

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume II

May 26, 1977 to July 25, 1977

Index

**Senate Confirmation Session
September 16, 1977**

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KJ PRINTING
AUGUSTA, MAINE

HOUSE

Tuesday, May 31, 1977

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

Prayer by Father Royal Parent of St. Martin of Tours Roman Catholic Church, Millinocket. The members stood at attention during the playing of the National Anthem by the Lawrence High School Band, Fairfield.

The journal of the previous session was read and approved.

Papers from the Senate

The following Joint Order, an expression of Legislative Sentiment recognizing that: Sagadahoc Preservation, Inc., the Bath Marine Museum, the Bath Area Chamber of Commerce and the City of Bath have received the 1977 President's Award of the National Trust for Historic Preservation (S. P. 521)

Came from the Senate read and passed.

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

**Reports of Committees
Ought Not to Pass**

Report of the Committee on Veterans and Retirement reporting "Ought Not to Pass" on Bill "An Act to Set the Level of State Cost for Teacher's Retirement Benefit" (S. P. 480) (L. D. 1746)

Was placed in the Legislative Files without further action pursuant to Joint Rule 20 in concurrence.

Ought to Pass in New Draft

Committee on Performance Audit on Bill "An Act Providing for Improved Accountability of Funds Expended by the Department of Mental Health and Corrections" (S. P. 417) (L. D. 1458) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Providing for Improved Accountability of Funds Expended by the Department of Human Services and by the Department of Mental Health and Corrections" (S. P. 514) (L. D. 1807)

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

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

Divided Report

Majority Report of the Committee on Liquor Control reporting "Ought Not to Pass" on Bill "An Act to Increase the Number of State Liquor Inspectors" (S. P. 454) (L. D. 1569)

Report was signed by the following members:

Mr. LEVINE of Kennebec — of the Senate.

Messrs. MAXWELL of Jay
NADEAU of Sanford
CONNERS of Franklin
LIZOTTE of Biddeford
JACQUES of Lewiston
TWITCHELL of Norway
RAYMOND of Lewiston

— of the House.

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

Report was signed by the following members:

Messrs. LOVELL of York
DANTON of York

— of the Senate.

Messrs. MARSHALL of Millinocket
GRAY of Rockland
IMMONEN of West Paris

— of the House.

Came from the Senate with the Minority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed.

In the House: Report was read.

Mr. Maxwell of Jay moved that the Majority "Ought Not to Pass" Report be accepted in non-concurrence.

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

Mr. GRAY: Mr. Speaker, Men and Women of the House: Probably we should point out why some of us signed it out as "Ought to Pass." We were informed by the authorities that there is now less than one liquor inspector per county, so there were those of us on the committee who thought that that was not sufficient to enforce the liquor laws, particularly with the new drinking age and so forth. This is the reason why I and other members of the committee signed the report out as "Ought to Pass."

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Jay, Mr. Maxwell, that the Majority "Ought Not to Pass" Report be accepted in non-concurrence. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 68 having voted in the affirmative and 23 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Divided Report

Later Today Assigned

Majority Report of the Committee on Judiciary reporting "Ought to Pass" on Bill "An Act Relating to the Jurisdiction of the Administrative Court" (S. P. 241) (L. D. 733)

Report was signed by the following members:

Messrs. COLLINS of Knox
MANGAN of Androscoggin
CURTIS of Penobscot

— of the Senate.

Messrs. DEVOE of Orono
TARBELL of Bangor
Mrs. BYERS of Newcastle
Messrs. HOBBS of Saco
NORRIS of Brewer
BENNETT of Caribou

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill. Report was signed by the following members:

Messrs. SPENCER of Standish
HENDERSON of Bangor
HUGHES of Auburn
GAUTHIER of Sanford

— of the House.

Came from the Senate with the Majority "Ought to Pass" Report Read and accepted and the Bill passed to be engrossed.

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, I move the minority report.

Whereupon, Mr. Palmer of Nobleboro requested a division.

Whereupon, on motion of Mr. Tierney of Lisbon Falls, tabled pending his motion to accept the Minority "Ought Not to Pass" Report in non-concurrence and later today assigned.

Non-Concurrent Matter

Bill "An Act to Standardize Some of the Procedures and Statutes Administered by the Department of Environmental Protection" (H. P. 1588) (L. D. 1800) which was passed to be engrossed in the House on May 25, 1977.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-172) in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Regulate the Placing by

Nonutilities of Electric Utility Facilities within Public Ways" (H. P. 719) (L. D. 854) which was passed to be enacted in the House on May 26, 1977.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-340) as amended by Senate Amendment "A" (S-173) thereto in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Concerning the Payment of Workmen's Compensation Pending an Appeal to the Supreme Judicial Court" (H. P. 281) (L. D. 375) which was passed to be engrossed as amended by Committee Amendment "A" (H-269) as amended by House Amendment "A" (H-330) thereto in the House on May 13, 1977.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-269) as amended by House Amendment "A" (H-330) and Senate Amendment "A" (S-171) thereto in non-concurrence.

In the House: The House voted to recede and concur.

**House Reports of Committees
Ought Not to Pass**

Mr. Lunt from the Committee on Transportation on Bill "An Act to Permit Members of Certain Nonprofit Associations or Corporations to use Special Organizational License Plates" (H. P. 1018) (L. D. 1233) reporting "Ought Not to Pass"

Mr. Jackson from the Committee on Business Legislation on Bill "An Act to Provide for the Licensing of Electronic Technicians" (H. P. 802) (L. D. 1021) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 20, and sent up for concurrence.

Leave to Withdraw

Ms. Clark from the Committee on Business Legislation on Bill "An Act to Require that Bills be Mailed within 2 Days of the Billing Date" (H. P. 1301) (L. D. 1539) reporting "Leave to Withdraw"

Mr. Jackson from the Committee on Business Legislation on Bill "An Act Concerning the Pricing of Retail Grocery Items" (H. P. 805) (L. D. 981) reporting "Leave to Withdraw"

Mr. Whittemore from the Committee on Business Legislation on Bill "An Act Relating to Ownership of the Stock of a Professional Corporation" (H. P. 567) (L. D. 692) reporting "Leave to Withdraw"

Mr. Teague from the Committee on Taxation on Bill "An Act to Increase the Income Limitations Contained in the Elderly Householders Tax and Rent Refund Act and to Reduce the Percentage by which a Claim is Limited under that Act" (Emergency) (H. P. 918) (L. D. 1114) reporting "Leave to Withdraw"

Mr. Immonen from the Committee on Taxation on Bill "An Act Concerning Property Relief for Widows, Widowers and Retired Persons Living on a Fixed Income" (H. P. 1013) (L. D. 1229) reporting "Leave to Withdraw"

Mr. Carter from the Committee on Taxation on Bill "An Act to Provide a Maine Homestead Property Exemption for the Elderly" (H. P. 1435) (L. D. 1655) reporting "Leave to Withdraw"

Mr. Immonen from the Committee on Taxation on Bill "An Act to Provide Maine Homestead Property Tax Relief" (H. P. 1402) (L. D. 1611) reporting "Leave to Withdraw"

Mr. Twitchell from the Committee on Taxation on Bill "An Act to Help Maintain the Purchasing Power of Participants in the Elderly Tax and Rent Refund Program" (H. P. 1015) (L. D. 1208) reporting "Leave to Withdraw"

Mr. Twitchell from the Committee on Taxation on Bill "An Act to Provide for an Across

the Board Tax Refund to persons Eligible Under the Elderly Householders Tax and Rent Refund Act" (H. P. 306) (L. D. 361) reporting "Leave to Withdraw"

Mr. Peltier from the Committee on Labor on Bill "An Act to Require Proration of Unemployment Benefits for a Person who is Absent for Illness" (H. P. 1374) (L. D. 1575) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mr. Kilcoyne from the Committee on Business Legislation on Bill "An Act Concerning the Definition of a General Lines Consultant and a Life Consultant under the Maine Insurance Code" (H. P. 406) (L. D. 499) reporting "Ought to Pass" in New Draft (H. P. 1617) (L. D. 1818)

Mrs. Post from the Committee on Marine Resources on Resolve, Directing the Commissioner of Marine Resources to Lease Land and Buildings in West Boothbay Harbor to the Northeastern Research Foundation Inc. (Emergency) (H. P. 1492) (L. D. 1704) reporting "Ought to Pass" in New Draft (H. P. 1619) (L. D. 1820)

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

Ought to Pass Amended Bill

Mr. Whittemore from the Committee on Business Legislation on Bill "An Act to Increase Limited Partnership Filing Fees" (H. P. 404) (L. D. 514) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-448) (Mr. Rideout of Mapleton Abstained)

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

Ought to Pass Tabled and Assigned

Mr. Carey from the Committee on Taxation on Bill "An Act to Amend the Maine Income Tax Law" (H. P. 1514) (L. D. 1749) reporting "Ought to Pass"

Report was read.

(On motion of Mr. Carey of Waterville, tabled pending acceptance of the Committee Report and specially assigned for Thursday, June 2.)

Mrs. Chonko from the Committee on Taxation on Bill "An Act Exempting from the Sales Tax Sales to Nonprofit Corporations Providing Home Health Services" (H. P. 840) (L. D. 1027) reporting "Ought to Pass"

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

Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-434) on Bill "An Act to Provide for Art in Public Buildings and Other Facilities" (H. P. 1448) (L. D. 1674)

Report was signed by the following members:

Messrs. KATZ of Kennebec
USHER of Cumberland

—of the Senate.

Mrs. MITCHELL of Vassalboro
LEWIS of Auburn

Messrs. WYMAN of Pittsfield
CONNOLLY of Portland
BAGLEY of Winthrop
PLOURDE of Fort Kent

Mrs. BEAULIEU of Portland
Messrs. BIRT of East Millinocket

FENLASON of Danforth

—of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill. Report was signed by the following members:

Mr. PIERCE of Kennebec

—of the Senate.

Mr. LYNCH of Livermore Falls

—of the House.

Reports were read.

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

Mr. LYNCH: Mr. Speaker, I move that we accept the Minority "Ought Not to Pass" Report.

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, moves that the Minority "Ought Not to Pass" Report be accepted.

The gentleman may proceed.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I hope you take a look at the bill. It is going to tell you that all public buildings in the State of Maine must have a certain percentage devoted to art, including your school buildings.

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, I ask for a division on the Minority "Ought Not to Pass" Report.

The SPEAKER: The pending question is on the motion of the gentleman from Livermore Falls, Mr. Lynch, that the Minority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mrs. Mitchell of Vassalboro requested a roll call vote.

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

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

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker and Members of the House: Before I speak to the substance of the bill, I would ask you to again look at the committee report. Most of the members of the committee felt that the bill was worthwhile. The bill is not a new idea, it is called percent art. It says that in public buildings, that is state buildings and not your municipal buildings, and in public schools, that one percent of the cost should be set aside for art as an integral part of the building. You might think that is an excessive cost, but when I say integral part, from the readings I have done on this bill and from what has happened in other states, it can be a mural which might otherwise be covered with vinyl wallpaper or wood panelling and yet cost the same thing.

This simply says that our artists will play an integral part in the lives of our school children and in your lives. And if you have doubt as to the merit of this bill, after this session is over, why don't you walk over to the State Office Building and see if you are inspired to a good day's work by looking at the absence of art in a structure that we as government people built.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I gave a lot of thought to this bill, and the more I thought about it, the better it appealed to me.

The good gentleman from Livermore Falls, made the comment, and I appreciate all the leadership he has given us this year, but I say this because of a reluctance to oppose

somebody's thinking, but he said that this would include art in the schools. I don't know of any better place in the State of Maine to put art than into the schools and encourage the young people in something besides plain, drab, bare walls. I think the concept behind this — and the art could also be involved in the architectural design of the building. One of the leading architects in the State of Maine came down and spoke for this bill because he felt it had some merit. I would hope that you would not accept the "ought not to pass" and then we can accept the "ought to pass" report.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I would also hope that you would reject the Minority "Ought Not to Pass" Report and accept the Majority "Ought to Pass" Report.

I think Representative Lynch is not exactly correct when he says that we are mandating art in all schools. We are only mandating that the new schools constructed in the State have art put into the architectural design of that school. Also, the committee amendment, I am quite sure, put it at a maximum of \$20,000, or one percent, whichever was less, so I don't think we are talking about a great deal of money, and I think when you are talking about a state like Maine with the number of artists, with the number of craftsmen in the state, it is only fitting that the state in some way recognize their uniqueness to our state, and I think this is one of the ways of doing it.

The SPEAKER: The Chair recognizes the Gentlemen of the House: I have two objections.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I have two objections. The first is, you are telling the local school committee what they must do. Second, we do not have money for bricks and mortar for new schools that are badly needed, and I feel that this is not the time to take part of that badly needed money in the form of art.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker and Members of the House: I can understand why the gentleman from East Millinocket, Mr. Birt, mentions that architects would be for it, because they should, they get 9 percent of whatever the thing cost to build into the building as a fee.

I understand that the committee amendment has changed it to \$25,000. That is great. We are building a brand new junior high school in the City of Waterville that is coming at a cost of \$2,965,000, and one percent of that is \$29,000. I wish you had to go through the rigamarole that we had to go through with the Bureau of Public Improvements at the State Department to see what we could put into that school and what we couldn't put into that school. The \$25,000 that we would have to spend for art in a brand new school would do away with a lot of things that are necessary within the school.

We are talking about putting out \$25 million bond issues for schools and building \$25 million worth of schools annually. One percent of that comes to \$250,000. Those of you from small communities, imagine what you could do with \$250,000 towards additions to your school buildings.

You don't have to worry about bare walls in the schools. I have been promised by our art department that the walls in the junior high school will be amply covered; whether you want to call it art or not, it will be covered with something. Art is only what is in the eye of the beholder, and maybe the building itself could be called art.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I think that this expen-

diture, a small expenditure actually, \$20,000 or \$25,000, or one percent, whichever is less, is well worthwhile for a number of reasons. One of them is, there is less vandalism in a school if the pupils are proud of it. If we can have art and the students can be properly indoctrinated into the fact that it is valuable, is useful, it seems to me that it is going to be worth more than its cost in reducing vandalism in the schools.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Livermore Falls, Mr. Lynch, that the Minority "Ought Not to Pass" Report be accepted. All those in favor of that motion will vote yes; those opposed will vote no.

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

Mr. BIRON: Mr. Speaker, I wish to pair my vote with the good gentleman from Standish, Mr. Spencer. If he were here, he would be voting no and I would be voting yes.

ROLL CALL

YEA — Aloupis, Bennett, Berry, Berube, Boudreau, A.; Boudreau, P.; Brown, K.L.; Brown, K.C.; Bunker, Burns, Carey, Carrier, Carter, F.; Churchill, Clark, Connors, Cunningham, Curran, Diamond, Drinkwater, Elias, Flanagan, Garsoe, Gauthier, Gill, Gillis, Gould, Gray, Green, Greenlaw, Hall, Hickey, Higgins, Hunter, Hutchings, Immonen, Jackson, Jacques, Joyce, Kane, Kerry, Kilcoyne, Laffin, LaPlante, Littlefield, Lizotte, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McHenry, McKean, McPherson, Morton, Palmer, Pearson, Peltier, Perkins, Peterson, Raymond, Rideout, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Talbot, Tarbell, Teague, Theriault, Torrey, Tozier, Truman, Twitchell, Whittemore.

NAY — Ault, Bachrach, Bagley, Beaulieu, Benoit, Birt, Blodgett, Brenerman, Bustin, Carroll, Chonko, Connolly, Cote, Cox, Davies, Dexter, Dow, Durgin, Fenlason, Goodwin, H.: Goodwin, K.; Henderson, Howe, Hughes, Jalbert, Jensen, Kany, Locke, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Plourde, Prescott, Quinn, Rollins, Sewall, Tarr, Tierney, Trafton, Tyndale, Wood, Wyman.

ABSENT — Austin, Carter, D.; Devoe, Dudley, Dutremble, Fowlie, Hobbins, Huber, Kelleher, LeBlanc, Lewis, McMahon, Mills, Moody, Norris, Peakes, Post, Valentine, Wilfong.

PAIRED — Biron, Spencer.

Yea, 85; No, 44; Absent, 19; Paired, 2.

The SPEAKER: Eighty-five having voted in the affirmative and forty-four in the negative, with nineteen being absent and two paired, the motion does prevail.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-439) on Bill "An Act to Clarify the Nonliability of Physicians and other Persons Submitting Reports to the Secretary of State Relating to the Physical and Mental Status of Motor Vehicle Operators" (H. P. 706) (L. D. 886)

Report was signed by the following members:

Messrs. CURTIS of Penobscot
MANGAN of Androscoggin
COLLINS of Knox

— of the Senate.

Messrs. TARBELL of Bangor
DEVOE of Orono
Mrs. SEWALL of Newcastle
Messrs. HUGHES of Auburn
SPENCER of Standish
HOBBINS of Saco
BENNETT of Caribou

NORRIS of Brewer
GAUTHIER of Sanford

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following member:
Mr. HENDERSON of Bangor

— of the House.

Mr. Hughes of Auburn moved that the Majority "Ought to Pass" Report be accepted.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I wish you would look closely at this bill. It surrounds an issue that we have been debating earlier in this House having to do with examinations for people who are driving motor vehicles. This bill, I feel, provides a basic invasion into the individual's privacy of the relationship between that person and his physician. What this bill does, is provide immunity to your physician if he raps on you to the Secretary of State by saying that maybe you are not fit to drive an automobile. Then the Secretary of State's Office would investigate and ask for an examination.

It seems to me that if the State of Maine wants people to be physically fit when operating an automobile, or that they should be able to see properly when operating an automobile, we ought to have examinations. We have a bill on the table today, which I wouldn't say I am an advocate of but I would prefer that as an alternative, which is on page 10, item 8, An Act to Require Driver License Renewal Examination, which namely has to do with vision examinations.

The Committee Amendment in this bill basically says that a physician who becomes aware of a physical or mental impairment of a patient which he believes substantially affects the ability of that person operating the motor vehicle, he may notify the Secretary of State.

Now, while I certainly am not in favor of people driving around incapacitated as far as their ability to operate is concerned, I am worried about a couple of things. One is that basic principle, first of all, of the confidence between myself and my physician or anyone else. Secondly, I am concerned about the older person, who I think would most often be involved with this bill, who might feel hesitant about going to a physician fearing its very consequence, fearing that they can't be open and explain all their ailments, in effect, to their physician because of this possibility, because many older people are isolated and those who have automobiles really need to get around and sometimes that is a greater need to them, their sociability, than their physical needs or with their apparent physical needs.

Another objection I have is that this is a precedent-setting situation. We are talking about automobiles here today, but tomorrow we may be talking about prison guards, may be talking about policemen, firemen, machine operators, if you think of any of your professions, you might find a case in which the law will be further amended. I think if there is a public need for examinations, they ought to be required, but I don't think we ought to come in the back door on this.

Mr. Speaker, I ask that this bill and all its accompanying papers be indefinitely postponed and ask for a division.

The SPEAKER: The gentleman from Bangor, Mr. Henderson, moves that this Bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Auburn, Mr. Hughes.

Mr. HUGHES: Mr. Speaker, Men and Women of the House: This is not one of the world's most important pieces of legislation, but it is one favored by a 12 to 1 vote of the Judiciary Com-

mittee. I will read to you the Committee Amendment, which is the bill, and I think it describes quite adequately what it does.

"Section 4, Non-liability: A physician who becomes aware of a physical or mental impairment of a patient which he believes substantially affects the ability of that patient to operate safely a motor vehicle within this state may notify the Secretary of State or the committee of such an impairment for the purpose of assisting them in determining whether the patient is qualified to be licensed to operate a motor vehicle and shall not be liable for such disclosure."

I think this is really an extension of that relationship between a doctor and patient, because what the doctor is making a decision on is whether or not his patient may safely operate a vehicle on our roads. It is certainly a matter of safety for our other citizens and it is also a matter of safety for that doctor's patient. We felt that this was a reasonable alteration of the doctor/client relationship. It simply provides that if the doctor does provide such information to the Secretary of State, that he not be liable for civil suit for so doing.

As I say, we think it is reasonable, it is a 12 to 1 vote, and I commend the bill to your consideration.

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

A vote of the House was taken.

73 having voted in the affirmative and 39 having voted in the negative, the motion did prevail.

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

Mr. HENDERSON: Mr. Speaker, I move we reconsider and hope you vote against me.

The SPEAKER: The gentleman from Bangor, Mr. Henderson, having voted on the prevailing side, now moves that we reconsider our action whereby this Bill was indefinitely postponed. All those in favor of reconsideration will say yes; those opposed will say no.

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

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Performance Audit reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-433) on Bill "An Act to Provide for Budgeting of State Expenditures of Federal Funds" (H. P. 1387) (L. D. 1676)

Report was signed by the following members:

Messrs. WYMAN of Washington
MINKOWSKY of Androscoggin
MORRELL of Cumberland

— of the Senate.

Messrs. AUSTIN of Bingham
DOW of West Gardiner
SHUTE of Stockton Springs
AULT of Wayne
WILFONG of Stow

Ms. BENOIT of South Portland
Mr. BRENERMAN of Portland
Mrs. BERUBE of Lewiston

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Mr. LIZOTTE of Biddeford

— of the House.

Reports were read.

On motion of Mrs. Berube of Lewiston, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment

"A" (H-433) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Marine Resources reporting "Ought Not to Pass" on Bill "An Act to Restrict the Hauling of Lobster Pots at Night in Certain State Waters" (H. P. 1148) (L. D. 1363)

Report was signed by the following members:

Messrs. CHAPMAN of Sagadahoc
LEVINE of Kennebec
HEWES of Cumberland

— of the Senate.

Messrs. CONNERS of Franklin
NELSON of Roque Bluffs
BLODGETT of Waldoboro
BUNKER of Gouldsboro
FOWLIE of Rockland

Mrs. POST of Owls Head

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-440) on same Bill.

Report was signed by the following members:

Messrs. MILLS of Eastport
GREENLAW of Stonington
JACKSON of Yarmouth
TYNDALE of Kennebunkport

— of the House.

Reports were read.

Mr. Greenlaw of Stonington moved that the Minority "Ought to Pass" Report be accepted.

On motion of the same gentleman, tabled pending his motion to accept the Minority Report and tomorrow assigned.

**Consent Calendar
First Day**

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H. P. 182) (L. D. 244) Bill "An Act Relating to Notice of Authorization to Registers of Probate" — Committee on Business Legislation reporting "Ought to Pass"

(H. P. 1247) (L. D. 1477) Bill "An Act to Expedite the Construction of Natural Gas Pipelines in the State" (Emergency) — Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-445)

(H. P. 683) (L. D. 865) Bill "An Act Relating to Partnership between Husbands and Wives" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-446)

(H. P. 1101) (L. D. 1325) Bill "An Act to Allow Limited Operation of an Unregistered Motor Vehicle" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-449)

(H. P. 256) (L. D. 325) Bill "An Act Concerning Solicitation Sales of Consumer Merchandise" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-447)

(H. P. 1353) (L. D. 1622) Bill "An Act Concerning the Registration of Voters by Justices of the Peace" — Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (H-451)

(H. P. 1373) (L. D. 1576) Bill "An Act to Provide for the Provisional Payment of Certain Disability Benefits Pending the Outcome of a Workmen's Compensation Application" — Committee on Labor reporting "Ought to Pass"

(H. P. 1259) (L. D. 1488) Resolve, to Appropriate \$20,000 to the Office of Camping Resources at the University of Maine,

Portland-Gorham — Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of June 1, under listing of the Second Day.

**Consent Calendar
Second Day**

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(H. P. 146) (L. D. 176) Bill "An Act Relating to Voter Registration" (C "A" H-438)

(H. P. 937) (L. D. 1134) Bill "An Act Revising Procedures for Certain Tied Elections"

(S. P. 162) (L. D. 438) Bill "An Act Relating to the Exemption of Financial Institutions from the Unfair Trade Practices Act" (C "A" S-164)

(S. P. 429) (L. D. 1514) Bill "An Act Relating to Bidding Procedures Involving the Bureau of Public Improvements" (C "A" S-165)

(H. P. 501) (L. D. 619) Bill "An Act to Limit the Liability for Damage to Underwater Lines" (C "A" H-437)

(H. P. 999) (L. D. 1240) Bill "An Act Relating to Purse Seining and Stop Seining" (C "A" H-436)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were passed to be engrossed in concurrence and the House Papers were passed to be engrossed and sent up for concurrence.

(H. P. 648) (L. D. 792) Bill "An Act Limiting Three Lobster Traps to One Warp" (Emergency) (C "A" H-435)

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

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-435) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 549) (L. D. 666) Bill "An Act to Establish Procedures to Evaluate the Efficiency of Energy Utilization in State-financed and Leased Facilities"

On the objection of Mr. Burns of Anson, was removed from the Consent Calendar.

Thereupon, the Report was accepted, the Bill read once and assigned for Second Reading tomorrow.

(H. P. 946) (L. D. 1141) Bill "An Act to Amend the Land Use Regulation Commission Statutes" (C "A" H-428)

(H. P. 1017) (L. D. 1232) Bill "An Act to Clarify the Statutory Provisions Concerning the Legal Capacity of a School Bus" (Emergency) (C "A" H-427)

(H. P. 832) (L. D. 1005) Bill "An Act Requiring Permanent Markers Prior to the Sale or Conveyance of Land in an Approved Subdivision" (C "A" H-432)

(H. P. 1388) (L. D. 1660) Bill "An Act to Require that Certain Conditions be Met Prior to Certification of any Nuclear Power Plant by the Public Utilities Commission" (C "A" H-431)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were passed to be engrossed in concurrence, and the House Papers were passed to be engrossed and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act to Improve the Laws Relating to Exceptional Children" (H. P. 1607) (L. D. 1812)

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

Second Reader

Later Today Assigned

Bill "An Act Relating to the Regulation of

Beano" (H. P. 1606) (L. D. 1811)

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

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

Bill "An Act Concerning the Effect of Specially Authorized Appropriations upon the Calculation of State Aid to Public Schools" (Emergency) (H. P. 1612) (L. D. 1817)

Bill "An Act to Exempt Nonprofit Medical Facilities from the Maine Sales Tax" (H. P. 1609) (L. D. 1814)

Bill "An Act Relating to Sentences for Leaving the Scene of an Accident which Results in Death or Injury" (H. P. 1610) (L. D. 1815)

Bill "An Act Relating to Actions in Trespass for Cutting Trees on the Land of Another" (H. P. 1611) (L. D. 1816)

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

**Second Reader
Tabled Unassigned**

Bill "An Act Relating to Judicial Review of Public Utilities Commission Decisions" (H. P. 226) (L. D. 290)

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

(On motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending passage to be engrossed.)

Bill "An Act to Assist in the Determination of the Mental Condition of Criminal Defendants" (H. P. 1366) (L. D. 1597)

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

Bill "An Act to Establish a Sign on Interstate 95 Announcing Peaks-Kenny State Park" (S. P. 302) (L. D. 928)

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

Mr. Carroll of Limerick offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-443) was read by the Clerk and adopted.

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

Amended Bills

Bill "An Act to Establish the Maine Food and Farmland Study Commission" (H. P. 1336) (L. D. 1593) (C. "A" H-423)

Bill "An Act Concerning Warrantless Arrests by a Law Officer" (H. P. 630) (L. D. 771) (C. "B" H-418)

Bill "An Act to Prohibit Smoking at Public Meetings" (H. P. 361) (L. D. 453) (C. "A" H-417)

Were reported by the Committee on Bills in the Second Reading, read the second time, the House Papers were passed to be engrossed as amended and sent up for concurrence.

Passed to Be Enacted

Bond Issue

"An Act to Authorize a Bond Issue in the Amount of \$300,000 for use in Conjunction with Approximately \$600,000 to be Raised by the Maine Maritime Academy for the Renovation of Leavitt Hall at the Academy" (H. P. 1346) (L. D. 1626) (C. "A" H-363)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 113 voted in favor of same and one against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

Later Today Assigned

"An Act Concerning Certain Powers of Joint Standing Committees Responsible for Acting on (Gubernatorial Nominations)" (H. P. 1288) (L. D. 1521)

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

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

Mr. BIRT: Mr. Speaker, I would pose a question to anybody that could answer. I don't know as I understand why this has to have a two-thirds vote.

The SPEAKER: The Chair would advise the gentleman that if he takes a look at the Constitution of the State of Maine, this was enacted by the people pursuant to our sending it out for ratification. You can find it on Page 46 of your House and Senate Register in the Constitution of the State of Maine.

Whereupon, on motion of Mr. Birt of East Millinocket, tabled pending passage to be enacted and later today assigned.

Passed to Be Enacted

"An Act Concerning Postgraduate Education in the Field of Medicine, Dentistry, Optometry and Veterinary Medicine" (H. P. 408) (L. D. 502) (C "A" H-159; H. "A" H-381)

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

**Enactor
Tabled and Assigned**

"An Act to Amend the Law Providing for Variances from Zoning Laws" (H. P. 1177) (L. D. 1405) (C "A" H-376)

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

(On motion of Mr. Palmer of Nobleboro, tabled pending passage to be enacted and tomorrow assigned.)

"An Act Concerning Admission of Certain Children into the First Grade" (H. P. 1306) (L. D. 1543) (C "A" H-374)

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

"An Act to Assign the Responsibilities of Sewage Disposal to the Department of Environmental Protection" (H. P. 1578) (L. D. 1791)

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

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Conners.

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: This item has slid right through here with no opposition, no debate and no questions asked, so this morning, to begin with, I would just like to ask why the change. Your Department of Health and Engineering did this job very well, I think, and if we do change, what procedures are involved in this and what about the cost of the change going to the Department of Environmental Protection? Your Department of Health and Engineering is all set up to do this and they have the experience and expertise to carry it on, and I question whether this is fiscal responsibility or not. So I would like a few questions answered if I could.

The SPEAKER: The gentleman from Franklin, Mr. Conners, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: This is a department

bill. In fact, both departments were involved with this. I suppose you could call it a housekeeping bill, simply transferring over the duties dealing with septic waste to DEP where it had been under Health and Engineering before. As far as increased costs, there would be no increased costs. The staff would just move into another department. I think that is simple enough. These people in DEP handle all the matters dealing with septic waste, and it seemed only reasonable by people in both departments that this be coordinated now under one department, the DEP.

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

"An Act Concerning Insurance Coverage for Deaf, Mentally Retarded, Blind and Developmentally Disabled Persons" (S. P. 507) (L. D. 1792)

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

The following Enactors appearing on Supplement No. 1 were taken up of order by unanimous consent:

"An Act to Amend the State "on" and "off" Indicators for Extended Benefits" (H. P. 1614) (L. D. 1823)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House necessary, a total was taken. 110 voted in favor of same and one against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

RESOLVE, Authorizing a \$450,000 Advance from the General Fund to the Department of Educational and Cultural Services to Provide Working Capital on Renovation of and Equipping of Building at Eastport (H. P. 1572) (L. D. 1788)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House necessary, a total was taken. 111 voted in favor of same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

Orders of the Day

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

House Divided Report — Majority (8) "Ought Not to Pass" — Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-408) — Committee on Education on Bill "An Act Repealing the Tuition Equalization Fund" (H. P. 1199) (L. D. 1428)

Tabled — May 26, 1977 by Mr. Lynch of Livermore Falls.

Pending — Acceptance of either Report.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: My own feeling is that we ought to go with L. D. 1481, although I voted for all three bills in order to get them out on the floor of the House. If we accept L. D. 1481, which establishes the Maine student incentive scholarship program, it opens the program up to graduates of approved Maine secondary schools whose parents are deemed residents of the State of Maine at the time of the students graduation or have graduated from an approved secondary school outside of Maine and have

parents who are deemed residents of the State of Maine at the time of the student's graduation.

Second, they have been accepted for enrollment as undergraduates in or are in good standing as undergraduates at institutions of higher education in Maine according to the prescribed standards, regulations and practices of such institutions and have met the required academic standards of admission. That, in a nutshell, is the basis of the student incentive scholarship program. It opens it up to all qualified Maine students to enroll at all post secondary colleges in the State of Maine.

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

Mr. WYMAN: Mr. Speaker, I move that we accept the Minority "Ought to Pass" Report.

The SPEAKER: The gentleman from Pittsfield, Mr. Wyman, moves that the House accept the Minority "Ought to Pass" Report.

The gentleman may proceed.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: It is very difficult for me to oppose L. D. 1481 and to ask you to vote to phase out the step program, because the comprehensive student assistance bill has been presented and built up as a bill that is going to help students with their higher education and it is going to present them with a choice when actually there are many other issues that I think need to be debated in relation to this. I really feel that all of you will agree with me that in higher education we are on the eve of some very difficult choices, and these difficult choices that we must make in relation to the University of Maine, we cannot divorce the University of Maine from this particular discussion in this debate this morning because it is an integral part of it when you are talking about higher education. The choices we must make are based upon the necessities, and we cannot avoid this any longer, the necessity of establishing priorities.

The impact of L. D. 1481, which is not the bill we have before us but is a bill which relates to 1428. The comprehensive student assistance bill which we are going to be dealing with at a later time includes state aid to private colleges. Now, it is an expansion of the step program, the student equalization program. Currently, the step program has a ceiling of \$900 maximum. Under a bill which is being sponsored by the gentleman from Danforth, Mr. Fenlason, that ceiling would be raised from \$900 to a maximum of \$1,000, and the income level would be raised from \$13,000 to \$17,000 for a family to qualify.

Now, L. D. 1481, the comprehensive bill, would increase that ceiling even further to \$1,500. It is true, as the gentleman from Livermore Falls has mentioned, it is based on financial need, but under 1481, that aid would be up to 50 percent, half of the student's need, or a maximum of \$1,500 in any single academic year.

The average cost for a student to attend a private college in this state is \$6,000. That is the average. Some colleges in Maine, private colleges, cost more than that. That compares to only \$2,200 for the University of Maine. Now, I would submit to you, ladies and gentlemen, that \$1,500 student assistance is going to go a lot further to help a low income student who chooses to attend the University of Maine than it is to help the student who decides to attend a \$6,000 private college. I would doubt very much, and I certainly will stand corrected, but I would doubt very much that \$1,500 is going to make the difference for any person financially who chooses to attend a private college. If they can afford to attend a private college, then they certainly can find a way to get that extra \$1,500. But I would also submit further that it would make a difference for a young person who

chooses to go to the University of Maine simply because the costs are lower.

As a result of the budget cut which the University of Maine has faced over the last few years, tuition has been forced upward, and I have a list that was presented to me, and I would be glad to make that available to you, but for all the University of Maine campuses, tuition for an in-state student has gone up \$100 and out-of-state tuition has gone up a varying amount, averaging about \$200 or \$150.

We all are aware of the fact that faculty have been forced to resign, many are on the verge of resigning. The morale is low at the University of Maine, and I guess I have one basic question in relation to the plan that we have before us to expand state assistance to private schools, and that is, if we cannot afford to support the one public institution of higher education in this state, then I fail to understand how we can afford to assume financial responsibility for a second system of higher education; namely, the private colleges. It really is a basic issue. We have talked a lot about this, we have talked about it on the Education Committee, and we have reported bills out "Ought Not to Pass" for financial reasons, because the funds were not available. I just don't understand how we can consider establishing a priority for student assistance to private schools when we cannot fund the University of Maine at a reasonable level.

The idea which I believe originated, if I am not incorrect, on the second floor, the Office of the Governor, for a so-called voucher plan. It is a fine idea, it is certainly generous, it is certainly well intentioned, it certainly is compassionate, and we do want to help young people to get a higher education, but I guess the question we must face in times of financial restrictions is where do we properly appropriate public tax dollars? To a public institution or to a private institution?

If I may, I would like to quote to you from an article which appeared in the Bangor Daily News, written by Brooks Hamilton who is a Professor of Journalism at the University of Maine, also a graduate of a private college. He mentioned — and I think this is an interesting quote for our consideration — First, I would think if I belonged to a private college, and in a sense I do, since my own education was at three different private institutions, I would be against tax support for one non-financial reason, and that is that such support will inevitably alter the whole character of the private institutions. I do not say this to indicate either is better, and this is not an issue of what is better, private colleges or the University of Maine, but that diversity is the thing that we need. If we start buoying up all of our private institutions to the point that they are no longer really private, then we have lost the diversity which I think is essential.

Another point in the article, Mr. Hamilton says, any way you look at it, I repeat, we have finite sources which we are already stretching to the limit to keep the state university and the Maritime Academy and the vocational-technical institutes going. It really makes no financial sense to try to spread them even thinner.

I do believe that this is a very basic issue, priorities and stretching our financial resources, so I would hope that you would support the "Ought to Pass" motion for L. D. 1428 and while I am standing, I suppose I should tell you what that bill does since you are going to be voting on it. That would phase out the current program which we have, which is state assistance to private colleges, phase out the step program. It would not in any way affect the students who are currently receiving aid under the program, but it would phase it out. So it is a question of whether we want to phase it out, and if we do not decide to phase out, if you do not

decide to support Representative Najarian's bill, 1428, then I certainly hope that you would not seek, on the other hand, to broaden and expand the program so that we are funding private colleges.

We hear a lot about choice for the student. The choice we have before us is whether we are going to be true to our commitment to our one public institution, the University of Maine, and provide as many people in this state as possible with the lowest possible education and the best buy or whether by diverting our valuable tax dollars to private schools, we are saying to the students who choose to go to the University of Maine, your tuition must go up so that we can afford to fund private schools.

I would urge you very strongly to accept the "Ought to Pass" report on L. D. 1428, and I would urge you also, equally strongly, to reject L. D. 1481.

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

Mr. LYNCH: Mr. Speaker, before the debate goes too far along, I would like to comment on the thrust of the previous speaker. He has stressed support of private colleges as opposed to the public institution. We are not talking about supporting private colleges. We are talking about grants to students. We are talking about support for the education of our young people from tax dollars paid by their parents.

Now, there should be diversity in education, and I would hate to see the day come when we only have one institution in the State of Maine and the youngsters are told, you go there or you don't go anywhere. And in effect, by denying them some assistance, we are telling them, you go to Orono or one of the other campuses or you will go nowhere. That is what we are talking about. We are talking about students, not colleges.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I wish that we could reverse the order that we are debating these bills, because item 12 on page 11 is the bill that would provide aid to all students, whether the students are going to a private or public institution. Actually, I signed the bill on page 9, item 1, I signed it "Ought Not to Pass" because I did not want to repeal the tuition equalization fund unless I thought there was something else to take its place. So if we could debate the more comprehensive bill first, then I think we would be in a better position to know just what to do about this bill. Is there any motion I can make that would allow us to vote on item 12, page 11 first, since that is the comprehensive bill.

The SPEAKER: The Chair would answer in the negative.

Mrs. LEWIS: Well, I certainly hope that people will not accept the "Ought to Pass" Report. We shouldn't repeal this bill and leave Maine students without anything. We ought to keep this one going until we know what we are going to do with the other one, and I would urge people to vote "Ought Not to Pass" on item 1, page 9.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I don't really think it makes any difference which bill we vote on first. If we dispense with this one, then we will know better how to deal with the next one, or vice versa. I don't think that is any problem.

While I am on my feet, I think I will say a few words about why I support this bill and why I introduced it. Every dollar that this state appropriates to private institutions is dollars diverted away from our public institutions. The State of Maine has supported the universities for over a hundred years, and I would just like to point out to you that the Appropriations Com-

mittee just tentatively recommended a 7 percent increase for the university this next fiscal year, and that will be \$1 million less than they received in 1974 and 1975 with the 7 percent increase.

Most of these students that receive this assistance to go to private colleges would go anyway without this state support. Over 50 percent of them would attend these private colleges anyway. It stands to reason that this grant is so small that they have to have plenty of other resources in order to make up the difference, when you consider the total costs of Bowdoin, Bates, and Colby are \$8,000 to \$10,000.

A questionnaire was sent out by the Department of Educational and Cultural Services which indicated that over 50 percent of them would go without this state help, which means that we are throwing 50 percent of this money away and we have allocated in our budget \$1 million for this program in the next biennium.

There is plenty of money available to students who want to attend private colleges and who want to attend the university. There is a Basic Educational Opportunity Grant which Congress has extended through 1979 and has appropriated a maximum grant of \$1,800. There is a Supplemental Educational Opportunity Grant, and Congress has appropriated \$200 million for this, and this goes to 1979. There is a Guaranteed Student Loan Program extended through fiscal 1980 and there is a College Work Study Program extended through 1982 at \$450 million, and that is a 9 to 1 federal match for every state dollar. There is a National Direct Student Loan Program extended through 1979 at \$400 million a year. There are many, many federal programs. In fact, in the private institutions over 9,000 students received over \$14 million in federal aid for students last year. The university received \$16 million, but they are helping over 26,000 students and even at the lower tuition cost, our students attending the University of Maine still need financial assistance, still need jobs. Over 70 percent of the students at Portland-Gorham work parttime in order to go to college.

So, I really think you ought to consider this program very carefully and is this really one of our state's highest priorities? We have many needs, many basic needs in other programs that are not being met, and I just don't want to reiterate them all but you know where they are, mental health and corrections, the vocational schools, our adult education which was cut back \$500,000, which helps many, many more Maine people. Many parents have two or three children who are in college and they couldn't afford the private colleges even with help.

I noticed in last week's Newsweek, there is a thing on Harvard University. It is starting to loan directly to students. Parents who earn between \$15,000 and \$50,000 a year may borrow money from the university and take up to 8 years to repay. For the first time this year, middle-class enrollment rose by 6 percent and many other private colleges are beginning to adopt the Harvard Plan. The private colleges could do more than they have been to help themselves and they shouldn't be relying on our scarce state dollars for assistance.

I would just like to say that our present step program will help a family under \$13,000, that is the way the law reads. The way it is interpreted by the Department of Education, that is effective income, so we are really helping families with income of \$18,000 and \$19,000 and obviously the families that have the biggest debts or are most over-extended are the ones that are going to show the most need.

I will speak to the other two bills when we get to them. I don't want to confuse you. This bill would phase out the step program. They will take incoming Freshmen next year, according to the Committee Amendment, but it would

save \$200,000 in the second year of the biennium and then \$365,000 the first year after that, and we gradually would phase it out so that no students presently on the program would feel the loss.

I hope you will carefully consider and give this an "Ought to Pass" vote.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: The gentlewoman from Portland, Mrs. Najarian spoke of Harvard, Bowdoin, Bates and Colby, but she didn't mention colleges such as Ricker, Husson, Beals, Thomas, College of the Atlantic, some of the smaller colleges in the State of Maine where there aren't great amounts of money to go for aid to these students. I have had letters from some of my constituents and also some people in other parts of the state because I am on the Education Committee urging me to keep the step program in place, that they desperately need the help, and not one of these people have gone to one of these expensive colleges that do have large scholarship programs. It is to the smaller colleges that these people especially need help, and when we are talking about places such as Houlton, the only colleges that these people can go to as a commuter would be Ricker College, they can't commute to Presque Isle or to Fort Kent. When we talk about the southern part of the state that is more populated, the university does do a tremendous job, but it doesn't in some areas and these small colleges need all the help they can get and the students who are attending need all the help they can get and \$900 is quite a lot of money toward the tuition for one year, and that is what the step program does give.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: This whole situation is complicated. There is no question about that, but I would like to refer back 50 or 60 years. When I got through high school, I had planned to go to the University of Maine and take the two-year agricultural course because that was all I could afford. It happened that a gentleman had left my home town some years before and had gone around the world and made his fortune, so he set up a fund, the interest of which was to go to people in my home town and wanted to go to higher education. At that time, the interest was such that I could collect \$200, and \$200 was enough to enable me to go to private college. I went four years and became a school teacher. Actually, I guess I would have been better off financially if I had taken the two year course and gone home to farming; my brother who did that was the first one in a family of six who had money enough to take a two week vacation in Florida. That was years and years ago, and I remember at the time wondering if the rest of us were rather foolish to go to college, but be that as it may, the amount of money may not be enough to anywhere near cover the cost of the college, but for me it made the difference between whether I could go to college or not. I have been delighted ever since that I had that opportunity.

In this particular case, as Representative Lynch has said, we are not talking about aid to colleges, we are talking about aid to students, and it is important that we keep that distinction in mind.

One thing that the gentleman from Pittsfield mentioned in his quotation, the fact that if we aid private colleges we are apt to determine what they do, we are apt to subvert them so to speak. In this bill, in this case, there is no chance of that because all we are doing is giving a little money to students who want to go there. We are not giving money directly to private schools. A little tuition money given to pupils

will have no effect whatsoever on the policy of the school and so there is no chance that that will be bad. It seems to me that Item 12 under the Tabled and Unassigned is a power bill, I think we should defeat the others and accept that one.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I just want to respond to two remarks that were made, one by Representative Lewis that we are also talking about aid to small private colleges which may be having some financial difficulty. I think it probably could well be documented that all private colleges in the State of Maine, whether they be large or smaller ones, are facing financial difficulty similar to the University of Maine, but the bill does not distinguish between state aid to small schools which may not be well endowed and state aid to larger college which are very well endowed, it does not make that distinction. If you pass the comprehensive bill, you are saying that we are going to give state aid to students to attend all the private schools, whatever private school they may decide to attend, large or small, rich or poor.

Another point that I would like to respond to is one that has been made by the gentleman from Winthrop and also Mr. Lynch. That is that we are not aiding schools but we are aiding the students, and I suppose the same logic could be used as a reason for establishing a program which is going to be state aid to students to attend the University of Maine, that we would be helping them in their choice to attend the university and that we would not at all be helping the University of Maine. However, for those of you who were not at the hearing would be interested to know that I believe the financial aid officers and presidents of many of the private schools were there in attendance and testified in favor of the comprehensive student assistance bill. I was not aware of anyone from the University of Maine who was there to testify in favor of it, and I would submit to you that those who turned out at the hearing, that that fact speaks for itself, that we are indirectly, perhaps not directly, but we are very indirectly and in a very real way aiding the private colleges. This money that goes to the students is going to be eventually paid to the college, whether it be in books, material or tuition or whatever, but it is aid to the private schools, and this is where I have my problem philosophically with how far we can go in aiding the private institutions or private business for that matter. It is a philosophical argument.

One final point that I would like to make that hasn't been brought into this debate for your consideration, that the step program, as it is currently operating, is really not a very good financial investment as far as federal matching funds are concerned.

I would like to quote to you from a statement that was made by the Department of Educational and Cultural Services. It says in those five years, the five years that the step has been in effect, the State of Maine has appropriated \$1,680,000 which has generated nearly \$300,000 in federal money from the State Student Incentive Grant Program. That, approximately, I believe, is a 3 to 1 match, but some federal grant programs, student assistance programs, are a 9 to 1 match, so looking at it purely, if you would, from a financial point of view, if we set as a priority federal assistance to students, it is a much better financial investment than it is for the State of Maine to continue the step program.

The SPEAKER: The Chair recognizes the gentlewoman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I think that our state tax dollars must reach more students and then

we could better spend our state money. At a major private college, the total cost including tuition, room and board and fees averages \$4,500 plus. A \$900 grant isn't going to help too much. We must first support our state university and then, if we have enough money left over, we can take care of our private colleges. Maine's middle income and low income people deserve the right of access to a higher education at our public university.

One of these bills that we have here before us today in debate would let you gross up to \$30,000 per year because it measures the taxable income of \$17,000. I think we are heading in the wrong direction and I think we are helping the wrong people. We are taking it away from the low and middle income and we are giving it to those people with the higher incomes and those are the people who would send their students to the private colleges anyway. I am afraid that the day is coming when we aren't going to be able to send our students to the public university because the tuition is going to be too high. If we don't take a look at it at this point and adequately fund our university, then the tuition is going to be too high and we are not going to be able to afford to send our students there.

This bill, 1428, which is Mrs. Najarian's bill, cosponsored by Mr. Wyman, is a very good bill. I think we should support this bill and vote against the other two that will be discussed later.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Boudreau.

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: The step program has been a good program and has been dear to the hearts of many of us. I am amazed this morning to see my good friend, Mr. Wyman, who I spent some days in graduate school with, to get up today after he signed an "Ought to Pass" Report on 1481, get up here today and move indefinite postponement. That is politics in its purest, I can see that.

Secondly, I would like to say.

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

Mr. WYMAN: Mr. Speaker, a point of order. I believe the gentleman is factually incorrect. I did not vote in favor of L. D. 1481. That is incorrect.

The SPEAKER: The Chair thanks the gentleman from Pittsfield, Mr. Wyman. The Chair would suggest to the gentleman from Waterville, Mr. Boudreau, that he not question the motive of any member of the Legislature.

The gentleman may proceed.

Mr. BOUDREAU: The issue here today is whether or not we are going to give students money to go to the school of their choice. I say to you, to give a student X-amount of dollars and say you have to do with this is almost like saying, I am going to force you to do what I want you to do, which I don't think is what we want to do here.

Under L. D. 1481, to phase out a step, all we are saying is that we are going to give students aid to go to the school of their choice, a school in Maine, whether it be a vocational school, a business school, a liberal arts college, whatever it may be, that is the issue. Those people who get up today to oppose the bill would say that we don't want to give students money to go where they want to go, we want to give them money only if they want to go to a public institution. That is the issue. I think if we are going to give people help, you should give them help to do what they want to do.

I would also like to make a comment about those people who attended the hearing to oppose this bill. Of all groups to oppose a bill like this, the MTA. Those people who have been benefited by higher education came to fight against the bill that would have helped other students to

avail themselves the same opportunity' those people had. That amazes me also.

Under the step program we were giving money to students to go to private schools. The federal government now said, if you are going to give money to students you have to give it to them even if they want to go to a public school so, in essence, under L. D. 1481, a student can get a grant to go to the University of Maine and under the step, he couldn't. It is not a question of whether or not we are going to help private colleges or public ones. We are either going to help students to go where they want to go or we are not.

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

Mr. PELTIER: Mr. Speaker, Ladies and Gentlemen of the House: If my memory serves me, some of the background on the step program, goes back to a time when we were concerned with building additional space for college students, the theory being that with a step program, it was a better deal to pay \$800 to send a student to some school, large or small, which had many, many vacancies than to spend \$5, \$10 million dollars for more dormitories at our state universities.

I urge you to vote for the step program.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I am trying to sort this all out in my mind and I would like to pose a question through the Chair which may lead to some others. L. D. 327 seems to be keeping the step program with increases in the income level and also increases in the grant level. L. D. 1428 seems to be a repeal of the step program protecting students now in it. #1481, the Comprehensive Bill, I am confused on, I would like to have an outline on how this ties in and maybe this will draw the whole thing together.

The SPEAKER: The gentleman from Yarmouth, Mr. Jackson, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker, Members of the House: The Comprehensive Bill, I think the number is 1481, also repeals the step program. It is the phasing out of step program also. The reason for that is that the federal government will no longer give any money for the step program because it does not also provide aid to students to public institutions. That is why, I think, you could pass this bill to phase out this program and still pass the other bill and it wouldn't necessarily be in any conflict.

While I am on my feet, I would just like to say a couple of other things. That the Comprehensive Bill, although it includes public aid to students going to the university, that is very deceptive because tuitions are lower at the university and the need for any family to attend the university will always show up less than the need for a family who is trying to attend the private school because the cost is so much higher so I don't think that is really going to end up benefiting any students who want to go to the university. I think also you people ought to know that the same people who are recommending the voucher system to the Governor who are recommending the expansion of this program are also the same people who are telling the Governor that the university hasn't suffered enough, that it needs to be consolidated, we need to close campuses, the same people who want to expand this program are really working adversely against the university. It is true that it makes some sense to send kids to private colleges when you can avoid capital construction but that is not the case. In fact, does it make any sense to send kids at \$2000 to attend the Portland School of Art when the Portland-

Gorham campus offers an art major for one-third the price? Does it make any sense to send kids to a private institution when the tuitions are \$2,000, \$3,000 or \$4,000 for a business course when the same thing is offered at many of our university campuses? Some of them are even better programs.

As far as Ricker and Houlton is concerned, it is only a 30 mile drive to Presque Isle from Houlton and it is not much more than that to drive from the Portland campus to the Gorham campus. I would just think that you are making a big mistake if you don't vote for this and we go into an expansion of this program that isn't really needed.

The SPEAKER: The Chair recognizes the gentlewoman from Augusta, Mrs. Kane.

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: At the risk of further muddying the waters, I have had a question that I have had for the length of this debate, no one has answered yet so I guess I will have to ask it. I hope that someone on the Education Committee will be able to answer it for me.

When I was in college and even at this time, a member of my family who is attending Colby, the parents were required, if the student was seeking aid, to fill out what is called a Parent's Financial Confidential Statement, and being one of seven in my family, I think my parents could do it in their sleep. This was supposed to enable the college or the university to determine how much the family could put towards the education of the student and my understanding of the way it worked would be that if the tuition were \$5,000 and the family, in the estimation of the university, could only put in \$1,000, then the university would make up the rest in terms of grants, loans and work study, etc. and in practice, my understanding is that it has worked out that if a student had scholarships from other sources, this would be deducted from the money or loans or grants that he might be getting from the university so, in fact, the student and his family, are they still required to put forth the same effort or is the \$900 a true grant? Because in my estimation, if the \$900 is deducted from the money that the university or college would otherwise give the student, it really is, in fact, a grant to the college and not to the student? I don't know if I have made myself clear.

The SPEAKER: The gentlewoman from Augusta, Mrs. Kane, has posed a question through the Chair to anyone who may care to answer if they so desire.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would still like to emphasize that we are talking about students. The question that was asked concerns students.

If you look at the State of Maine, there are many opportunities for people who come from low income families to have a degree from an institution of higher education, but when you get in, and Representative Najarian spoke of this, to the \$20,000 or \$20,000-plus bracket, you are in no man's land. You are clipped high for federal and state income taxes, you are denied any assistance because of your income bracket. They are the people who are being hurt.

The private colleges do a great deal for their students that have financial needs, and I believe last year at Bowdoin there was something like \$1.3 million available; Colby, something like \$330,000, if I am not mistaken.

I think we need diversity in higher education. I would hate to see the day when the high school students of Maine become homogenized through one university system. You need that diversity in the State of Maine.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: At the hearing, I think some of us came out with different views on it. Naturally, we all do, I guess, or the reports would all be signed the same. My understanding in memory from what went on at the hearing, the comments that were made, that the heads of all of the higher institutions of education in the State of Maine, both public and private, did support L. D. 1481, which actually, of course, is not under consideration now but has a definite bearing on the other one.

Dr. Ken Allen from the University of Maine at Augusta did speak in favor of this bill. There is no question but what some of the faculty members were opposed to it, but this bill does help students attending both public and private educational institutions. It has been pointed out, and it is exactly the way I understood it, it was the necessity of this bill because of the equal opportunity requirements at the federal level, that they would lose federal funding if they did not pass 1481 which would allow students attending either public or private institutions, but until we have some clear indication of what is going to happen to 1481, I would hope that the bill we are presently considering does not pass.

The SPEAKER: The Chair recognizes the gentleman from Danforth, Mr. Fenlason.

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: I am going to repeat just one item. This bill is for students and not for institutions. I have one or two points which I think haven't been made. We have a great need in this state for raising and educating good people. We spend money for a lot of things, like aid to the handicap, aid for the unemployed, aid for the criminal, aid for the sick, aid for a lot of other things, aid for welfare. We are asking now to aid good, ambitious, fine, young, men and women, who are going to be the leaders and the producers in the State of Maine and in comparison to some of the money that is spent otherwise, the amount must be pretty small.

The families of these children are in the middle income bracket. They are not unemployed, they probably never have been unemployed. They have been digging in and working, paying their taxes in trying to send their fine, young children to college and they need a little help.

I can tell you something about the need of help for education, both from personal experience and from experience in encouraging young people to go to college. I can tell you that I have seen times when \$50 or \$100 that you would dig up from somewhere and give to a kid would say, that is just enough to help make me try to go. I urge that you defeat the "Ought to Pass" on the bill we are considering and that you pass L. D. 1481, because our young people need this opportunity.

Ms. Clark of Freeport requested a roll call vote.

Mrs. Najarian was granted permission to speak a third time.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I would just like to correct a statement made by Representative Birt, that the university did not support the Comprehensive Student Bill. They spoke in opposition and they spoke in favor of this bill. The chancellor at the university wrote a paper which the board adopted saying that first of all, aid to students going to private colleges should come from the federal government first; second priority should be help to the public institution, that should be the legislatures second priority, and third would be help to students attending private colleges, if they still needed help.

I would like to address Representative Kane's question if I might. In the Comprehensive Bill, the way the family need is calculated, they establish the expected contribution plus any money that they might get from the federal basic grant program and then they would

qualify for state assistance. It does not include self-help, such as loans and extra work, merit scholarships, veterans benefits or other resources which the student has obtained by merit, previous services or similar personal efforts.

Mr. Lynch keeps saying this is a program to help students and in his second breath, he has repeated himself twice, he says we can't just have one system, that the private institutions are willing to go down the tube unless we have this program. He seems, to me, to be inconsistent when he says one and then talks about if you don't have this program that the private institutions are going to go down the drain, because that does make it then aid to private institutions.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: Just two brief items. In the first place, all this talk about decreasing this scholarship so as to aid the University of Maine, actually, the money that we say will go into the General Fund. It could within the province of the Appropriations Committee to use some of that to increase the amount they are planning to give to the University of Maine but, basically, all we are talking about is saving some money to put into the General Fund. Of course, there are a lot of places where that General Fund would be useful, there is no question about that. Most of us have bills in there that would call for some.

I think the point made by the gentleman from Danforth is basic. The better we can educate these people, the less we are going to need for some of these other things in the next generation. It seems to me that that is quite important. Basically, I am certain that as far as I am concerned, the bill that will do the most good for all schools and all students is Item 12 on the Unassigned Table.

There is one particular item in regard to that I think we ought to consider. One of the speakers said that the amount of money we are giving will not be very much of a help towards people going to private schools. If that is true, it will mean that most of these people will be going to the University of Maine or its branches anyway, so it seems to me that that weakens the argument that a lot of people are giving.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mrs. Kane.

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: Sorry that no one on the Education Committee chose to answer my question. They spoke a lot of the need of the students and the fine young people and how worthy they were and so forth, but in the absence of any evidence that this is actually going to help the students, I certainly can't vote to keep this in practice. No one on the Education Committee would stand up and say, yes, I can guarantee that these students, if we give them the step grant, will be \$900 better off because the private colleges will not deduct this from the grants that they would otherwise get. If they can't say that, then as far as I am concerned, this is a grant to the colleges, and I certainly can't vote to keep it.

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

Mr. CONNOLLY: Mr. Speaker, Members of the House: I am in opposition to the legislation in a position contrary to that of Representative Wyman and Representative Najarian, and we have gone back and forth on this issue a lot in the last two or three months, and when it came down to me, and it addresses the question raised by Representative from Augusta, Mrs. Kane, is that there are, in fact, some students who would not have been able to attend the college of their choice if they were not able to get the money provided through the step

program, and based on that information, and granted, it is a little bit less than 50 percent of those who were involved are in that situation, but because there are students who would not otherwise have been able to attend the college that they wanted to without help from this program, then I support the program or a replacement in the other bill.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Boudreau.

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: For the record, my comments about Mr. Wyman, I checked the record and 1481 did come out unanimous "ought to pass". It was on the Consent Calendar and apparently Mr. Wyman did not sign the report. Therefore, I was under the impression that he had signed it "ought to pass" and it was unanimous "ought to pass".

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to reply to the Representative from Augusta. The people from the various colleges told us that while they do have money available, they do not have enough to meet all the demands, so these grants for some of the pupils will be a pure gain. Many of the people would get the money from one source or another without this, but the colleges simply do not have enough each year to meet all the requirements and for some of the people who are too late to get on those, these grants would mean the difference between being able to go or not.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I would just like to bring this one point to your attention. In listening to this debate, I think I could well concur with those who believe that item 12 on Page 11 is a good bill and I could support it. I am a little bit nervous about the price tag on it and what might happen to it and therefore I would plead with you today that we vote against the motion that this bill pass to at least to keep it alive, because if we kill this today and the other one should not pass, we effectively have, I believe, no student assistance program. So, I would hope that we would vote against this "ought to pass" Report.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: Just a few facts which I think perhaps might interest you in connection with this legislation. A great deal has been said here this morning about direct aid to students and of course that is exactly what it is. However, I think you all should know the number of dollars that is available through the colleges. The number of dollars for each one of the schools in question is awarded to the school based on Maine's school population. The school then allocates the dollars and so they can allocate them in large numbers of dollars per student or small. I think it is interesting to note that the high rated colleges in the State of Maine, Bates, Bowdoin, and Colby, all award scholarships under this program of slightly over \$800. On the other side of the coin, you have Andover Institute in Portland which awards \$325 to 86 students; Westbrook Jr. awards \$315 to 108 students. I think this tells me a little bit about how these schools use the awards and I am not going to say a great deal about this bill. I do have many reservations about the step program and at this point in time, I think I am in favor of phasing it out.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker and Members of the House: I think it is clear from the debate this morning that we all agree on two things, or

at least I hope so. One, that we do have an obligation to fund the University of Maine in a realistic level. I can assure you that when that bill comes to this House, I will be in favor of it and I will vote for it. I think most of us feel that way.

Second, we have an obligation to help the needy students in this state attend the college of their choice. We have such a bill before us today. We also have a bill before us that we are debating at the moment which would end that program. I would only suggest to you that in ending that program we may, in fact, be burdening the university because those students will, in fact, have to go to the university if they can't receive aid and choose the college which they will attend. I think if we consider that and if we consider the principle that this is a program which will help students and that we also have a definite obligation to help the university, we will, in fact, be able to afford and vote for both situations.

I would urge you to reject 1428 and consider the comprehensive plan.

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

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

Mrs. Kany of Waterville was excused pursuant to the rules.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Pittsfield, Mr. Wyman, that the House accept the Minority "Ought to Pass" Report on L. D. 1428. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Beaulieu, Benoit, Brennerman, Bustin, Carey, Carroll, Davies, Dexter, Diamond, Dow, Elias, Fowlie, Goodwin, H.; Green, Greenlaw, Hobbins, Hughes, Jacques, Jensen, Kane, Laffin, LaPlante, Lizotte, Locke, MacEachern, Masterton, Mitchell, Morton, Najarian, Nelson, N.; Pearson, Prescott, Talbot, Tierney, Torrey, Truman, Valentine, Wilfong, Wyman.

NAY — Aloupis, Bachrach, Bagley, Bennett, Berry, Berube, Biron, Birt, Blodgett, Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Burns, Carrier, Carter, F.; Chonko, Churchill, Clark, Conners, Connolly, Cox, Cunningham, Curran, Drinkwater, Dudley, Durgin, Dutremble, Fenlason, Flanagan, Garsoe, Gauthier, Gill, Gillis, Goodwin, K.; Gould, Gray, Hall, Henderson, Hickey, Higgins, Howe, Huber, Hunter, Hutchings, Immonen, Jackson, Jalbert, Joyce, Kerry, Kilcoyne, Lewis, Littlefield, Lougee, Lunt, Lynch, Mackel, Mahany, Marshall, Martin, A.; Masterman, Maxwell, McBreaarty, McHenry, McKean, McPherson, Moody, Nadeau, Nelson, M.; Palmer, Peltier, Perkins, Peterson, Plourde, Post, Quinn, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Tozier, Trafton, Twitchell, Tyndale, Wood.

ABSENT — Ault, Austin, Boudreau, A.; Carter, D.; Cote, Devoe, Kelleher, LeBlanc, McMahon, Mills, Norris, Peakes, Spencer, Whitemore.

EXCUSED — Kany.

Yes, 39; No, 96; Absent, 14; Excused, 1.

The SPEAKER: Thirty-nine having voted in the affirmative and ninety-six in the negative, with fourteen being absent and one excused, the motion does not prevail.

Whereupon, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

(Off Record Remarks)

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

Bill, "An Act to Define Duties and Set Salaries for Special and Part-time Deputy Sheriffs" (H. P. 992) (L. D. 1191)

Tabled — May 26, 1977 by Mr. Henderson of Bangor.

Pending — Adoption of Committee Amendment "A" (H-388)

On motion of Mr. Henderson of Bangor, tabled pending the adoption of Committee Amendment "A" and specially assigned for Thursday, June 2.

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

House Divided Report — Majority (10) "Ought Not to Pass" — Minority (2) "Ought to Pass" — Committee on Veterans and Retirement on Resolve, to Increase the Retirement Benefits of Helen B. Pearson (H. P. 1057) (L. D. 1287)

Tabled — May 26, 1977 by Mr. Theriault of Rumford.

Pending — Motion of the same gentleman to Accept the Majority "Ought Not to Pass" Report.

On motion of Mr. Theriault of Rumford, tabled pending his motion to accept the Majority "Ought Not to Pass" Report and specially assigned for Thursday, June 2.

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

Senate Divided Report — Majority (9) "Ought Not to Pass" — Minority (4) "Ought to Pass" in New Draft under New Title: Bill "An Act to Create the Office of Community Antenna Television within the Public Utilities Commission" (S. P. 515) (L. D. 1808) — Committee on Public Utilities on Bill "An Act to Create the Bureau of Community Antenna Television within the Public Utilities Commission" (S. P. 263) (L. D. 910) — In Senate, Majority "Ought Not to Pass" Report read and accepted.

Tabled — May 27, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Acceptance of Either Report.

On motion of Mr. Tierney of Lisbon Falls, retabled pending acceptance of either Report and tomorrow assigned.

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

House Divided Report — Majority (7) "Ought Not to Pass" — Minority (6) "Ought to Pass" as Amended by Committee Amendment "A" (H-420) — Committee on Health and Institutional Services on Bill "An Act to Require that Savings from Substitution of Generic Drugs be Passed on to the Purchaser" (H. P. 147) (L. D. 177)

Tabled — May 27, 1977 by Mr. Goodwin of South Berwick.

Pending — Motion of the same gentleman to accept the Minority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Kerry.

Mr. KERRY: Mr. Speaker, Ladies and Gentlemen of the House: Basically, what I would like to do today is to explain to you the process by which this amendment was presented on the floor.

Previously on L. D. 177, Mr. Cox's bill, there was a provision to pass on 100 percent of the savings from generic drugs to the consumer. This was based on the historical passage of the substitution of generic drugs in the last session. What happened was that many of the desired savings that was the intent of the legislation of the previous session are not being realized. Under present law, the pharmacist may substitute a generic equivalent for a brand name drug as long as the physician has not marked off

in the box on the prescription that a brand name drug would be used.

This current amendment to pass on 50 percent of the savings would do three basic things. It would identify the amount of the savings to be passed on to the consumer, therefore fulfilling the intent of the previous law and, secondly, retaining an incentive for the pharmacist to receive a reasonable profit from the substitution and, thirdly, to clarify the intent of the existing law by closing an unanticipated loophole when the original bill was passed. Basically, what it comes down to is that this particular bill will then address the question of passing on savings to consumers and also provide the basic incentive.

When the original bill was presented to the legislature, there were a lot of questions as to whether or not this bill would pass on savings to the consumer and whether or not it would provide an incentive to the pharmacist. The Committee on Health and Institutional Services met, or the subcommittee met with the various pharmacists and met with various consumer groups, met with at least 25 different organizations either by personal meetings or by telephone calls, and every group was in favor of passing on the savings to the consumer. Now, the exact formula for doing so, no one could come up with, so we compromised within committee to come up with something that would not be totally for one or totally for the other but did provide a reasonable compromise, and this compromise is engendered in this particular amendment.

What we have now before the legislature is, I think, a reasonable response to obviously a complicated matter, and I think after having met with the pharmacy people and members of the pharmaceutical industry, I think it comes down to a basic differential basis of philosophy more than anything else. Our decision here today, as would be on any other day, are we going to choose to continue not to put teeth into the present law and close the loopholes and provide actual savings to the one hundred fifty to seventy thousand elderly people and working people who buy drugs every day, or are we going to allow the current practice to continue, the status quo, and let the vested interests of the pharmacy industry control the basic destinies and lives of people who are spending monies every day? I think many times we do not see the relevance or the importance of legislation such as this, mainly because we leave it to some unguided hand of Adam Smith, or whatever else rather than the vested people in the legislature taking the responsibility to provide proper, regulatory matters.

I think the conclusion that I would have is a very simple message, that oftentimes we don't take note of what we are really doing here every day. Maybe this piece of legislation isn't important to everybody, but maybe it is important to the elderly person who has to go into that drugstore every day and pick up their drugs, spending \$40 and \$50 a month, more so than on clothing and food. So what I would say, if you want to have a legislative process that does not respond to people on a day-to-day basis or if you do want to have something that is going to close loopholes that we obviously did not foresee in the past, then I think that we should vote favorably on this "Ought to Pass" report from the Committee on Health and Institutions.

Thereupon, the Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-420) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mrs. Gill.

Mrs. GILL: Mr. Speaker, Ladies and Gentlemen of the House: I move that we indefinitely postpone this Committee Amendment and would like to speak to that motion.

The SPEAKER: The gentlewoman from South Portland, Mrs. Gill, moves that Committee Amendment "A" be indefinitely postponed.

The gentlewoman may proceed.

Mrs. GILL: Mr. Speaker, Ladies and Gentlemen of the House: Needless to say, this is not my bill and I don't consider it a small bill but one that could have very serious ramifications in the area of retail business.

What we have before us in this bill, the amendment, is a possible placement in the statutes of this state how much profit a retailer can keep and what percent he must pass on to the consumer. In this instance, we are dealing with retail pharmacy operations.

In the past, the legislature passed bills requiring pharmacists to post prices of the 40 most commonly used items prescribed. It also allowed pharmacies to advertise. All pharmacies now post prices. A good many advertise either by newspaper circulars delivered to the home or by newspapers themselves. There has been much written and there is much on radio and TV towards alerting the consumer just how to get the best price, by (1) looking at the advertising; (2) calling stores for price quotations; (3) shopping for prices in any number of pharmacies; (4) mailing their prescriptions to any mail-order service in the state or out; (5) shopping at the store of their choice for the services they require, be it the charge account, free delivery or access to the pharmacist in an emergency situation.

This amendment was introduced to see that the consumer was not gouged by pharmacists. Yet, at the public hearing, the only person to speak in favor of the bill was the sponsor, Representative Cox. He offered no instance where he had information of any consumer who had specifically been charged the name-brand price for the substituted generic brand. I maintain the customer will decide where he can get the best price by shopping around.

If the manufacturers of the name-brand medications wanted to insure the usage of the more expensive product, I cannot think of a better bill or amendment to insure that this will happen. So in effect, the customer would not realize the savings at all since there would be no incentive for the pharmacist to substitute.

There are some who do not realize that pharmacy retail operation is just that, a retail business, and anyone knows that some profit must be assured in order for any business to continue.

In the Statement of Fact of the Amendment, number two under the statement, it says it would retain an incentive for the pharmacist to substitute. The bill, in fact, would do just the opposite. If you are restricted by law what profit a pharmacist could realize in a generic substitution sale, why would the pharmacist choose to substitute if on a name-brand sale he could charge as much as he wished because there are no restrictions on pricing in that area?

Would this legislature give the pharmacists exemptions of 50 percent from sales tax? I don't believe so. Or a 50 percent exemption from income tax? I don't believe that. Or the corporation tax? I don't believe that. We must realize that pharmacy is a retail business, and there are many instances also that I can see this bill as the beginning of many other bills coming into this body. When I mentioned the serious ramifications, this is what I had in mind. I can envision bills coming in here that would restrict what profit Shaws or Martin or Cottles or IGA or any of these stores that sell food with their trade labels on it, and we could have bills in this House that would restrict what profit they could make versus the Del Monte brand and the name brands, or Campbell soup brand, and I don't think that is where we want to go.

I can also see bills restricting what percent of profit a hardware store could be assured of if he sold his trustworthy brand tools over the Black and Decker or the Rockwell brands, and I don't think this is where we want to go. So I would urge you to consider very carefully what you are attempting by this amendment, and I would urge that you vote against the amendment.

I request a roll call when the vote is taken. The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Kerry.

Mr. KERRY: Mr. Speaker and Members of the House: In response to the very gentlewoman from South Portland, Mrs. Gill, I think that we have had a lot of questions in our committee about this bill, and I do believe there have been a lot of people who have basic philosophical differences. I think with regard to the good Representative from South Portland, we couldn't have a greater difference of philosophy than we do on this particular bill, and I say that mainly because we have discussed it many times.

Granted, there have been a lot of unanswered questions with regard to this bill, but one question has been answered, and that is, if there is going to be a pass on of the savings to the consumer and also a pass on of profits to the pharmacists, it is a retail business, they do provide a service to the people and the people are paying for it. This particular amendment says one thing — a pharmacist who buys a drug, his acquisition cost, he must sell, if it is a substitution on a generic drug, on a basis of formula. For example, if you buy a drug — and I have a formula worked out in committee which I am sure Representative Gill is aware of and I wish that everyone could be, so I will read it. Basically, if a pharmacist purchases at a price, his acquisition cost, this takes into consideration all of the various types of wholesale purchasing, quantity buying, it means it is the common denominator, the small retail pharmacist in Calais versus the large chain down in Portland or wherever, there is a common denominator, the acquisition cost.

Now, if he acquires the cost of his drug, a brand name drug at \$5 and he acquires the cost of the generic equivalent at \$2, the whole reason this whole substitution law was passed in the previous legislature was, yes, we do know throughout the country you can buy drugs cheaper; therefore, the AARP, Retired Teachers Association, every consumer group in the country was out lobbying for "help us out." So this legislature, with foresight, said yes, we are going to help out the elderly people and the consumer, we are going to pass on some savings to the people, but what has happened? Under the current State of Maine Law, the pharmacist can buy a generic drug for 29 cents, we will say, and then sell it for \$8, and he may buy a brand name drug for \$7.50 and sell it for \$8 or \$9. The point is, the markup on that generic which he has purchased for a very low price versus what he bought the brand name for, the markup is quite great. It may not be 10 or 20 percent that we normally talk about, that we did talk about in committee, but it is more like a hundred or 200, 300, 500 or a thousand percent markup. When we talk about passing on 50 percent of the savings, we are talking about passing on 50 percent of a thousand percent profit or better.

This is very important.

Sometimes we kind of lose sight of this fact, and I know when talking with pharmacists, and I have talked with many pharmacists throughout the state and I met with the Pharmacy Board and so did the staff of our committee. We said, what are your questions? What are you saying to us? We will answer your questions. We want to know as much as we can about this. We involved them in trying to develop the answer. They said, oh yes, this is

happening. There are some pharmacists that may be gouging people; everyone admitted that, even the pharmacists admitted it, but they said, not in my store, it is the other guy's store. That is under the current law.

I think this is very important to understand. There is a common understanding that is taking place. No one will pinpoint who is doing it. We passed a law with the status quo allowing it to continue. Under this particular proposal, this amendment, which is a requirement of the present law, that is a very important point, this is merely to fulfill the intent of the previous legislature and to provide teeth in what we thought was good for the consumer and yet protecting the retail pharmacist in his business.

Now, to reiterate. If he buys drug A, acquisition cost at \$5, brand name, and he buys the generic equivalent, this is the pharmacist now, for \$2, the differential between the two, say he marks it up to \$7.50 for the brand name and \$6 for the generic, 50 percent of the difference between his \$5 and \$2, he has \$1.50 differential based on this particular formula. His profit on the brand name drug is \$2.50, okay? His profit on the generic is \$4. Under current statute, there is absolutely nothing to prevent the pharmacist from buying the generic at a very low cost, like I said. I have heard this and I have talked to pharmacists who have told me, you can buy certain types of drugs for 29 cents per hundred and you can sell it retail for \$7 per hundred, and that is under normal conditions. In other words, he can mark that price up to just about anything he wants. The only controlling factor is the marketplace, and I believe in the marketplace, I am not going to say I don't. The point is that, unfortunately, there are those persons who are circumventing the law and charging basically the same price for the generic as they are charging for the brand name.

I think Mrs. Gill and I think the other members of the pharmaceutical industry will understand that, first of all, we have to take a look at what the law is intended to do. It is intended to provide reasonable regulation to a current loophole and is to allow people who are now substituting — and I have figures here from various chains and other drugstores stating that yes, we are passing on the savings to the consumer. Therefore, if they are passing on the savings to the consumer today, the reputable pharmacies will not be hurt by this. That is a very important point — they will not be hurt by this. It is only the person who has a captive audience. In other words, he is the one who is now milking the public, by the way, and he is going to be the one who is going to be regulated properly. That is a very important point. The one who is following the intent of the legislation now, he is passing on more than 50 or 60 or 70 percent of the savings to the consumer; he will not be hurt by this.

This amendment, by the way, is a minimum amendment. It should have been higher. It could have even been 75 or 80 percent. This was a reasonable compromise, and what it does, it does insure savings to the consumer, it does insure that that percentage of the pharmaceutical industry who are now not following the intent of the law, they will be properly brought into line.

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

Mr. MORTON: Mr. Speaker, I would like to address a question to the gentleman from Old Orchard Beach. The question is, how is this going to be policed?

The SPEAKER: The gentleman from Farmington, Mr. Morton, has posed a question through the Chair to anyone who may care to answer.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: The gentleman from Far-

mington has raised a very good point. I would like to explain to him first that the current law states only that when a pharmacist does substitute, that the price of the substituted drug does not exceed the price of the drug specified by the prescribing physician. What that means is that under the current law any prescription, any substitution can be one cent less than the brand name that would bring in a profit margin of 150, 160, or 170 percent more than the brand name.

All this does by setting the 50 percent difference level, it doesn't really change the enforcement. It is no less of a problem to enforce than the present law. The present law is difficult at best to enforce, except under the Medicare where we have a constant surveillance through our computers and everything else.

The Board of Registration of Pharmacy has an inspector, and I am not sure, I think they have got two part-time or one full-time, we changed that last year, one full-time, I guess, who can go around doing this, checking the prescriptions for the cost and stuff like this. The point is, this doesn't change anything in terms of the effectiveness of enforcement, it doesn't change it from the present law. It is no less of a problem to enforce this than it is to enforce the present law.

What I am saying is, it is not going to make it any harder to enforce, but the reputable pharmacies will be passing on more of a savings to the people, and I think that will be 99 percent of the pharmacies.

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

Mr. MORTON: Mr. Speaker, another question. In the enforcement effort that has taken place, has there been any depredation found and have any sanctions been applied?

The SPEAKER: The gentleman from Farmington, Mr. Morton, has posed an additional question.

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

Mr. GOODWIN: Mr. Speaker, there have been some found through the Medicaid program, through Mike O'Donnell's Office in the Department of Human Services, and I think that the problem he has found he has worked out with the pharmacies in terms of rebate or something. I don't know if anybody has been taken to court on it, but there have been abuses of the present law which they were able to find under the computer program, the computer system that they have.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I spend a lot of time in the marketplace and I am a consumer, and I had a chance to vote twice on this bill in committee and both times I voted "ought not to pass." This bill was returned to our committee to be studied and it was studied, and upon the basis of that study, that report, I again voted "ought not to pass" for two reasons; my reasons never changed. After many personal inquiries and extensive hearings and reading the amendment and the committee report thoroughly, I found no significant evidence had been presented to justify a statewide law, and this legislation, if passed, could not possibly be enforced or properly implemented.

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

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: The intent of L. D. 177 won the support of the Maine Committee on Aging at its April meeting. The committee remembers the initial fight to enact legislation which would allow generic substitution of prescription drugs. In fact, the first bill in this

regard was stimulated by the Blaine House Conference on Aging.

Substitution of generic name equivalents has long been a priority of Maine's elderly for one reason and one reason only, cost savings. The Committee on Aging and those legislators who recall the origin of this act will agree that the intent was always to pass cost savings onto the consumer. However, in our enthusiasm to enact what appeared to be a simple, low-cost program of direct benefits to all citizens who use prescription medications, we failed to articulate clearly that cost savings must be passed on to the consumer.

There are many questions regarding the generic substitution law, as well as the price posting law, which need further study and has been requested by the Maine Committee on Aging. However, we feel that Committee Amendment "A" marks an important first step toward realizing the original legislative intent of the generic substitution bill — cost saving to the consumer.

As the program exists now, it is difficult, if not impossible, to monitor. By enacting the provisions of the amendment and mandating a 50 percent pass along of savings to the consumer, pharmacists records will show more clearly the amount and cost of the prescription, name brands and generic brands as well as the pharmacist's prescriptions patterns and frequency of substitution. Without this provision, the Board of Pharmacy has no reason to look at the pharmacists' books and cannot, therefore, monitor the impact of the program on the consumer.

I urge you not to indefinitely postpone Committee Amendment "A" and to restore to the law its original intent — cost savings. Without such clarification, this law is a mockery and refutes the very premise upon which it was enacted, dollar savings to Maine citizens.

I would request the yeas and nays.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address myself to a couple of objections that have been raised on this bill and this amendment. One of them is that the need has not been proven. In other words, I or no one else has brought in a sworn statement from someone that they were cheated. However, I think the testimony that was presented by those who opposed the bill before the committee, by strong implications said that they were not passing on the savings which we want passed on. Quite frankly, I was rather amazed at this testimony, because when I first put in this bill I thought it was a simple little bill. I was asked if I expected opposition and I said no, I can't imagine anyone coming in and admitting that they were cheating their customers by not following the intent of the law and passing on the savings.

As far as I am concerned, and we have had enough input here, I think, to indicate that the savings are not being passed on, the fact of whether we have proven it or not to me is somewhat immaterial in that if this House, in its wisdom, decides that a certain act is wrong, we are justified in passing a law to say that that act will not take place. We do not have to wait for proven cases that it has taken place. It is our role here to set policies to require things to be done or not to be done in accordance with public policy. If we decide that it is public policy to say that the 50 percent of the savings from these substitutions, which we by our own acts are allowing to take place, I feel that it is perfectly right for us to do this whether or not anyone has brought in any sworn statements to the effect that the law is being circumvented at the present time.

Another question that arises occasionally is, how is this going to be enforced? First, I would

remind the House that this is one part of a chapter on the dispensing of drugs and if you ask how this is going to be enforced, I ask, how is the rest of the chapter going to be enforced, the chapter which says that a druggist shall not issue certain drugs without prescription? There is always a possibility of disgruntled employees or a customer who believes they have been cheated. However, in spite of it seeming that I may be a little bit anti-business by submitting this bill, I guess I have more confidence in the druggists and pharmacists of this state than the people who oppose the bill. I have enough confidence in the professional integrity of the pharmacists of this state to believe that most of them will follow the law.

At the present time, as Representative Goodwin has pointed out, if they sell the drug one cent cheaper, they are following the law.

I think I would address myself briefly to the philosophical question of freedom of free enterprise, the Del Monte brands and Staff brands have been brought into it. They were brought into it in the testimony before the committee, but I would submit that there is quite a difference between a supermarket where one brand is on the shelves beside another brand and a person goes in and decides which brand to buy. In the pharmacy, these things are in the back room and you are not even allowed in there unless you are a pharmacist. You do not need a prescription to buy a can of peas, but you do need a prescription to buy these drugs.

It has been pointed out that the pharmacy has a captive audience. In very many cases, it is a question of your money or your life. A customer has to have this drug to save his life in very many cases. Under these circumstances, I think most of us rely on the professional integrity of the pharmacist. At the present time, the professional integrity of the pharmacist is not legally violated by failing to pass on this savings.

I think that this, as has already been said, is a very simple bill to carry out the intent of the law which we passed in the last session.

The SPEAKER: The Chair recognizes the gentlewoman from Camden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to compliment the gentleman from Brewer, Mr. Cox. I think his is a tough act to follow. I did sign the "ought not to pass" and I think I ought to explain my reasons for that.

I do support the indefinite postponement of the amendment, as Mrs. Gill has suggested, and that is because I feel that this is price fixing. I think that the best way to ensure a reasonable saving that can be passed on to the consumer is to ensure competition. I do not believe you are insuring competition through this amendment. You know, drug stores vary on their markups and that price varies because there are many things to take into consideration. It depends upon their overhead, perhaps they deliver, the size of their store. There are many things to consider as to why they charge the price they do. I think the best approach to this is to force competition. I think already we have begun to do that and I do not think that we have given this bill time to work.

You know that LaVerdiere's has gone to the action drug? They have gone that way to beat the mail order guy in Sanford. Lincoln Discount Drug competes with stores all over the state. I think that the laws on advertising are what we should address here and not try to fix prices.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the very candid replies I have had to the questions I have asked and I would like to ask another one following up the last one — there are no cases taken to court. Some errors were found and all

worked out. I would ask the gentleman who answered the question in that manner if there was any indication that any of these were intentional flouting of the law or if they were due to the competitions of the present law that these errors were made and they were settled?

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

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

The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I do not have the answer to Mr. Morton's question but I would like to make this comment. I think that there are occasions from time to time in the legislature that at least appear to be very clear where you can come down on the side of the little guy and more important come down on the side of the elderly who consume most of the drugs that are purchased in the drug stores of this state and I think this is one of those occasions. I intend to vote against the indefinite postponement of this amendment and if the motion is made later, against the postponement of the bill.

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

Mr. CONNOLLY: Mr. Speaker, Members of the House: Very briefly, it seems to me there have been three arguments used to try to defeat this particular committee amendment. I, by the way, as most of you know from the debate we had on this earlier in the session, support the amendment offered by Representative Kerry. The first argument used said that there is no significant evidence, and this was used by Representative Nelson among others, to justify a statewide law that shows that the current law we have on the books is being abused. While that may technically be true, while we may not have access to the records of pharmacies, etc., to be able to point that out, no one would deny that the current law that is on the books has a loophole that allows the pharmacist to raise the price of the substituted drug if only up to a penny less than the trade name drug. He can raise that price up to, just so long as it is beneath the price of the trade name drug.

I would call your attention to a report that Representative Kerry did for his committee in preparation for this particular amendment. It deals with that issue and several others. I think if the bill proceeds beyond this initial point today, all of you who are interested in this legislation should avail yourselves of the report and read it.

The second argument that is advanced is that there is no proper enforcement powers provided in the bill and were it to become law, there is no way to enforce it. I would just point out that we do have a Board of Pharmacy, we do have a state drug inspector and we do have a Consumer Fraud Division of the Attorney General's Office. If the consumer felt that he was being taken advantage of and that the law was being violated, he could make a complaint to any or all of those three particular divisions and I am sure that the complaint would be followed up on, and if it were justified, proper legal action would be taken.

The final point, and this argument was advanced by the Representative from Hampden, is that the legislature gets into price fixing. If that is what you want to call it, I guess you could say that it does get into price fixing. I would prefer to term it that it is trying to control the price of a necessity of life for the people

who have to use drugs. The amendment assures that the pharmacist will receive a reasonable profit; nobody disputes that. It also assures that the consumer will receive a reasonable savings.

I think the amendment is well worth your support and I would hope that you would vote against the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mrs. Gill.

Mrs. GILL: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Connolly brought up an excellent point about Mr. Kerry's report and it answers Mr. Morton's question. In speaking to all the people Representative Kerry did speak to, he still came out with, and I will read from the report "although they believe the savings were not being passed on to the consumer based on informal surveys and personal experiences, they could not document or substantiate these beliefs in a systematic manner."

I think that we have to give the pharmacists some credit for being in business and we have to allow them that point where they can make that profit. In my town, South Portland, one pharmacy went out of business completely. It is not blamed onto this. I would not do that, I would not blame it onto this particular thing, but it is just another one of those rules and regulations that is being put on business these days that makes it very difficult for business to live with and earn a profit. That is, after all, what this country is all about. We are a free enterprise system. It is just unfortunate that drugs aren't handed out to people that require them. Hopefully, the government of the United States someday will realize that people should be taken care of medically for free and should be given drugs for free. Pharmacy is a retail business right now. This is the only place where pharmaceuticals can be purchased, and I think we just have to kind of live with that.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mrs. Kane.

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: There is a lot of confusion, I think, about this amendment because of the fact that it involves mathematics, 50 percent and so forth. There have been a lot of arguments pro and con. There are good reasons for voting against the amendment and there are good reasons for voting for it. Two of the reasons for voting against it are not that it is price fixing. It is not price fixing.

I hesitate to argue against the gentleman from Portland, Mr. Connolly. This does not provide for the pharmacist to get a reasonable return. The pharmacist can get an unreasonable return with this amendment. The pharmacist can charge whatever he wants for the retail price of the brand name product and the generic product. He can set those prices as long as he passes on some part, 50 percent of the savings, in substituting to the consumer.

The second reason that is not a good reason for voting against this amendment is that the pharmacist will then have no incentive to substitute. If you take the time to work this formula out with any example of figures that you want, you will see that the pharmacist will make more dollar profit by substituting under this formula than he will make on the brand name product. You may have very good reasons for voting against it, but please do not let those be two of them.

The SPEAKER: The Chair recognizes the gentleman from New Gloucester, Mr. Cunningham.

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I don't know what you can call a fair profit margin or what is reasonable and what is unreasonable. I think when we take our vote today, let's all stop and consider ourselves a little bit. I have always said, I would like to buy everybody in this body

for what he is worth and sell him for what he thinks he is worth.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from South Portland, Mrs. Gill, that Committee Amendment "A" be indefinitely postponed. Those in favor of that motion will vote yes; those opposed will vote no.

Mr. Perkins of Blue Hill was excused from voting pursuant to Rule 19.

ROLL CALL

YEAS — Alopis, Ault, Bennett, Berube, Biron, Birt, Blodgett, Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Carrier, Carter, F.; Clark, Connors, Cote, Cunningham, Drinkwater, Durgin, Garsoe, Gill, Gould, Gray, Higgins, Huber, Hughes, Hutchings, Immonen, Jackson, Jacques, Jensen, LaPlante, Lewis, Littlefield, Lizotte, Lougee, Lynch, Mackel, Marshall, Masterman, Masterton, Maxwell, McBreairty, McPherson, Morton, Najarian, Nelson, M.; Nelson, N.; Palmer, Peltier, Peterson, Prescott, Raymond, Rideout, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Talbot, Tarbell, Tarr, Teague, Torrey, Tozier, Trafton, Twitchell, Tyndale, Whittemore, Wilfong.

NAYS — Bachrach, Bagley, Beaulieu, Benoit, Berry, Boudreau, A.; Brennerman, Burns, Bustin, Carey, Carroll, Chonko, Churchill, Connolly, Cox, Curran, Davies, Dexter, Diamond, Dow, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Gauthier, Gillis, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Hunter, Jalbert, Joyce, Kane, Kany, Kerry, Kilcoyne, Laffin, Locke, MacEachern, Mahany, Martin, A.; McHenry, McKean, Mitchell, Moody, Nadeau, Norris, Pearson, Plourde, Post, Quinn, Rollins, Theriault, Tierney, Truman, Valentine, Wood, Wyman.

ABSENT — Carter, D.; Devoe, Dudley, Kelleher, LeBlanc, Lunt, McMahon, Mills, Peakes, Spencer.

EXCUSED — Perkins.

Yes, 74; No, 65; Absent, 10; Excused, 1.

The SPEAKER: Seventy-four having voted in the affirmative and sixty-five in the negative, with ten being absent and one excused, the motion does prevail.

Mr. Morton of Farmington moved that the Bill and all accompanying papers be indefinitely postponed.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I would like to have this tabled for one legislative day. I have an amendment of my own which has been prepared for some time to be presented on this bill and since this amendment has been defeated, I would appreciate a chance to present my own amendment.

The SPEAKER: The Chair would advise the members of the House that if indefinite postponement does not prevail, the Chair would assign the matter of the second reading tomorrow so that the amendment would be in order at that time.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: This bill, in its present form, is 99 times worse than it was before the amendment was offered and it should be utterly defeated here today. It should have been utterly defeated before it was even conceived.

This bill is nothing but an infringement on private enterprise; it puts the state into the pricing business; it puts the state into the office of small business in the State of Maine, and it is definitely not the right way to go.

I could run on here for hours, but I have only got one thing to say, ladies and gentlemen. The sponsor of this bill said, how are we going to en-

force it? Well, we might have a disgruntled employee. Ladies and gentlemen, that is exactly the way it was done back in the days of, well, I won't say Hitler, but that is what I am thinking of. If you want to start the State of Maine down that path, then vote not to indefinitely postpone this bill, but if you feel as though private enterprise is the way to go, we have good laws on the books, we have advertising. Incidentally, I worked for that advertising bill, I worked for the posting, I won't say I worked for advertising, but I worked for the posting, and in the final analysis of four votes who voted against it. And why did I vote against it, because it required the posting, and I couldn't see any reason why if a pharmacist didn't want to post his prices and therefore be in competition with the people who would post them, he should be required to. That was the only reason I voted against it.

If we are going to get into private business in this state, then keep this bill alive. If you want to get rid of it at the state level, then vote to indefinitely postpone it.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will let this go to second reading to allow Mr. Cox to present his amendment for your consideration. I happen to think that Chester Greenwood would do that.

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

A vote of the House was taken.

47 having voted in the affirmative and 69 having voted in the negative, the motion did not prevail.

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

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

Bill, "An Act Relating to the Definition of Deed under the Real Estate Transfer Laws" (S. P. 510) (L. D. 1797)

Tabled — May 27, 1977 by Mr. Henderson of Bangor.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, I had some questions on this that evidently members of the Judiciary Committee could not answer or were not present last Friday. What I would like to know is, I know some of the categories in here are now exempt from the transfer tax, what has been added that isn't presently exempted?

Whereupon, on motion of Mr. Henderson of Bangor, tabled pending passage to be engrossed and tomorrow assigned.

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

Bill, "An Act Authorizing Control Over the Electrical Rates Charged Maine Consumers by Out-of-State Electrical Utilities" (H. P. 835) (L. D. 1008) (C. "A" H-401)

Tabled — May 27, 1977 by Mr. Pearson of Old Town.

Pending — Passage to be Engrossed.

On motion of Mr. Tierney of Lisbon Falls, retabled pending passage to be engrossed and specially assigned for Thursday, June 2.

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

Bill, "An Act to Require Drivers License Renewal Examinations" (H. P. 397) (L. D. 509) (House Reconsidered Passage to be Engrossed on May 26)

Tabled — May 27, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Adoption of Committee Amendment "A" (H-399) as Amended by House Amendment "A" (H-429) thereto.

Thereupon, Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto and sent up for concurrence.

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

HOUSE DIVIDED REPORT — Majority (7) "Ought Not to Pass" — Minority (6) "Ought to Pass" as Amended by Committee Amendment "A" (H-380) — Committee on Taxation on Bill "An Act Clarifying the Tax Status of Regional Planning Commissioners and Councils of Government" (H. P. 555) (L. D. 672)

Tabled — May 27, 1977 by Mr. Palmer of Nobleboro.

Pending — Motion of Mr. Carey of Waterville to Accept the Majority "Ought Not to Pass" Report (Roll Call Requested)

Mr. Carey of Waterville withdrew his motion to accept the Majority "Ought Not to Pass" Report.

On motion of the same gentleman, the Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-380) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, I would move indefinite postponement of Committee Amendment "A". We have been able to reach a compromise between those people who have worked for the sponsorship of this bill and the majority of the committee, in that the people who had originally spoken in support of this bill, the people from the Northern Aroostook County Regional Planning Commission, wanted exemptions from sales and income taxes. However, the committee amendment and minority came out and put in both real and personal property exemptions, and in speaking to the sponsor, we have been able to prepare a House Amendment which will be offered at second reading which would go back to the original intent of the bill.

Thereupon, Committee Amendment "A" was indefinitely postponed and the Bill assigned for second reading tomorrow.

The Chair laid before the House the following matter:

SENATE DIVIDED REPORT — Majority (9) "Ought to Pass" — Minority (4) "Ought Not to Pass" Committee on Judiciary on Bill "An Act Relating to the Jurisdiction of the Administrative Court" (S. P. 241) (L. D. 733) which was tabled earlier in the day and later today assigned pending the motion of Mr. Tierney of Lisbon Falls to accept the Minority "Ought Not to Pass" Report in non-concurrence.

On motion of Mr. Tierney of Lisbon Falls, tabled pending his motion to accept the Minority Report in non-concurrence and tomorrow assigned.

The Chair laid before the House the following matter: Bill "An Act Relating to the Regulation of Beano" (H. P. 1606) (L. D. 1811) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Mr. Burns of Anson offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-454) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Burns.

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: This is just an amend-

ment from the Committee on Bills in the Second Reading. The numbers got wrongly inserted here and this just straightens that out. It makes no changes in the bill whatsoever.

Thereupon, House Amendment "A" was adopted.

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

The Chair laid before the House the following matter:

An Act Concerning Certain Powers of Joint Standing Committees Responsible for Acting on Gubernatorial Nominations (H. P. 1288) (L. D. 1521).

The SPEAKER: The pending question is on passage to be enacted. This being a change in the Gubernatorial Confirmations, pursuant to the provisions of Article V, Part I, Section 8 of the Constitution of the State of Maine, an affirmative vote of two-thirds of the members present and voting is required. All those in favor of passage to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken. 122 having voted in the affirmative and none having voted in the negative, the motion did prevail.

Signed by the Speaker and sent to the Senate.

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

Mr. GRAY: Mr. Speaker, I move the House reconsider its action whereby it failed to pass L.D. 1569, and I urge the House to vote with me for reconsideration and I would like to speak briefly.

The SPEAKER: The gentleman from Rockland, Mr. Gray, moves that we reconsider our action of earlier in the day whereby the Majority "Ought Not to Pass" Report was accepted on Bill "An Act to Increase the Number of State Liquor Inspectors," Senate Paper 454, L.D. 1569.

The gentleman may proceed.

Mr. GRAY: Mr. Speaker, Men and Women of the House: L.D. 1569 is an act to increase the number of state liquor inspectors. I think of all of our law enforcement agencies in the state, this is probably the most undermanned and overworked group. If we expect this agency to enforce the laws that we enact, then certainly it would be in order to give them the necessary manpower to do so.

Presently, there are 15 liquor inspectors for the entire state, less than one per county. The bill we are reconsidering would authorize the department to add five more inspectors, for a total of 20. Most of the municipal police departments in the state are larger than that, and it would seem that with that amount of revenues that we realize from liquor sales in the state, that we certainly could grant this increase.

I would urge this House to vote for reconsideration and I ask for a roll call.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Rockland, Mr. Gray, that the House reconsider its action of earlier in the day whereby the Majority "Ought Not to Pass" Report was accepted on L.D. 1569. All those in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Ault, Bachrach, Bagley, Bennett, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Carrier, Carroll, Cox, Cunningham, Dexter,

Dow, Drinkwater, Durgin, Flanagan, Garsoe, Gill, Gould, Gray, Henderson, Hickey, Higgins, Howe, Hughes, Hunter, Immonen, Joyce, Kany, Kilcoyne, Laffin, Marshall, Masterton, McPherson, Moody, Nelson, M.; Pearson, Perkins, Plourde, Rideout, Silsby, Smith, Stover, Stubbs, Tarr, Teague, Torrey, Whittemore, Wood, Wyman.

NAYS — Aloupis, Austin, Beaulieu, Benoit, Berry, Berube, Biron, Brenerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Carey, Carter, F.; Chonko, Churchill, Clark, Conners, Connolly, Cote, Curran, Davies, Diamond, Dutremble, Elias, Fenlason, Fowlie, Gillis, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Hobbins, Huber, Hutchings, Jackson, Jacques, Jalbert, Jensen, Kane, Kerry, LaPlante, Lewis, Lizotte, Locke, Lougee, Lynch, MacEachern, Mahany, Martin, A.; Masterman, McHenry, Mitchell, Morton, Nadeau, Nelson, N.; Peakes, Peltier, Peterson, Post, Quinn, Raymond, Rollins, Sewall, Shute, Sprowl, Strout, Talbot, Tarbell, Theriault, Tierney, Tozier, Trafton, Truman, Twitchell, Valentine, Wilfong.

ABSENT — Carter, D.; Devoe, Dudley, Gauthier, Kelleher, LeBlanc, Littlefield, Lunt, Mackel, Maxwell, McBreairty, McKean, McMahon, Mills, Najarian, Norris, Palmer, Prescott, Spencer, Tyndale.

Yes, 51; No, 79; Absent, 20.
The SPEAKER: Fifty-one having voted in the affirmative and seventy-nine in the negative, with twenty being absent, the motion does not prevail.

(Off Record Remarks)

On motion of Ms. Goodwin of Bath, Adjourned until nine o'clock tomorrow morning.