cianchette of Somerset then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-98, was Read.

The PRESIDENT: The Senator has the floor.

Mr. CIANCHETTE: Mr. President and Members of the Senate: I would like you to notice that this amendment does allow for increases up to $3 an hour, coupled with the possible federal increases. But I need to say a word about playing games, roll calls, and a little consistency here in the Senate.

Yesterday we debated this issue at length and a $2.50 increase was defeated. All that needed to be done at that point was for the Senate to adopt $2.30 and it could have gone under the hammer. But who asked for the roll call? It was the majority leader who asked for the roll call to put the Republicans on record here in the Senate of voting for a $2.30 minimum increase. Now, if that is playing games, then I suggest that the floor leader has started the game, he asked for the game.

I agree very much with the Senator from Cumberland, Senator Merrill, that personally I don't think this is any game, and I don't take it as such. I take it as very serious business, and I object a little bit to the inference here in this Senate that there are some of us playing games because, if that is so, then the game started yesterday.

I sincerely hope that this Senate will adopt $2.45 an hour minimum starting January 1, 1976, and then allowing for increases up to $3 combined with federal legislation.

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

Mr. CONLEY: Mr. President, when the vote is taken I request that it be taken by the "Yeas" and "Nays".

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. Speers of Kennebec then moved that Senate Amendment "B" be Indefinitely Postponed.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of more than one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The Chair will restate the question. The pending question before the Senate is the motion by the Senator from Kennebec, Senator Speers, that Senate Amendment "B" be indefinitely postponed. A "Yes" vote will be in favor of the indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators R. Berry, Carbonneau, Collins, Corson, Cummings, Curtis, Cyr, Gahagan, Graffam, Greeley, Hichens, Huber, Jackson, Katz, McNally, Roberts, Speers, Thomas, Wyman.

NAYS: Senators E. Berry, Cianchette, Clifford, Conley, Danton, Graham, Johnston, Marcotte, Merrill, O'Leary, Pray, Reeves, Trotzky.

ABSENT: Senator Trotzky.

A roll call was had. 19 Senators having voted in the affirmative, and 12 Senators having voted in the negative, with one Senator being absent, Senate Amendment "B" was Indefinitely Postponed.

Mr. Johnston of Aroostook then presented Senate Amendment "C" and moved its Adoption.

Senate Amendment "C", Filing No. S-99, was Read.

The PRESIDENT: The Senator has the floor.

Mr. JOHNSTON: Mr. President and Members of the Senate: In the last political campaign in Aroostook County in the district in which I campaigned a former member of this body made it clear where his stand was on this issue. There was no confusion in that particular campaign. In another campaign which bordered on the district in which I campaigned there was a considerable amount of confusion as to who voted for what. I would hope that these roll calls morning would prohibit that sort of confusion in the campaigns here around in 1976.

My second point is that one of the reasons we have not had a great many partisan issues in this body is because we have compromised. And I would remind the members of this body in the majority party that this is a dead center compromise at $2.40 between the $2.50 and the $2.30, and I would urge acceptance of this amendment.

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

Mr. CURTIS: Mr. President and Members of the Senate: I would like to speak just briefly. I guess what concerns me is the same thing I mentioned yesterday, and that is that we are politicizing and we are polarizing on this particular issue. Reference has been made to forthcoming campaigns, and I am sure all of us think about that. But, in addition to thinking about that, perhaps we ought to think about some of the specific situations which we face.

Last night I was in a business, a small business, and in talking to the proprietor of this business, who has about six employees, and discussing the minimum wage, he was trying to figure out what effect the action we seemed about to take would have on his business. He pays about three of his employees the minimum wage and he pays about three of his employees at higher than the minimum wage. When the minimum wage goes up, obviously he has to increase the amount of pay being provided to those who are receiving the minimum wage. At the same time he feels obligated, and I would understand that, to raise the people who are higher.

Now, his is a marginal business, and at some point it is going to be more sensible economically for him to eliminate one of the people to whom he has to pay the minimum wage and do a little more work himself and ask the other people to do a little more work for him.

Now, I only mention this because each of us have similar situations and we are dealing with a very delicate compromise that has been put together at $2.30. Although all of the amendments that seem to be before us here are higher than $2.30, it is quite possible that at some time we might see an amendment lower than $2.30. This fellow said, "Ted, why isn't the legislature considering $2.15, $2.20 or $2.25?" It is very hard to determine the effect of unemployment that will result from any of these amendments, I appreciate that, but the longer we spend and the more partisan sort of debate that occurs on this issue, the more likely it is that there might not be any increase at all.

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

Mr. CONLEY: Mr. President, I move when the vote is taken that it be taken by the "Yeas" and "Nays".

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I would urge the members of the Senate to vote against the motion.

The PRESIDENT: The pending motion is the motion of the Senator from Aroostook, Senator Johnston, that the Senate adopt Senate Amendment "C". A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of more than one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The Chair will restate the question. The pending motion before the Senate is the motion of the Senator from Aroostook, Senator Johnston, that the Senate adopt Senate Amendment "C". A "Yes" vote will be in favor of adopting Senate Amendment "C"; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Cianchette, Clifford, Conley, Danton, Gahagan, Graham, Johnston, Marcotte, Merrill, O'Leary, Pray, Reeves.

NAYS: Senators Berry, R.; Carbonneau, Collins, Corson, Cummings, Curtis, Cyr, Graffam, Greeley, Hichens, Huber, Jackson, Katz, McNally, Roberts, Speers, Thomas, Wyman.

ABSENT: Senator Trotzky.

A roll call was had. 13 Senators having voted in the affirmative, and 18 Senators having voted in the negative, with one Senator being absent, the motion to Adopt Senate Amendment "C" did not prevail.

Mr. Conley of Cumberland then presented Senate Amendment "D" and moved its Adoption.

Senate Amendment "D", Filing No. S-100, was Read.

The PRESIDENT: The Senator has the floor.

Mr. CONLEY: Mr. President and Members of the Senate: This is the last amendment that the Democrats intend to offer on this bill this morning, and what it does precisely is give the Maine working people an additional $2 a week, if the amendment is adopted, effective January 1, 1976.

Mr. President, when the vote is taken, I ask that it be taken by the "Yeas" and "Nays".

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, as I stated at outset of this great debate, none of us in this great body have the answers to what the ideal may or may not be, and I am sure that to many $2 an hour or $2 a week is not very much. I am sure that if the members of either party were to express an ideal, we would be very much hard pressed to say that $100 a week is an ideal wage, and yet that seems to be what the members of the minority party are saying when they offer these amendments and haven't gone beyond that.

If they are really concerned about the working men and women of this state, as they say, and if they really feel that this is the approach that should be taken in order to provide prosperity for all, then why have they not offered an amendment which would do just that, and raise the minimum wage so that it is beyond $100 a week.

I really don't want to question any more than I have the motives of the minority party here this morning, and would simply move to indefinitely postpone Senate Amendment "D".

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

Mr. KATZ: Mr. President, on a bright note, I would like to express to the minority leader, on behalf of the Kennebec Journal, which are my constituents, who print the roll calls and the legislative record, a degree of satisfaction that we have helped create employment in Augusta.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Kennebec, Senator Speers, that Senate Amendment "D" be indefinitely postponed. A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of more than one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The Chair will restate the question. The pending question before the Senate is the motion of the Senator from Kennebec, Senator Speers, that Senate Amendment "D" be indefinitely postponed. A "Yes" vote will be in favor of the indefinite postponement

of Senate Amendment "D"; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry R.; Carbonneau, Collins, Corson, Cummings, Curtis, Cyr, Graffam, Greeley, Hichens, Huber, Jackson, McNally, Roberts, Speers, Thomas, Wyman.

NAYS: Senators Berry, E.; Cianchette, Clifford, Conley, Danton, Gahagan, Graham, Johnston, Katz, Marcotte, Merrill, O'Leary, Pray, Reeves.

ABSENT — Senator Trotzky.

A roll call was had. Mr. Katz of Kennebec was granted leave to change his vote from "Nay" to "Yea". 18 Senators having voted in the affirmative, and 13 Senators having voted in the negative, with one Senator being absent, Senate Amendment "D" was Indefinitely Postponed.

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

Mr. SPEERS: Mr. President, much has been said about going on record and about making positions very clear for any future comments that may be made regarding these positions, and to satisfy the desires of everyone in the body who wish to make the positions very clear, I ask for a roll call.

Th PRESIDENT: The Senator from Kennebec, Senator Speers, has requested a roll call on the pending motion before the Senate, which is the passage to be engrossed of L. D. 1834 in non-concurrence.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I believe that the people will read in the paper tomorrow morning that everything is very, very clear here in the Senate, and I would move that the members of the minority party go on record as supporting the $2.30 an hour.

The PRESIDENT: A roll call has been requested. In order for the Chair to order roll call, it must be the expressed desire of more than one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is passage to be engrossed of L. D. 1834. A "Yes" vote will be in favor of engrossment; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Berry, R.; Carbonneau, Cianchette, Clifford, Collins, Conley, Corson, Cummings, Curtis, Cyr, Danton, Gahagan, Graffam, Graham, Greeley, Hichens, Huber, Jackson, Johnston, Katz, Marcotte, McNally, Merrill, O'Leary, Pray, Reeves, Roberts, Speers, Thomas, Wyman.

ABSENT: Senator Trotzky.

A roll call was had. 31 Senators having voted in the affirmative, with one Senator being absent, the Bill was Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Senate

Bill, "An Act Relating to Minimum Finance Charges Under the Maine Consumer Credit Code." (S. P. 219) (L. D. 718)

Bill, "An Act to Provide for a Deputy Chief Judge of the District Court." (S. P. 410) (L. D. 1309)

Bill, "An Act to Provide for a Licensed Practical Nurse on the State Board of Nursing." (S. P. 410) (L. D. 1309)

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

Sent down for concurrence.

Bill, "An Act to Prevent Hunting in Areas Near Dumps in Unorganized Territories and Plantations of the State." (S. P. 205) (L. D. 695)

Which was Read a Second Time.

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

Senate Amendment "A", Filing No. S-102, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

Bill, "An Act Relating to Hunting Bear with Dogs." (S. P. 311) (L. D. 1059)

Which was Read a Second Time.

Mr. Pray of Penobscot then moved that the Bill and accompanying papers be Indefinitely Postponed.

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

Mr. GRAHAM: Mr. President and Members of the Senate: This bill would limit the hunting of bear with dogs to three months of the year, and four dogs per hunting party; surely a very modest proposal.

Bear hunting with dogs is a brutal sport, if you can call it a sport. Having been baited with food, the bear is chased through the woods by half-starved dogs. They finally tree the bear or surround him. The sportsmen then come up and shoot the bear. At present the season for this sport begins on June 1st and lasts until the deer season.

These hunting parties with their high-powered rifles and their packs of dogs go rampaging through the woods at the time when the deer are dropping their fawns, game birds are raising their young, and the area is full of summer people and their children trying to enjoy Maine nature.

It seems to me that the least we can do is to limit the season for this awful sport and cut down the number of half-famished dogs that are turned loose during the height of our tourist season. No wonder Mr. Marsh, Commissioner of Inland Fish and Game, personally favors not only this bill but eliminating the hunting of bear with dogs altogether. I hope you will join me in defeating this motion to indefinitely postpone the bill.

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

Mr. McNALLY: Mr. President and Members of the Senate: I am only going to state what we heard in the hearing. It was sort of an unusual thing that probably the best bear hunter in the state comes from Eustis, and he is the one they employ when the bears are killing the sheep. He only has two dogs. I never knew how they operated, a successful one, but he has one dog that he lets out and the other dog is in the cage on the truck. This other dog runs along side the road until he finds the bear tracks, and then he lets the one out of the cage and they immediately proceed to go for the bear, and eventually he gets the bear. Now, there were two other bear hunters that make a business of it that told me that four dogs would be enough probably. Another one suggested that perhaps five would be a better number to hunt the bear.

There also was testimony about where two bear hunting parties get together. One party will have ten dogs and start out in a location, and the other party will have ten dogs and start out in another direction, but they must have some sort of ESP because eventually the two parties converage and the dogs you have are not ten anymore, they are 20. Now, I understand there are one or two good dogs in either one of the packs, and the rest of them are all learners, they all spoke of them as learners.

I am simply stating to you folks here the testimony we had in committee because I didn't know too much about the bear hunting, except that I was building a school up in Aurora and one day there was an awful lot of noise from dogs barking, and pretty soon a bear comes down crossed above the school, perhaps a quarter of a mile. You could just see him up in the blueberries crossing. By and by, down come the dogs down below the school, down the road, hunting for the bear tracks. I don't know if that bear was successful or the dogs were successful that day but they sure was a good pack of dogs.

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

Mr. PRAY: Mr. President and Members of the Senate: I really had hoped to avoid this. I myself am not a bear hunter. I really find no sport in it personally. But I have a number of constituents and people through the state that do hunt bear, and I would like to clear up a few statements that have been made here, both by Senator Graham and by Senator McNally.

First of all I will talk about the committee. The committee report which has been accepted is a report of one. That one stated he felt no way on the bill but he said that he would sign out at least as one individual so that it could be debated, thus, he had no strong feelings on it.

Second of all, in the committee we had two individuals that testified as proponents, and I lost count of the opponents, but I would say close to two dozen or more.

As to the number of dogs, presently the law says ten. It was testified at the hearing, and I am aware of this myself, the strength and the speed of a bear — a lot of people might not know this, but a bear is perhaps the fastest animal in the Maine woods. A bear can run a deer down. A bear can run a pack of dogs into the ground. A bear is usually caught when he trees himself; that is when the dogs catch up with him. But besides that, the fact of training the dogs to a sport, which the Commissioner says personally he doesn't favor, as Senator Graham stated, but I talked to him this morning officially and asked him how he would stand on it as the Commissioner of the Inland Fish and Game Department responsible for management of our game, and he said he would have to take a stand in favor of the sport because it is not detrimental to the management of the game.

Back to the ten dogs, you have got to train your pack. If you have a couple of good dogs or three good dogs, and you bring in your younger pups, then you will be able to continue on in this sport. So that is the reason for the ten dogs. I myself did not hear any testimony saying that they could get by with four, six, or five.

As to shortening the season, myself, in my type of business, I am well aware of why the individual, the majority of the

hunters, come in the early months and in the late months. If you stop and think about it, as we have our cold weather the pelt of the animal is at its thickest and its finest. If you are going to come in in June, or as the bill says in August, our hottest month, the fur is going to be sparse. A bear during the summer months has a lot of bald spots where it rubs against trees, stones and branches because of the heat. So one of the basic ideas of hunting a bear is for the pelt, for the fur, and the idea of hunting in August and then on, you are going to lose that pelt.

It is a big sport for a lot of these people. A lot of these people testifying make it through the summer months on this; this is their living. I am not going to argue with if it is being cruel or not. You know, I have seen some people that go out and hunt rabbits with their dogs, and they say it is awful how people can go out and shoot a deer. I, myself, I hunt. I hunt from the first day of deer season to the last day, excluding Sundays. I would have hunted Sundays if you people had gone along with me, but you felt different.

But there are individuals who hunt bear and enjoy it, and because some of us may stand and sit here and feel it is a cruel and unjust sport and they shouldn't do it, you know, if the Commssioner felt that it was necessary, he would have recommended to the Committee that we do away with this sport completely. For this reason I rise: if the Commissioner does not feel it is endangering the birds, the deer, the fawns that we have in the early months, then I myself cannot see as to where it would.

These dogs go through an intensive training stage, and I can verify by seeing these dogs, although I have not been on an actual hunt, but in other hunts, coon hunts and such, they are highly trained dogs. Very few of them will chase deer; they are broken from chasing deer, so this fear is not that large of a problem. I would hope that the individuals in this body would support my motion.

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

Mr. GRAHAM: Mr. President and Members of the Senate: I don't care to drag out this argument with the good Senator Pray from Penobscot. I realize that he has to oppose this bill, But at the hearing no doubt were a lot of bear hunters. When you enter a bill like this every bear hunter in the state shows up. But the people of Maine were not there, and I think if you consult your constituents and ask them how they feel about this hunting bear with packs of dogs, I think you will get a negative answer.

Indeed, it was hunters who came to me and asked me to introduce this bill, hunters who were disgusted by this form of sport. Few Maine people indulge in this sport. The great majority of bear hunters are from out of state, they are from the south where bear hunting with dogs is prohibited. North Carolina, South Carolina, Alabama, Georgia, all those states prohibit hunting of bear by dogs, so they come to Maine. Sometimes in the past they come with as many as 70 dogs. You can imagine what sort of a carnage that creates in the woods.

Maine has the longest bear hunting season with dogs in the East. Vermont allows three weeks, New Hampshire eight weeks, and with this bill we are going to allow three months. So I think this is a very modest proposal to cut down on this sport. I therefore urge you to vote against this motion to indefinitely postpone, because you can imagine what these packs of dogs do in the woods during the tourist season, during the bird season, and I urge you to oppose this motion. Thank you.

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

Mr. McNALLY: Mr. President, fortunately, I found my notes on the committee hearing, and that is all I recited, what happened in the committee. Mr. Landry, who has testified a good many times, testified first that 10 dogs were unmanageable, and four was about right.

Then we got down into the opponents, and we had a man named Erwin McAllister from Abbott, formerly a fish and game warden in the central part of Piscataquis County, and he said two dogs will run a bear, three or four are better. And then we got down to the gentleman I spoke of, who said he was from Stratton but told me later he was from Eustis, by the name of Philip Cox, who goes out after the bear, as I said, that is after the sheep, and he has only two dogs.

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

Mr. GREELEY: Mr. President and Members of the Senate: I would just like to tell the Senate that there are ways of hunting bear without the use of dogs. I am referring to the case where there were three fellows who hired a camp for a week. They had been out four or five days and hadn't seen any bear, so a couple of the fellows gave up and stayed in the camp that morning. The third guy decided that he was going out and get a bear. He told them that when he came back he would bring back a bear. So he got up early in the morning, got something to eat and started out before daylight. He hadn't gone very far from the camp when he ran across an object and was wondering what it was. So he walked up to it and it happened to be a bear. Well, it frightened him so that he dropped his gun and started for the camp. He got right in front of the camp door and tripped and fell flat. Well, the bear was so close and going so fast that he went right over the fellow that fell, and the bear hit the camp door and went inside the camp. So these two fellows were in there half asleep, and I imagine they woke up in a few minutes. Anyway, he says, "There, you two fellows skin that one and I will go run in another one."

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

Mr. PRAY: Mr. President, I have to chuckle at the story told by the Senator from Waldo, Senator Greeley. It sounded like I was in the Fish and Game hearing again.

I would like to ask the Secretary if he would read the committee report on this L.D. please.

The PRESIDENT: The Secretary will read the committee report.

The SECRETARY: The Majority of the Committee on Fisheries and Wildlife on Bill, "An Act Relating to Hunting Bear with Dogs" (S. P. 311) (L. D. 1059) reports that the same Ought Not to Pass.

Signed:

Senators:

GRAFFAM of Cumberland
PRAY of Penobscot

Representatives:

MILLS of Eastport
DOW of West Gardiner
MARTIN of Saint Agatha
MacEACHERN of Lincoln
TOZIER of Unity
USHER of Westbrook
PETERSON of Caribou
KAUFFMAN of Westbrook
WALKER of Island Falls
CHURCHILL of Orland

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

Signed:

Senator:

McNALLY of Hancoc

The PRESIDENT: The pending motion before the Senate is the motion by the Senator from Penobscot, Senator Pray, that L. D. 1059, Bill, "An Act Relating to Hunting Bear with Dogs", be indefinitely postponed.

The Chair will order a division. Will all those Senators in favor of the indefinite postponement of this bill please rise in their places until counted. Those opposed will please rise in their places until counted.

A division was had. Seven having voted in the affirmative, and 21 having voted in the negative, the motion did not prevail.

Thereupon, the Bill was Passed to be Engrossed.

Sent down for concurrence.

Enactors

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

An Act to Require the Bureau of Purchases to Publish a Manual on State Purchasing. (S. P. 323) (L. D. 1100)

(On motion by Mr. Huber of Environmental Protection to Grant Variances to Statutory Time Schedules. (H. P. 566) (L. D. 702)

An Act Relating to Service Retirement for the Chief and Deputy Chief of State Police and Payment of Benefits to State Police Retirees. (H. P. 572) (L. D. 707)

An Act Relating to Fees of Bail Commissioners. (H. P. 614) (L. D. 757)

An Act to Establish a Cooperative Education Support Program. (H. P. 640) (L. D. 795)

An Act Increasing the Maximum State Payment for Grade Sheep Killed by Dogs or Wild Animals. (H. P. 786) (L. D. 957)

An Act Relating to the Payments of Retirement Pay of State Police Officers. (H. P. 962) (L. D. 1208)

An Act Concerning School Entrance Age Requirements. (H. P. 993) (L. D. 1257)

An Act Relating to the State Police Retirement System. (H. P. 1513) (L. D. 1830)

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

Emergency

Resolve, Authorizing Conveyance of State Land and Easements to City of Calais for Drainage and Road Construction Regarding the High School Project.

This being an emergency measure and having received the affirmative votes of 27 members of the Senate, was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate the first tabled and Specially Assigned matter:

House Reports — from the Committee on Taxation — Bill, "An Act Relating to

Amount of Annual Excise Tax on Railroads." (H. P. 125) (L. D. 158) Majority Report — Ought to Pass in New Draft under same Title (H. P. 1494) (L. D. 1740); Minority Report — Ought Not to Pass.

Tabled — April 23, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Either Report.

(In the House — New Draft Passed to be Engrossed as amended by House Amendments "C" (H-166) and "D" (H-177))

On motion by Mr. Speers of Kennebec, retabled and Specially Assigned for May 1, 1975, pending Acceptance of Either Committee Report.

The President laid before the Senate the second tabled and Specially Assigned matter:

Bill, An Act Relating to a Close Corporation Under the Unemployment Compensation Laws. (S. P. 493) (L. D. 1822)

Tabled — April 28, 1975 by Senator Speers of Kennebec.

Pending — Enactment.

On motion by Mr. Wyman of Washington, retabled and Tomorrow Assigned, pending Enactment.

The President laid before the Senate the third tabled and Specially Assigned matter:

Bill, "An Act to Provide Excise Tax Refund for Construction and Operation of Breweries within the State." (H. P. 369) (L. D. 463)

Tabled — April 28, 1975 by Senator Marcotte of York.

Pending — Motion of Senator Merrill of Cumberland to Reconsider Action whereby the Bill was Indefinitely Postponed.

(In the House — Passed to be Engrossed.)

Thereupon, the Senate voted to reconsider its prior action whereby this Bill was Indefinitely Postponed.

Mr. Wyman of Washington then moved that the Senate accept the Majority Ought to Pass Report of the Committee.

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

Mr. MERRILL: Mr. President and Members of the Senate: I would like to speak against the motion. I promise to be brief, but it has been so long since we considered this the first time that I would like to remind the Senate just a little bit about what the issue is. This would provide special treatment for those breweries who indicate an intent to come into the state. The present state of the law on the beer produced would be less for that brewer than a brewery outside of the state.

As can be seen just by thinking about this for a moment, that passes on an advantage to the consumer in that he can buy that beer at a cheaper price, and it passes on a competitive advantage to the brewery that is located within the state. This was done obviously not to make beer cheaper but to provide an incentive for a brewery to come into the State of Maine.

Now what we have here is an attempt by an unamed brewery to have the situation be that simply by indicating a possible intent to build a brewery in this state tha the difference between the in-state brewery tax and the regular tax on beer will be collected by a state agency, set aside, not used for the revenues here in Maine, but set aside for a period up to five years, and then if that organization, that brewery, decides to come into Maine, that the money has been collected by the State taxation services will be given, handed over, to that brewery as part of the incentive for it to come here. Then it will build a brewery and have the incentive that we already provide in the law.

I don't think that we have set up our taxing agencies in this state to collect up-front money for any businesses in the past, and I think it is an improper or bad means to go about trying to provide a greater incentive, even if we think one has to be provided.

Secondly, as the good Senator from Cumberland, Senatory Berry, pointed out last time, there is no limitation on the number of breweries that could indicate a possible desire to come here, have that money set aside, and then if they don't come here we will just have lost the use of the money for five years, the value of the money for five years, and then nothing will be gained by the state.

I don't think that this is a good vehicle, even if this body decided that we had to provide more of an incentive than we are already providing, and I think we have a pretty good one already. I think that if there is a serious company that is seriously interested and seriously capable of building a good brewery, we provide a pretty good incentive already in regards to the special tax treatment that we have. So I would ask the Senate to defeat the motion of the good Senator from Washington, Senator Wyman, and to stand by their previous action.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, I want to thank the good Senator from Cumberland, Senator Merrill. I think he has given an excellent presentation of this matter. We do have a good law now, but apparently it is not enough of an incentive.

What we are talking about is jobs, sales taxes, real estate taxes and employment. That is what we are really talking about. If a brewery is constructed in Maine, it is indicated that it will provide a five million dollar value for real estate tax assessment, as well as seventy-five jobs. In addition, there will be all the fringe benefits, such as the money paid to our wholesalers and shopkeepers for minor supplies, as well as the opportunity for our farmers to raise the raw product in the form of grains.

The good Senator from Cumberland, Senator Merrill, objects to placing in escrow for five years the tax on beer which this company is presently paying in Maine. Actually the state will have the money, which it can loan at interest. And if this project never develops, the money will be freed for the general fund.

It has been stated that maybe five or ten different companies would take advantage of this and the state would have a great deal of money held in escrow for five years, which, in turn, would temporarily cripple the general fund. The law providing these tax inducements has been in the statutes for some years, but has not attracted a brewery. This additional inducement would mean that we give the proposed brewery the benefit of the taxes on beer it will pay in Maine during the next five years. There has been no great rush to take advantage of the law as it is now, and I am sure this added inducement will not produce any great rush.

There are approximately twenty-two million gallons of beer sold in Maine in a year, the rate being twenty-five cents a gallon. Should every brewery which sells beer in Maine take advantage of this law, it would mean that we would be placing in escrow $5,500,000 out of an appropriation of approximately $700,000,000. It is inconceivable that all the brewers selling beer in Maine would take advantage of this, and so the money placed in escrow would be only a small part of the $5,500,000 out of our $700,000,000 budget; a mere fraction of one percent. However you cut it through, whether it be one brewery or more, think of the jobs, taxes and employment it would make for Maine.

If the good Senator from Cumberland wishes to amend this to provide that any company taking advantage of this proposal must make a deposit of $10,000 as a an evidence of good faith, then that would be perfectly agreeable to me.

Once more, we are talking about greater employment, more taxable property and more jobs for the working people of the State of Maine.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Johnston.

Mr. JOHNSTON: Mr. President and Members of the Senate: I hesitate to speak on this issue against my friend and colleague from Cumberland, Senator Merrill, but I feel I must.

Personally, I don't think there is a taxation problem here. I don't think that there is going to be any rush to build breweries in Maine. At the outside, there may be six breweries in the country that ever would come to Maine. I am hopeful that one of those breweries might, if we can provide enough incentive.

I would like to speak for just a moment, if I could, about my underlying interest here, which is not in the brewing ofbeerbut in the raising of barley. It is interesting to note that all of the barley grown for breweries in this country is grown in either Idaho or the State of Washington. Our two largest competitors in the potato industry are the States of Washington and Idaho. The answer is that this is a tremendous rotation crop for potatoes. We can grow in Maine and we can grow well.

I don't think that we can provide enough incentive to a brewery. I don't think we can provide enough incentive, with our high energy costs and the transportation costs that we have. These obviously are what the breweries are looking at as they weigh their decision whether or not to locate in Maine or some other state. The importance of jobs is obvious, the importance of the capital expenditure, I think, is obvious, and I thought you might be interested in the issue of the barley, and keep in mind as you vote on this issue the good State of Idaho and the good State of Washington.

The PRESIDENT: The Chair would advise the Senate that the current posture of this bill is passage to be engrossed. The Senate has already accepted the Majority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: I would just like to make one point, and I am sure the Senate will keep it in mind when it acts on this. It seems to me that when we try to set up a tax structure we ought to try to set up one that is equitable and fair, and one that tries to meet the revenue needs of the state. Then if we want to, we can go ahead

with care and with prudence and make some adjustments in that tax structure to provide some encouragement for activities that we want to go on. But I think we have to be careful when we do that because we can easily tamper with the main goal of the tax system, which is to provide revenue in an equitable way.

I think in that regard that the burden of proof ought to be on the person asking for the special treatment, the person asking to be sort of specialed out to have something encouraged. The fact of the matter is at the committee hearing that burden wasn't met. The fact of the matter is that on a specific request from myself, because I was interested in some of the problems the good Senator from Aroostook, Senator Johnston, talks about — and I didn't believe me, reject this out of hand — I requested to have some more information made available so we could see how much money was being talked about for construction, so we could get an idea how much money might be set aside, so that we could weigh in some serious way whether or not the amount of money being set aside would provide a serious inducement, or maybe it was more than necessary, but so we could measure this device in terms of the real problem and see if it would actually act as an inducement. That information in the form and the amount requested really was never forthcoming.

I might also say that after the hearing was over there was a desire by many members of the committee to kill this bill right away, to report it out ought not to pass. The reason that that didn't happen, that it wasn't reported out ought not to pass right away, at least by a good number of the members, was the desire to wait and to get that further information to come in. I guess what I am saying is that it was after some thought and a great deal of concern for the problems that the Senator from Aroostook, Senator Johnston, pointed out, that I arrived at the position I did, that this isn't an equitable way, and that the proof put forth by the people who would require this special treatment just doesn't meet the requirements that we should have before we start providing such special policies.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: I don't like to confuse taxes with this. I think what we are talking about is jobs. We do take so much action here to prevent business from coming to Maine. I think we are talking about jobs and about real estate taxes, sales taxes, and all that goes with it, and I think we have to look at that and not worry too much about this tax money which we are not going to lose unless the brewery does come, and then this is an incentive which so far has not worked.

I would appreciate it if the Secretary would read the committee report.

The PRESIDENT: The Secretary will read the committee report.

The SECRETARY: The Majority of the Committee on Taxation on Bill, "An Act to Provide Excise Tax Refund for Construction and Operation of Breweries within the State." (H. P. 369) (L. D. 463) reports that the same Ought to Pass.

Signed:

Senators:

WYMAN of Washington
JACKSON of Cumberland

Representatives:

DRIGOTAS of Auburn
MORTON of Fasrmington
FINEMORE of Bridgewater
IMMONEN of West Paris
SUSI of Pittsfield
TWITCHELL of Norway
MAXWELL of Jay
MULKERN of Portland
DAM of Skowhegan

The minority of the same Committee on the same subject matter reports that the same Ought Not to Pass.

Signed:

Senator:

MERRILL of Cumberland.

Representative:

COX of Brewer

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, I would request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I think most of us are in complete resonance with the Senator from Washington, Senator Wyman, that we are after jobs and commercial activity here which will redound to the economic benefit of the state. The problem, however, is that any of the existing breweries would be stupid if they didn't exercise their options under this bill. And this very definitely jeopardizes the income amounting to at least $4 million a year. The brewery suffers nothing by asking us to put in escrow for a five year period the taxes they pay, that portion of the taxes covered by the bill. They have absolutely nothing to lose, they are not all going to build breweries here, and where are we going to get the loss of revenue like that.

If there were deterrents here or, as some of our good friend say, a quid pro quo here, we would perhaps have a good bill, but there is absolutely nothing to prohibit any good business decision, "Let's apply for the tax refund and within five years we conceivably could build a brewery." If all the people do this that are in the brewery business, we are going to be out this kind of money. This is the argument against the bill. We are all with Senator Wyman in wanting jobs and economic progress, but this bill is rather poorly prepared because of this problem.

The PRESIDENT: The Chair recognizes the Senator from Washington, Snator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: I don't want to belabor this further, but if all the breweries applied, which is very unlikely, it would reach the figure of around 5 million dollars which the good Senator from Cumberland mentioned. But it is inconceivable that all the breweries would apply, and if a very small percentage of them applied, it would be much less than that and a small percentage of the budget.

Furthermore, I would be very happy to see an amendment put on the bill requiring a brewery to deposit $10,000 as evidence of good faith.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Johnston.

Mr. JOHNSTON: Mr. President and Members of the Senate: I feel a little like a rose between two thorns. I think what is going to preclude a rush of breweries coming into the Taxation Department, saying "We want our money put in escrow because we think we are going to build a brewery", is the relationship that presently exists — I don't know how familiar the members of this body are — between the beer distributor, the beer wholesaler, and the taxation people. The taxation people can put a tremendous amount of pressure on breweries that are selling beer in this state, and they are not going to make this irrational sort of move, I don't think.

If this is the only reason that the good Senator from Cumberland, Senator Berry, has to turn down our request to invite industry, as it were, into this state — the industries, forget the breweries, the other industries that are looking at the State of Maine, are not going to read this debate here today and they are not going to know where our sentiments lie, as Senator Berry has said. They are going to know, however, from our vote on this particular issue, of the interest that we do have in fostering a clean and beneficial industry in this state. I just don't see the breweries that are presently operating, or who might be intending to operate and sell beer in the State of Maine, as asking for this wholesale tax exemption and asking that this money be put in escrow. It is inconceivable to me that they would do so.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: It seems to me that if this bill is in the status of awaiting passage to be engrossed that this is the stage in which any amendment might be offered. It seems to me that the amendment or some amendment suggested by the Senator from Washington, Senator Wyman, might meet the objections of the good Senator from Cumberland, Senator Berry, and the good Senator from Cumberland, Senator Merrill, but it seems to me that if we vote on it today we are going to be past that option. Perhaps someone with the knowledge and interest in the bill would be willing to prepare that amendment, but I think if that is going to happen then the bill should not be voted on today. Thank you, Mr. President.

The PRESIDENT: The pending question before the Senate is the passage to be engrossed of L.D. 463. A division has been requested. Will all those Senators in favor of passage to be engrossed in concurrence please rise in their places until counted. Will all those opposed please rise in their places until counted.

A division was had. 17 having voted in the affirmative, and 13 having voted in the negative, the Bill was Passed to be Engrossed in concurrence.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, having voted on the prevailing side, I move reconsideration and hope everyone will vote against me.

The PRESIDENT: The Senator from Washington, Senator Wyman, now moves that the Senate reconsider its action whereby this bill was passed to be engrossed. Will all those Senators in favor of reconsideration please say "Yes"; those opposed "No.".

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

The President laid before the Senate the fourth tabled and Specially Assigned matter:

RESOLUTION, Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature and to Change the Date of Convening of the Legislature. (H. P. 1510) (L. D. 1827)

Tabled — April 28, 1975 by Senator Curtis of Penobscot.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed.

Mr. Curtis of Penobscot then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-94, was Read.

The PRESIDENT: The Senator has the floor.

Mr. CURTIS: Mr. President and Members of the Senate: The issue before us here is one of annual sessions, and before we are through this afternoon you will have an opportunity to see either two or three amendments.

The first amendment Senate Amendment "A", under Filing No. S-94, provides that if we adopt and recommend to the people, and the people finally approve, a constitutional amendment providing for annual sessions, that every eight years there would be an opportunity for the people of the state to take a look again at the concept of annual sessions. This amendment is offered because in the presentations at the public hearing a gentleman named Charles F. Adams from Auburn suggested this kind of amendment as a final fail-safe procedure for the people of the state to change the constitution if, as might be the case, the legislature in the future would decide that they would never want to go back to biennial, sessions, even though the people might so desire.

As you know there is no popular initiative for changing the Maine Constitution. The only way the constitution can be changed is either by recommendation of two-thirds of each house of the legislature, or through a constitutional convention. So, although I think probably this amendment does not have a great chance of passage, I offer it because I think it ought to be considered by the full legislature.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A"?

The motion prevailed.

Senate Amendment "B", Filing No. S-95, was Read.

The PRESIDENT: The Senator has the floor.

Mr. CLIFFORD: Mr. President and Members of the Senate: Senate Amendment "B", I think, is an amendment which is quite important to the annual session idea, and what it does is limit the number of days which the legislature can be in session, both in what is now called the regular session and in what would be the second off-year regular session. It limits it to 100 legislative days in the first session and 50 legislative days in the second session. So that would be 20 full five-day weeks and ten full five-day weeks.

Mr. President, I believe in reform and have voted for annual sessions before, and have voted to reduce the size of the legislature and have sponsored a bill for a unicameral system. I think the legislature has to reform itself for several reasons. But it seems to me that one of the most important reasons that the legislature has to reform itself is to maintain the availability of the legislature for the citizen legislator.

It seems to me that as the legislature gets more complex and as the time increases that we are running a grave risk of losing in the legislature the working man or woman, the businessman or woman, and the professional man or woman who are in the mainstream of life, who know the problems that the people of the state face. And it seems to me that this rather moderate limitation on the time in which the legislature would be in session would force the legislature to internally structure its operations so that those people who are in the mainstream of life could afford the time to be here.

I think that the legislature, if we went to annual sessions with no prohibition on time, with no prohibition on the type of matters to be considered in the off-year session, would quickly develop into a full-time legislature, and I think that would be disastrous for the State of Maine. I would hope we could adopt this limited prohibition on the number of days in which a legislature is in session.

I might point out that 31 of the 50 states have a limitation, most of them are quite a bit shorter than this, quite a bit more restrictive, some of them run calendar days, some of them run legislative days. This is legislative days so that the legislature could control the time in which it was in session, and wouldn't have to be on a calendar days situation where the Saturdays and Sundays would count.

So, I would hope that we could adopt this to guarantee that legislatures in Maine's future would be well represented by working, business and professional people, people in the mainstream of life. Thank you, Mr. President. I would request that when the vote is taken that it be taken by the "Yeas" and "Nays."

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: I certainly share the feelings of the good Senator from Androscoggin, Senator Clifford, as to the need to limit any second regular session that may be voted upon and accepted by the people of the state, and which would be held, of course, every second year in the biennium. I do oppose, however, the method by which this particular amendment proposes to so limit that session, and that is by specifying the number of days which the legislature may under the constitution meet.

There is an additional amendment that is to be offered, as I understand, which would limit the subject matter which could be considered in the second session much as this particular amendment does as well, but without the specific number of days which this amendment does contain.

The good Senator from Androscoggin, Senator Clifford, mentioned that several other states do have such a provision. I would like to invite you to see what kinds of problems have been created in many of those states because of this constitutional provision. In many of this states the legislature, because it simply cannot responsibly dispense with all of the business before it within the constitutionally numbered number of days, simply cover up the clock and ignore the calendar and participate in a charade which says that the last day is simply one day, even though it may last several weeks or even a month or so. I don't think that we really wish to get into that kind of a situation here in the State of Maine.

I think there are a number of things that could be done in regard to legislative reform, and really in the last session of the legislature it was actually only the first session which we seriously undertook to provide some legislative reform. We accomplished a great deal in that session and we are accomplishing a great deal more even in this session. I would hope that this would be a trend which would continue in the future. And certainly I am very much interested in finding ways to shorten the session, and I think that there certainly can be ways in which to shorten the session, specifically with regards to how the bills are introduced and what time they are introduced, and this sort of thing.

But again I feel that placing in the constitution a specific number of days on which the legislature may meet is unduly restrictive and creates more problems than it corrects. I would therefore move the indefinite postponement of this amendment.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President and Members of the Senate: May I ask through the Chair of the Senator from Androscoggin, Senator Clifford, whether if his amendment were adopted there would be any problem about the calling of special sessions of the legislature in the manner presently available?

The PRESIDENT: The Senator from Knox, Senator Collins, has posed a question through the Chair to the Senator from Androscoggin, Senator Clifford, who may answer if he so desires.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: It is my understanding that this would not prohibit the calling of special legislative sessions, but I think what it would do is eliminate the need for special sessions because as you go into the annual session situation I think you severely reduce the need for the calling of a special session.

I think I agree with the good Senator from Kennebec, Senator Speers, that perhaps in some states there have been charades. I think that some of the states really have a rather restrictive limitation, for example, 60 calendar days is rather restrictive because it is two months. But it seems to me the 100 legislative days really is a very reasonable type of restriction, and 50 legislative days in the off-year is a very reasonable restriction. It is my belief that if no restriction is put on that the legislature will not tend to reform itself to make its session in a businesslike manner, and therefore will quickly resolve into a full-time legislature. I think that is the worst thing we could have, because by going into a full-time legislature we are eliminating the citizen legislature and we are going into professional politicians as legislators. And I would hope that we could maintain a citizen legislature because I think it is in the best interests of Maine people. Thank you, Mr. President.

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

Mr. HUBER: Mr. President and Members of the Senate: I am in the process of drafting a proposed rule which would limit the number of bills that each legislator could introduce without permission of the Reference of Bills

Committee. This is an alternative to the Senator Amendment "B" which is before you, but this would allow each legislator to set his own priorities. It would limit the number of bills and would allow each legislator to establish his own priorities without undue concentration of power in the Reference of Bills Committee or any other body that might screen bills. I would hope that somebody would move to table this bill two legislative days so I can gather some statistical information to support this alternative.

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

Thereupon, on motion by Mr. Conley of Cumberland, tabled and Specially Assigned for May 1, 1975, pending the motion by Mr. Speers of Kennebec to Indefinitely Postpone Senate Amendment "B"

Mr. Merrill of Cumberland was granted unanimous consent to address the Senate.

Mr. MERRILL: Mr. President and Members of the Senate: As I have sat in this body over the past few months, from time to time at the end of the session somebody has taken just a moment to point out a commemorative day, sometimes it is in verse, and sometimes it is a very light thing and sometimes it is a serious thing.

Today I think for all of us, and maybe especially for someone in my generation, this is a day that can't go by without some small mention being made of it, because this is the day in which, as we have heard on the news this morning, the Americans are finally leaving the country of Vietnam. It is no secret to any of us in this chamber that this is something that has touched all Americans very closely. It is something that has come up in this Senate from time to time and, as a matter of fact, it was mentioned by the good Senator from Kennebec, Senator Speers, yesterday in a reference to some problems we have that I think were most accurate and correct, and something that has been debated here from time to time. I would just like to make one comment about it. As America leaves and as the last Americans come home, it is not with the usual happiness and pride that we have come home from other wars. I hope that lessons will be learned and I hope that we can go on from here.

One more comment I think seems appropriate. There has been a lot of talk here this morning about the roll of the parties and about partisan activities, and I think it can be truthfully said that in regards to the matter of Vietnam that neither party has covered itself with honor, that the members by and large of both parties haven't taken the necessary leadership and haven't provided the necessary strength of character to prevent what has been a tragedy for this nation.

So in a very tragic way we stand together in non-partisan trouble and in non-partisan introspection about where we have made our mistakes. I think it might be further said that while the parties haven't provided leadership that we can look back upon the occasion of Vietnam with pride that a few individuals among us had the courage to stand up and point out some of the problems of our activity when it was a very unpopular thing to do. One of those few gentlemen that had that sort of courage is a member of this Senate, the Senator from Cumberland, Senator David Graham, and many members of my generation will always remember the courage and the wisdom that he and people like him showed in this matter, and as we look back upon this awful experience we gain at least some pride in that there are people like him among us.

Papers from the House

Out of order and under suspension of the rules, the Senate voted to take up the following:

House Paper

Bill, "An Act Extending the Time for Apportionment of County Taxes from April to May in the Year 1975." (H. P. 1552)

Comes from the House, Passed to be Engrossed without Printing or Reference to Committee.

Thereupon, under suspension of the rules, the Bill was given its First and Second Readings and Passed to be Engrossed in concurrence.

On motion by Mr. Greeley of Waldo, the Senate voted to take from the Special Highway Appropriations Table the following matter:

Resolve, Authorizing Sherman Collins, Francis Fitzmaurice, the Estate of Durward G. Turner, Durward G. Turner, Jr., David G. Turner and Ellen S. Turner to Bring Civil Action Against the State of Maine. (H. P. 318) (L. D. 387)

This being an emergency measure and having received the affirmative votes of 27 members of the Senate, the Resolve was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Mr. Roberts of York was granted unanimous consent to address the Senate.

Mr. ROBERTS: Mr. President and Members of the Senate: I want to state my appreciation for the lovely bouquet I rceived and the many calls and the many people that called on me when I was recently ill in the hospital. Although I know none of us want to have that experience, I wish to state that if any of you find yourself there, as I did, without really much of a chance to do anything about it except to go there, that you will find that it is one of the nicest, most well equipped and most well run, and the pople that work in the hospital are as lovely as any I have ever encountered, and I unfortunately have been in several hospitals. Although none of us want that, I am sure, it is nice to know that if it should happen that that is the situation at Augusta General Hospital. Thank you.

(Off RecordRemarks)

On motion by Mrs. Cummings of Penobscot,

Adjourned until 10 o'clock tomorrow morning.