

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

Wednesday, June 1, 1977

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

Prayer by the Reverend Donald Hinckley of the First Universalist Church, Auburn.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication:
The Senate of Maine
Augusta

May 31, 1977

The Honorable Edwin H. Pert
Clerk of the House
108th Legislature
Augusta, Maine 04333
Dear Clerk Pert:

The Senate today voted to Insist and Join in a Committee of Conference on Bill, "An Act Relating to the Spending Ceiling for Education Purposes", (Emergency) (H. P. 968) (L. D. 1165).

Respectfully,
(Signed) MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

Reports of Committees

Ought Not to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act Relating to the Compensation for District Attorneys" (S. P. 361) (L. D. 1223)

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

Leave to Withdraw

Report of the Committee on Energy reporting "Leave to Withdraw" on Bill, "An Act to Require Posting of Prices of Certain Internal Combustion Engine Fuel" (S. P. 312) (L. D. 1032)

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted in concurrence.

Ought to Pass in New Draft

Committee on Education on Bill "An Act to Establish a Program for the Basic Attainment of Skills in Children" (S. P. 243) (L. D. 734) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Establish an Assessment of Student Performance in the Basic Skills" (Emergency) (S. P. 518) (L. D. 1810)

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, June 2.

Ought to Pass

Report of the Committee on Transportation reporting "Ought to Pass" on Bill "An Act Relating to Registration of Trucks of Less Than 6,000 Pounds as Automobiles" (Emergency) (S. P. 113) (L. D. 272)

Report of the Committee on Transportation reporting "Ought to Pass" on Bill "An Act to Authorize Bond Issue in the Amount of \$11,500,000 for the Highway and Bridge Improvement Program" (S. P. 65) (L. D. 136)

Came from the Senate with the Reports read and accepted and the Bills passed to be Engrossed.

In the House, the reports were read and accepted in concurrence, the Bills read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Energy reporting "Ought Not to Pass" on Bill "An Act to Increase the Use of Wood Fuel as a Supplement to Conventional Energy Sources in Residential Space Heating" (S. P. 295) (L. D. 921)

Report was signed by the following members:

Mr. TROTZKY of Penobscot
—of the Senate.

Mr. DAVIES of Orono
Mrs. TRAFTON of Auburn
Messrs. RIDEOUT of Mapleton
HOWE of South Portland
CONNOLLY of Portland
JENSEN of Portland

—of the House.

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

Report was signed by the following members:

Messrs. REDMOND of Somerset
FARLEY of York

—of the Senate.

Mrs. HUBER of Falmouth
Messrs. TORREY of Portland
BOUDREAU of Waterville
Miss BROWN of Bethel

—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: Reports were read.

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

Mr. DAVIES: Mr. Speaker, I move the Majority "Ought Not to Pass" Report and would speak very briefly to my motion.

The SPEAKER: The gentleman from Orono, Mr. Davies, moves that the House accept the Majority "Ought Not to Pass" Report.

The gentleman may proceed.

Mr. DAVIES: Mr. Speaker and Members of the House: The bill you have before you, L. D. 921, is not a bad idea; however, it has two major problems, possibly a third, and this is the reason why the majority of the Committee on Energy voted it out "ought not to pass."

The first problem is the price tag. The Energy Committee was very cautious in its deliberations on all of its bills that we would set priorities and bills that would come out with price tags on them would be considered and we would report them out based on how we felt they fit into the priority for energy legislation in general.

This bill has a price tag in excess of \$90,000. It is difficult to estimate exactly how high it will go, but we have an estimate in the bill itself of at least \$90,000.

The second problem that it has is that we may be leading people unknowingly and innocently into a situation where they might save \$50 in a tax credit for installing a flue that can be used for wood stoves and yet have their home insurance go up by a substantial amount. We contacted a number of insurance companies that provide homeowners' insurance, and the feeling from all of them was that there are pending sizeable rate increases for those homeowners who have wood stoves in their homes, not based on the safety of the stove, which would be a wise way of doing it, but just based on the premise that a wood stove is more dangerous than any other form of heat. I think that may be erroneous, but we are not in a position right now to change the opinions or the behavior of the insurance companies.

So what would happen if this bill were to pass, an individual who is building a new home would install additional flues that would be suitable for handling wood stoves for which they would receive a \$50 credit on their income tax for each new flue, a one-time credit, so if a person in-

stalls four flues, they would get a \$200 tax credit.

Unfortunately, with the wood stoves in there, there is a strong possibility in the next year or so that they may have their insurance go up by \$100, \$150 or \$200, so that within one year or two years, they may have lost all of the benefits and they are going to continue paying those high costs of insurance for quite a while to come. As I said, it is not a bad idea, but the committee would like to take a look at it over the summer, investigate some of the implications that we have not had a chance to take a look at during the session. It may very well be that we will report it out in an "ought to pass" form in the future, but for right now we think that the idea is a little bit ahead of its time and I would hope that you would vote for the Majority "Ought Not to Pass" Report.

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

Mrs. HUBER: Mr. Speaker and Members of the House: I also serve on the Energy Committee, and I think I share the feelings of the previous speaker that this is a good bill. I don't share his attitude that its time has not yet come, and I say this despite the sponsorship of this measure, in case anyone has taken the trouble to look it up.

Granted, it has money attached to it. It is also, however, an incentive bill, and this has really been the heart of what we have been discussing in the Energy Committee — how can we encourage people to conserve energy and also use alternate forms of energy? Basically, our conclusion has been that the use of incentives at this time does make the best case for getting people to do these things.

I think it is very important to realize that we will rank these bills at the end of the session in the committee and give our recommendations to the Appropriations Committee, who will make the final choice about how much money the state may or may not give up in various tax incentives. For that reason, I would ask that you permit this bill to go on its way.

It is a good bill. As far as I know, the argument that has been made about insurance really is not a factor here. I would draw your attention to Section 2 of the bill, which says, "The owner shall present to the Bureau of Taxation a certificate signed by the building inspector, fire department official or other local official of the municipality in which the residences are situated certifying that the additional masonry chimney, flue or flues meet local or underwriters' specifications and that the flues are suitable for connection to a wood stove."

I urge you to vote against the Majority "Ought Not to Pass" Report and to accept the Minority "Ought to Pass" Report.

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

A vote of the House was taken.

62 having voted in the affirmative and 32 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Non-Concurrent Matter

Bill "An Act to Provide for Visitation Rights for Grandparents of Children Involved in Divorce or Custody Proceedings" (H. P. 704) (L. D. 885) which was passed to be engrossed as amended by Committee Amendment "A" (H-400) in the House on May 26.

Came from the Senate indefinitely postponed in nonconcurrency.

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

Non-Concurrent Matter

Bill "An Act to Permit Carpools Under the Public Utilities Law" (H. P. 247) (L. D. 319) which was Passed to be Enacted in the House on May 24.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-333) as amended by Senate Amendment "A" (S-176) thereto in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Clarify Vocational Education Reimbursement in Vocational Centers and Vocational Regions" (Emergency) (H. P. 98) (L. D. 122) which failed of enactment in the House on May 25 having previously been passed to be engrossed as amended by House Amendment "C" (H-328) and Senate Amendment "A" (S-151)

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" (S-175) and House Amendment "C" (H-328) in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Establish a Fund to Insure the Safe and Proper Decommissioning of Nuclear Energy Generating Facilities" (H. P. 1454) (L. D. 1694) on which the Minority "Ought to Pass" in New Draft (H. P. 1599) (L. D. 1804) Report of the Committee on Public Utilities was read and accepted and the New Draft passed to be engrossed in the House on May 27.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Public Utilities read and accepted in non-concurrence.

On motion of Mr. Greenlaw of Stonington, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter

Bill "An Act Authorizing Municipalities to Create Development Districts" (H. P. 1216) (L. D. 1482) which was passed to be engrossed as amended by House Amendment "A" (H-414) in the House on May 25.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-377) and House Amendment "A" (H-414) in non-concurrence.

In the House: On motion of Mr. Carey of Waterville, the House voted to insist and ask for a Committee of Conference.

**Petitions, Bills and Resolves
Requiring Reference**

The following Bills were received and referred to the following Committees:

Bill "An Act Extending the Time for Apportionment of County Taxes From May to June in the Year 1977" (Emergency) (H. P. 1630) (L. D. 1829) (Presented by Mr. Henderson of Bangor) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25) Committee on Local and County Government was suggested.

Under suspension of the rules, the Bill was read twice, passed to be engrossed without reference to any committee and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

State Government

Bill "An Act to Reform the State Budgetary Process" (H. P. 1625) (L. D. 1828) (Presented by Mr. Palmer of Nobleboro) (Cosponsor: Mr. Garsoe of Cumberland) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

(Ordered Printed)

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

An Expression of Legislative Sentiment (H. P. 1622) recognizing that: Helen V. Robinson is retiring after 20 years of cheerful and loyal service to the Town of Gorham.

Presented by Mr. Quinn of Gorham.

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

An Expression of Legislative Sentiment (H. P. 1623) recognizing that: Ralph E. Emery is retiring as Code Enforcement Officer after a career of faithful and efficient service to the citizens of Gorham.

Presented by Mr. Quinn of Gorham.

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

An Expression of Legislative Sentiment (H. P. 1626) recognizing that: Mr. and Mrs. Roland Joudry of East Millinocket have made substantial contributions in the field of mental retardation.

Presented by Mr. Birt of East Millinocket.

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

On motion of Mr. Dow of West Gardiner, the following Joint Order: (H. P. 1624)

WHEREAS, there have been several bills before the 106th, 107th and 108th sessions of the Legislature which have attempted to address numerous problems associated with Maine's dog population; and

WHEREAS, the 108th session of the Legislature has received a number of bills and a significant amount of testimony regarding the problems caused by coyotes; and

WHEREAS, both dogs and coyotes do damage to the State's wildlife, especially the deer herds, and to domestic animals; and

WHEREAS, both the dog population and coyote population are growing at an alarming rate; and

WHEREAS, these 2 populations are reported to be commingling and producing a new breed of animal known as a "coydog"; and

WHEREAS, in addition to raising havoc with the State's wildlife, the burgeoning population of unwanted and uncared for dogs is causing municipalities to expend considerable resources for the care and control of such dogs; now, therefore, be it

ORDERED, that a Joint Select Committee composed of 4 members from the Joint Standing Committee on Agriculture and 4 members from the Joint Standing Committee on Inland Fisheries and Wildlife, selected by the respective committee chairmen, study and assess the problems and dangers posed by these dog and coyote populations to the State's wildlife and the agriculture industry; and be it further

ORDERED, that the committee study means by which these populations can be controlled; and be it further

ORDERED, that the committee study the problems of enforcement of the dog licensing and dog leash laws, including an assessment of the authorities most appropriate for the enforcement of these laws; and be it further

ORDERED, that the committee study the problems faced by municipalities in providing proper care for stray dogs, study the existing fee-schedule for all dogs and study the various methods of destroying dogs and other small animals and identify those which would ensure

the most humane death under various circumstances; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1977 and shall submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee.

The Order was read.

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

Mr. DOW: Mr. Speaker and Members of the House: This order is a study order on coyotes and dogs. We had a hearing on this very controversial subject — we had two hearings, actually. The first hearing started at nine o'clock in the morning and ran until two o'clock in the afternoon. Then we had to adjourn and reschedule another hearing to let everyone who wanted to speak have a chance to voice their opinion.

All through both hearings, almost everyone agreed that we had a very serious problem with coyotes and dogs and dog-like animals, but the majority did not think the bounty was the answer. The problem was with deer and domestic animals. The committee discussed this problem at great length and then decided that we should give the very serious problem more study. The sponsors agreed to a "leave to withdraw" on the bounty on the northeast coyote and that "leave to withdraw" is on today's calendar. It is my hope that both branches of the legislature will give this study order a green light.

The study will be joint study of the fish, wildlife and agriculture. We have already laid some groundwork through the Fish and Wildlife Department with the federal Fish and Wildlife Committee to bring some of the best possible trappers and knowledgeable people in from the western part of the county to help us see what best can be done to help with this very serious problem. This study order will let us take a look at all the information we can gather, and maybe we can come up with something that may be helpful to the whole state.

Thereupon, the Order received passage and was sent up for concurrence.

On motion of Mr. Nadeau of Sanford, it was ORDERED, that Richard Spencer of Standish be excused May 31st and June 1st for personal reasons.

AND BE IT FURTHER ORDERED, that Kenneth Mills of Eastport be excused for the duration of his illness.

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

Mr. Gillis from the Committee on Fisheries and Wildlife on Bill "An Act to Provide for a Webless Migratory Bird Stamp" (H. P. 750) (L. D. 955) reporting "Ought Not to Pass"

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

Leave to Withdraw

Mrs. Chonko from the Committee on Taxation on Bill "An Act to Establish a Pipeline Privilege Tax" (H. P. 1252) (L. D. 1476) reporting "Leave to Withdraw"

Mr. Carey from the Committee on Taxation on Bill "An Act to Relieve Homeowners and Renters from the Burden of the Uniform Property Tax" (H. P. 1478) (L. D. 1737) reporting "Leave to Withdraw"

Mr. Dow from the Committee on Fisheries and Wildlife on Bill "An Act to Establish a

Bounty on Northeastern Coyote" (H. P. 625) (L. D. 766) reporting "Leave to Withdraw"

Mr. Pearson from the Committee on Fisheries and Wildlife on Bill "An Act to Provide Certain Residency Requirements to Purchase Resident Hunting and Fishing Licenses" (H. P. 1354) (L. D. 1659) reporting "Leave to Withdraw"

Mr. McKean from the Committee on Fisheries and Wildlife on Bill "An Act Restricting Guide Licenses to Residents and Requiring Nonresidents to have a Guide while Hunting" (H. P. 483) (L. D. 603) reporting "Leave to Withdraw"

Mr. Plourde from the Committee on Education on Bill "An Act to Improve the Ability of Local Education Agencies to Provide Educational Service to School Dropouts and Chronic Truants" (H. P. 686) (L. D. 868) reporting "Leave to Withdraw"

Mr. Henderson from the Committee on Judiciary on Bill "An Act to Authorize the Chief Justice to Employ Court Officers" (H. P. 1419) (L. D. 1629) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

**Ought to Pass in New Draft
New Drafts Printed**

Mr. Devoe from the Committee on Judiciary on Bill "An Act to Amend the Laws Relating to Criminal History Record Information" (H. P. 1363) (L. D. 1692) reporting "Ought to Pass" in New Draft" (H. P. 1629) (L. D. 1832)

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

Mr. Spencer from the Committee on Judiciary on Bill "An Act Relating to Reporting of Data of Abortions Performed by an Attending Physician" (H. P. 987) (L. D. 1198) reporting "Ought to Pass" in New Draft (H. P. 1628) (L. D. 1831)

Report was read.

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

Mrs. NAJARIAN: Mr. Speaker, I would like to pose a question through the Chair to anyone who can answer. That is, what is the purpose of this bill?

The SPEAKER: The gentlewoman from Portland, Mrs. Najarian, has posed a question through the Chair to anyone who may care to answer.

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

Mr. HUGHES: Mr. Speaker and Members of the House: Anytime you have a bill that has to do with abortion data, the hackles of one group or another are probably raised. This is a bill to provide statistical information to the state which can and should be used legitimately, I think, to deal with the public health problem of knowing what the rates of complications are from abortions and things of that sort.

The bill was changed greatly from the form in which it came in. It is acceptable, I think, to both right-to-lifers and right-to-choose. It is simply aimed at that kind of statistical gathering which is useful without any of the overtones of impropriety or immorality that might be involved in having such an abortion. The confidentiality of patients has been maintained, the confidentiality of doctors and doctors performing abortions has been maintained, and it is, in the opinion of the committee, which includes members of both camps, if that is the term to use, a legitimate, uncontroversial bill at this time.

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

Mr. Hobbins from the Committee on Judiciary on Bill "An Act to Repeal Certain

Laws Relating to Domestic Relations" (H. P. 1368) (L. D. 1595) reporting "Ought to Pass" in New Draft (H. P. 1627) (L. D. 1830)

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

**Ought to Pass with
Committee Amendment**

Mr. Curran from the Committee on State Government on Bill "An Act Relating to the State's Bonded Debt" (H. P. 502) (L. D. 621) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-459)

Miss Brown from the Committee on Energy on Bill "An Act to Exempt Certain Woodburning Appliances from the Sales Tax" (H. P. 1240) (L. D. 1465) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-461)

Reports were read and accepted and the Bills read once. Committee Amendment "A" to each was read by the Clerk and adopted and the Bills assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Education on Bill "An Act to Authorize Bond Issue in the Amount of \$1,058,000, for Construction of an Educational Wing at Central Maine Vocational-Technical Institute" (H. P. 1305) (L. D. 1542) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Authorize Bond Issue in the Amount of \$2,348,000 for Construction of an Educational Wing at Central Maine Vocational-Technical Institute, a Mechanicals Building at Eastern Maine Vocational-Technical Institute and a Building Construction Facility at Southern Maine Vocational-Technical Institute" (H. P. 1618) (L. D. 1819)

Report was signed by the following members:

Messrs. USHER of Cumberland
KATZ of Kennebec — of the Senate.

Messrs. WYMAN of Pittsfield
BAGLEY of Winthrop

Mrs. MITCHELL of Vassalboro
Mr. LYNCH of Livermore Falls

Mrs. BEAULIEU of Portland
Messrs. CONNOLLY of Portland

BIRT of East Millinocket — 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. FENLASON of Danforth
Mrs. LEWIS of Auburn

Mr. PLOURDE of Fort Kent — of the House.

Reports were read.

On motion of Mr. Lynch of Livermore Falls, the Majority "Ought to Pass" Report was accepted, the New Draft read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (H-452) on Bill "An Act to Change the Deadline for Change in Party Enrollment in Order to Qualify for Voting in a Primary Election" (H. P. 1028) (L. D. 1246)

Report was signed by the following members:

Mr. DANTON of York — of the Senate.

Messrs. BOUDREAU of Waterville
BUSTIN of Augusta

Mrs. MITCHELL of Vassalboro
Messrs. TRUMAN of Biddeford

McMAHON of Kennebuk
RAYMOND of Lewiston
TALBOT of Portland
Mrs. BOUDREAU of Portland

— 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. KATZ of Kennebec
TROTZKY of Penobscot

— of the Senate.
Mr. BIRT of East Millinocket

Mrs. DURGIN of Kittery — of the House.

Reports were read.

On motion of Mrs. Boudreau of Portland, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-452) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Recognize the Maine Competition as the Official Housing Design Contest for the State of Maine and to Appropriate Moneys in the General Fund to Fund this Contest" (H. P. 1238) (L. D. 1463)

Report was signed by the following members:

Messrs. HUBER of Cumberland
MORRELL of Cumberland

— of the Senate.
Messrs. HIGGINS of Scarborough
MORTON of Farmington

Ms. GOODWIN of Bath
Messrs. GREENLAW of Stonington

CARTER of Winslow
PERKINS of Blue Hill

McBREAIRTY of Caribou — of the House.

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

Report was signed by the following members:

Mr. MERRILL of Cumberland

— of the Senate.
Mrs. NAJARIAN of Portland

— of the House.

Reports were read.

On motion of Ms. Goodwin of Bath, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Tierney of Lisbon Falls, Recessed until the sound of the gong.

After Recess

11:00 a.m.

The House was called to order by the Speaker.

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Appropriate Funds to Enable the City of Eastport to Cope with Gale Damage" (Emergency) (H. P. 565) (L. D. 690)

Report was signed by the following members:

Messrs. MORRELL of Cumberland
HUBER of Cumberland

— of the Senate.
Mrs. NAJARIAN of Portland

Messrs. HIGGINS of Scarborough
PERKINS of Blue Hill

MORTON of Farmington — of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-453) on same Bill. Report was signed by the following members:

Mr. MERRILL of Cumberland
— of the Senate.
Ms. GOODWIN of Bath
Messrs. GREENLAW of Stonington
CARTER of Winslow
McBREAIRTY of Caribou
— of the House.

Reports were read.

On motion of Ms. Goodwin of Bath, the Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-453) was read by the Clerk and adopted and the bill assigned for second reading tomorrow.

Divided Report

Six members of the Committee on Human Resources on Bill "An Act to Include the Term 'Sexual or Affectional Preference' in the Maine Human Rights Act" (H. P. 1169) (L. D. 1419) report in Report "A" that the same "Ought to Pass"

Report was signed by the following members:

Mrs. KANY of Waterville
Messrs. BURNS of Anson
TALBOT of Portland
CUNNINGHAM of New Gloucester
GREEN of Auburn
DAVIES of Orono
— of the House.

Six members of the same Committee on same Bill reports in Report "B" that the same "Ought Not to Pass"

Report was signed by the following members:

Messrs. LOVELL of York
HICHENS of York
— of the Senate
Mrs. HUTCHINGS of Lincolnville
Messrs. MARSHALL of Millinocket
LaPLANTE of Sabattus
PETERSON of Caribou
— of the House.

One member of the same Committee on same Bill reports in Report "C" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-444)

Report was signed by the following member:
Mr. MANGAN of Androskoggin
— of the Senate.

Reports were read.

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

Mr. TALBOT: Mr. Speaker, I move that we accept Report "A", "Ought to Pass."

The SPEAKER: The gentleman from Portland, Mr. Talbot, moves that the House accept the "Ought to Pass" Report "A".

The Chair recognizes the gentleman from Millinocket, Mr. Marshall.

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not accept the report suggested by my good friend, the gentleman from Portland, Mr. Talbot. The bill sponsored by the two good gentlemen from Portland, Mr. Talbot and Mr. Connolly, would expand the Human Rights Act of 1973 to include under the general provisions the term "sexual or affectional preference." Presently, under the Human Rights Act, all Maine citizens are protected from discrimination in employment and housing or access to public accommodations on account of race, color, sex, physical or mental handicap, religion, ancestry and national origin. All of these elements, with the exception of physical and mental handicap and religion are elements which are incidental at birth. They are characteristics which every individual possesses at birth. A physical or mental

handicap may be the result of birth or accident, disease or illness and discrimination according to religion is expressly prohibited by federal and state constitutions, Article 1, Section 3.

The proponents of this measure want to include a condition which is not inherent at birth which is developmental in character and which I feel is not exclusively deserving of legislative action in this area. I call your attention to Committee Amendment "A" with a filing number of H-144, and I would like to read the Statement of Fact. "This amendment prohibits discrimination under terms of the Human Rights Act on account of marital status, personal appearance, family responsibility, source of income, place of residence, place of business." As stated in this amendment, there are many developmental characteristics equally deserving in the opinion of at least one member of the committee, and you can imagine the wealth of developmental characteristics that we could think of which we could exempt from discrimination if we allow expansion of the Human Rights Act in this direction.

I believe that pursuit along this line may border on the ridiculous, but if you make an exception for one, why not the other? The issue is not whether you believe in discrimination against gays or whether you approve or disapprove of homosexuality. The issue, my friends, is whether or not we are prepared to expand the concept of the Human Rights Act to include one developmental characteristic of one select minority. We must each make this decision, and I made my decision when I signed this out of committee "Ought Not to Pass."

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: This is probably one of the most sorry bills that I have ever seen come in this House. I have seen bills come before us that we shouldn't even waste our time debating, but this one is the most deplorable.

We try to enact laws up here that will be of benefit to the people of this state. We try to do what is right. This bill is an insult to every mother and every father who has beared a child. This bill is a disgraceful bill. When the Assistant Minority Leader of this House got up and said a few words against Senator Conley who put in some amendments to a certain bill called the Moose Bill and he described it as a waste of the taxpayers' money, he described it as the power that we have which we are abusing, well, we are certainly abusing our power today.

What is equal rights for all? Equal rights for all is decency for all to live under. When a man commits a murder, he loses his rights, because we in society do not accept that as a normal way to live.

I believe that we are talking today about the same type of situation. We want to change the law when certain people don't agree with the law for their convenience. We should try to convert those who don't want to live in our society as we live, to try to convert them to live as we live and not change the law.

These crotch of Christ are nothing more than fornicators. The sexual perverts that want laws changed for their own living, for their own being, is an insult to the intelligence of the members of this House. The unquestionable behavior of certain individuals in their own doing is their own prerogative, but when they come before this legislature, we are even wasting our time debating such a sorry bill.

I have supported equal rights as well as any member in this House, because I believe that all people are created equal until they commit a murder and then they must be put away from society, and when people do not want to live in our society as we live, then we as individuals

should not change the law just for those individuals.

There are many things I wanted to say here this morning, but after several conferences with the leadership that we live under and the rules that we live by, I am trying to be a gentleman, and I find that very hard to do today. In fact, I find it distasteful. How we as individuals must act on all bills that come before this legislature is our right and the privilege that we are sent up here for by the people who have elected us, but I think we owe more to our people than just being here. I think as long as we are going to hold a public office, we owe them the right, the decency that we as legislators would want.

Are we really, seriously considering equal rights for homosexuals when we have people working in this state at the poverty level? Some issues with people are greater than others. I don't believe today, ladies and gentlemen, that what anyone is going to say is going to change anyone's mind. I have probably been lobbied and coached on this bill more than any bill since I have been in the legislature, and I will stand here and admit that I have broken man's law, which you have made and I have also broken God's law, but that I will answer for and to a greater place than here today. I won't have to be judged by this body, but this body has got to judge today. We have got to judge how far we are going to go with homosexuals. We are going to do this in the only intelligent way that we know how. We must do this for the decency and for the respect of all born children.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I rise as the very proud cosponsor of this piece of legislation with the fellow Representative from Portland, Representative Talbot. I don't find the issue at all to be distasteful.

I should explain at the beginning exactly what the legislation does. The legislation says that it will be unlawful to discriminate against an individual, a man or a woman, in the areas of employment, public housing or credit solely on the basis of an individual's sexual preference, and what that sexual preference means is that if an individual is a homosexual and that is the only reason that an individual has to deny credit or to deny employment or to deny housing, that those things cannot be denied those individuals, again, if the only reason is that that individual is a homosexual.

There are three basic arguments that are used against this legislation. The first one is what I refer to as the congenital argument, the argument advanced by the Representative from Millinocket, Representative Marshall, that we do have a Human Rights Act on the books now and it protects people for things for which they were born with, because an individual is black, an individual is a woman, an individual is an Indian, but that homosexuality is not something that is acquired at birth but that it is a learned kind of thing.

Now, I was very ignorant of this subject prior to the time that I got involved with this legislation back last December, and I have done a lot of studying and I have all the testimony that was presented at the hearing, and that testimony and studies that have been done have shown conclusively that by the time a person reaches the age of four or five years old, that he or she has already learned the things, they have become part of that individual's makeup, that cause him or her to be a homosexual and there is nothing that can be done to change it. The term 'latent homosexual' is used, and that refers to an individual who has those learned qualities but doesn't realize that he possesses those qualities, and those qualities may never be expressed in that individual's personality for

his entire life. For all we know, the Representative from Westbrook, Mr. Laffin, may possess some of those qualities, although I seriously doubt it. But the argument is that once an individual reaches the age of four or five, he does possess those qualities and there is nothing that can be done to change it.

In 1974, the American Psychiatric Association, or whatever it is called, took homosexuality off their list of mental disorders, and they said that they did not believe that homosexuality was a mental disorder and that once a person became a homosexual and had identified himself as being a homosexual, what should be done is, that person should be able and should be helped to deal with it in an open and honest fashion but that nothing that could ever be done would change that individual, and that individual would be a homosexual for the rest of his life.

The second argument that is advanced against this legislation is the question of immorality, that homosexuality is immoral and that if we pass this legislation, we are condoning immorality. Well, I don't believe that it is the business of the legislature to legislate moral issues when those issues involve people that consent. Last session of the legislature we passed the criminal code where we said that it is not illegal anymore in the State of Maine for two individuals to practice whatever kind of sexual practices they prefer, so long as that did not harm another individual and was practiced within their own home or in a private place. The legislature said, and Mr. Laffin, I believe, voted for that legislation, as well as many others who are in the legislature today, and agreed with that.

I think immorality, like beauty, is in the eye of the beholder, and what you consider to be moral, I may consider to be immoral, and vice versa, and I don't think it is the business of the legislature to legislate morality.

The third argument that is used against this particular piece of legislation and it hasn't been advanced yet but I am sure that it will be at some point before we get done, is the question of if this bill passes and it deals with the question of employment, the state will be saying that it is okay for homosexuals to be teachers, to teach in the classroom. There are already homosexuals who teach in the classroom in the State of Maine and across the country. It has been estimated by reliable studies that at least 10 percent of the population of the State of Maine, the country, are homosexuals. An individual should be judged for a particular job on the basis of his or her qualifications. You are a teacher because you are a good teacher. If you are not a good teacher, if there are things that get in the way of you being a good teacher, you can be fired from that job or you can be denied employment if you are seeking a job as a teacher. To solely disqualify a person from any particular job, and the question that arises are teachers and summer camp counselors, solely because that individual is a homosexual is not the proper thing to do. If the teacher advances a particular political philosophy in the classroom or a particular religious philosophy in the classroom, then that teacher can be fired from the job for those reasons. It ruins the discussions that we have had with lawyers and people from the Attorney General's Office that were this bill to become law and an individual were to advocate and practice and profess homosexuality in the classroom, that would be reason enough to disqualify that individual from the teaching profession.

The issue as I see it is one of simple, basic, human rights, that we respect the dignity of a man and a woman regardless of their sexual preference, whether they be heterosexual or homosexual.

In closing, I just like to read to you from Arti-

cle I, Section I of the Constitution of the State of Maine that says "All men" — no qualifications, no qualifications at all — "all men are born equally free and independent and have certain natural inherent and unalienable rights" and those rights involve the areas of employment, housing and credit.

I know that this issue is going to be politically a very hard one for many members of this Legislature to support, even if you agree with the basic concept, but I would hope that if you feel the issue is a proper one, that homosexuals deserve protection under the law if they are being discriminated against, that you could see your way to support this particular bill.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Lizotte.

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

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

The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I would urge that we do not indefinitely postpone this bill and I am going to tell you why. It seems to me that the whole history of this country, since the Declaration of Independence, has been the history of the quest for the perfect statement of human rights and equality of each and every individual under our law. The Declaration of Independence, you will remember, stated that every man was born equal — that was a sexist remark. It took another 150 years and maybe even up until today to change the connotation of that word "man," but we are born equal, as the Declaration states.

The Declaration also stated that we have the right to life, liberty and the pursuit of happiness. This is the kind of quest that we have been pursuing in this country for now over 200 years.

The Federal Constitution was ratified in 1788. It was not until 1790 that the Bill of Rights, the first 10 amendments to the Constitution were passed. The 14th Amendment was ratified in 1868. You will remember what that stated, "no state shall make or enforce any law which will abridge the privileges of immunity of citizens of the United States nor shall any state deprive any person of life, liberty or property without due process of law nor deny to any person within its jurisdiction the equal protection of the laws."

The 15th Amendment of the Federal Constitution was ratified a few years later. It states, "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color or previous condition of servitude." Now we were beginning to get into the area where the ballot box was the symbol of equality of rights. This amendment allowed the Blacks, our former slaves, to vote. Then we go along to 1919 when the 19th Amendment of the Constitution was ratified. "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex."

In the 1960's we had a noisy revolution concerning rights and concerning equality. We had the Equal Opportunity Act which provided for equal opportunity in education, jobs, housing. In the 1960's, we had the voting rights act, which further expanded equality for the ballot box. In the 70's, we have been talking about the Equal Rights Amendment. The State of Maine has ratified that and it will only be a year or two, I am sure, before we will have a complete federal ratification of the Equal Rights Amendment.

Now in the State of Maine we are faced with the Gay Rights Bill. I believe that this bill is needed. You remember a few years back when the University of Maine opened up the Orono campus to a Gay Rights Conference. You remember the criticisms that trustees were faced with from the press, from the people of the State of Maine, but the trustees went out on a limb — this was freedom of speech, freedom of assembly, it was equal rights for the Gays.

I believe that discrimination is indeed taking place against homosexuals. This discrimination directly affects about 10 percent of the population. It may affect up to one third of the American population who at one time or another have had an adult same sex experience, so there is real discrimination in housing, education, jobs, you know it and I know it. I am proud to go out on a limb. I am going out as a parent, as the wife of a trustee of the university who went out on a limb, as a mother and as legislator. I consider this an extension of our definition of equality and equal rights for every person under the law. I do urge you to consider this bill in that light and to not indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Richmond, Mr. Moody.

Mr. MOODY: Mr. Speaker, Ladies and Gentlemen of the House: I do hope that you will vote against the motion to indefinitely postpone this Bill. We are hearing the same argument today that it is against God's Law. Well, if you watched the movie Roots, back in the 18th Century in the 17th Century when slavery was in existence, they said to give Blacks equal rights was also against God's Law. We are hearing the same barbaric tones today as we did two centuries ago.

Now, having been in law enforcement, you might find it kind of different for me to support this type of legislation, but when I was approached about this legislation, I really thought about it, and so many times I had repetitive criminals and so forth that I was answering calls on, arresting and so forth, and it really made me think when I was opposed about this legislation — here we are giving criminals equal opportunity, all this and that, but we are not Gay people. Gay people do not harm anybody, criminals do.

I would like to point to an article that I read just recently, and it was an editorial in the Daily Kennebec Journal, which I think explained the subject better than I have ever seen it explained before. It goes as follows: There are some things more repugnant than homosexuality, one is the hysteria with which some heterosexuals campaign against legislation that would recognize that certain human rights are common to all of us, including the homosexuals. From all appearances, gay life is hardly gay. If they prefer to whistle past the graveyard of reality wearing that cosmetic adjective, let them. Nor does it represent the menace that Anita Bryant would have us believe. Two weeks ago, Miss Bryant, a self-righteous woman forced a special election in Miami, Florida, when voters will decide the fate of homosexual rights now a part of law in that county. In Dade County where Miss Bryant drinks her orange juice, an ordinance was passed in January banning discrimination against homosexuals in housing and in employment. Cries of alarm ensued, especially from that Miss Anita Bryant who said she was concerned that homosexuals would use the ordinance to teach homosexuality to her kids in public schools. The repeal election, she said, this week would give a normal majority the opportunity to reject the attempt to legitimize homosexuals and their recruitment plans for our children.

The fact that she is all wet probably never occurred to Miss Bryant. Homosexuals are overwhelmingly people who keep their sexual preferences to themselves. Rapists, child

molesters, men who expose themselves, all are heterosexual to a point, so too, as a matter of fact, are those who produce and peddle pornography. Homosexuals do not peddle pornography, heterosexuals do.

Early last year, Maine adopted a new Criminal Code, including the provision that removes penalties from the so-called crimes against nature. Last fall, Trudy R. Porter, an Associate Professor of Law at the University of Maine, wrote that there is no evidence that decriminalizing the homosexual activity would result in the corruption of young people, but Anita Bryant and Miami face another issue, the recognition, not the granting, mind you, of civil rights owed to that minority. As a matter of fact, there has probably never been a minority so harassed since the creation of birth as has been the gay society. Where she gets tangled up and where any fair-minded person must part company with her is in her failure to separate a natural aversion to homosexuality from civil rights owed all citizens, including them themselves. Anita Bryant screamed bloody murder when the homosexuals tried group pressure to get her unhorsed as the representative of the Florida Orange Juice Association, but she wages war against them in their possible livelihood without admitting to any inconsistency of behavior on her own. In the end, Anita Bryant may be doing her cause more harm than good.

Remember this, repression stimulates curiosity, often leading to a wild growth of the intended of the repression. If that occurs, she will blame everyone except Anita Bryant.

Also, I was listening to the radio last Saturday, and I was more or less surprised, I don't know how many members of the House here have heard of Paul Harvey, he is a radio commentator taped out of Chicago on a syndicated program, and it really amazed me, as conservative as Paul Harvey was, when he came out in support of equal rights for homosexuals. He more or less stated it this way: Professional studies have shown that 10 percent of the population is homosexual; 30 percent of the population is affected by homosexuals, whether it be the parents and their families, so you are not talking about a 2 percent minority, I guess probably you are talking perhaps as large as a 30 percent minority which, in many cases, could be the plurality.

Therefore, I hope you vote against the motion to indefinitely postpone and when the vote is taken, Mr. Speaker, I request the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: My voice is a little quivery, as probably it should be, but last Friday you folks did me and my wife a tremendous gratitude when you gave my wife a rising thanks for being thirty-five years married. As I sit around here today, unless you had a tattoo on your arm like they did in Germany for the Jews, I would have no way of knowing whether some of you were gays or not. I doubt if we want to go back to the McCarthy days when it was very easy for McCarthy, anytime he did not like anybody he called him a "pinko."

I have had probably forty five years of experience working with other people. I have hired as many as 130 at a time in the fields. I could not care less whether they were black, blue, pink or whatever they were. As a matter of fact, to tell you a little story that happened at one time when I had a group of corn pickers there, one couple said, we are gay. I said, I do not care what your religion is as long as you can fill the back of that truck; that is what I tell them.

I have always had problems with minority groups, or anything in regard to this, because

oftentimes they flaunt what they want in front of you and it disturbs me to no end to see this even have to come before us today, but it is not going to go away folks. If we do not accept it today, it is going to be with us next time or the time after, so I guess you know how I stand on this.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I ask also that we do not indefinitely postpone. I intend to support this bill for a very simple and a very basic reason. For as long as society chooses to not be humane about human rights, then I feel that I have a sincere moral obligation to legislate if I have to to end it. Discrimination against any segment of our population is not humane, and if it means that we have to define it and write it into our laws, then we must, and I am glad I am here to have that opportunity.

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

Mr. JENSEN: Mr. Speaker, I would pose a question to any member of the committee that might answer. Earlier on during the year when this bill had been introduced and there was discussion about it in the newspapers, I seem to remember reading something in the papers about the cost of enforcing this on the part of the Human Rights Commission, and I noticed that on the bill there is no fiscal note, there is no cost attached. I wonder if some member of the committee could respond to that and let me know if in fact there is a cost and what the Human Rights Commission has said about this.

The SPEAKER: The gentleman from Portland, Mr. Jensen, has posed a question through the Chair if anyone may wish to answer if they so desire.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: In response to the question and not being a member of the committee but being familiar with the question that has been posed, it is my understanding that the Human Rights Commission has said that if the legislation passed putting this language in the Human Rights Act, they would need additional staff. I believe the figure is \$15,000 to enforce the provisions of the bill. The Committee, in its wisdom, I think, saw fit not to put that price tag on the bill, and I think we are faced with two alternatives if the bill goes past this point today, is passed today and goes to second reading. We can either take this section, redraft the legislation and put it in another section of the law, or we can in fact put an amendment on it to provide the Human Rights Commission with \$15,000. But I think when you put price tags on this kind of legislation, at least at this stage in the game, it is an excuse some people use to kill the legislation, and the idea was to get the issue on the floor, to debate the issue without any price tag on it, and then if it advanced to the second reader, we would deal with the question of money at that point.

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

Mr. HUGHES: Mr. Speaker and Members of the House: I envy the gentleman from Westbrook, Mr. Laffin, because he obviously had no trouble making up his mind on this bill. I was in a different position, as I expect some of you were.

I remember very fondly the experience I had several years ago as a Trustee of the University when we dealt with essentially the same issue. I was on the board with the husband of the gentleman from Cape Elizabeth, Mr. Masterton, and we met, I remember, in an all-night meeting to discuss that issue and my education began at that point, I guess.

I think this has been very constructive

debate; in fact, ever since the bill was introduced I have been very proud of the way this House has handled it both in committee and on the floor and in every way that we can. It is certainly worth our time, if that is one of the concerns here, because we are talking about what I consider a mental health bill for at least 10 percent of our population maybe many more who are touched in some way by the phenomenon of homosexuality. How any person, no matter what his sexual orientation is, can ever develop into a productive happy citizen under the constant pressure of facing the loss of job, loss of housing and all the other kinds of things that most homosexuals face in their daily lives is beyond me. Although I am pleased that the American Psychiatric Association withdrew homosexuality from their list of mental illnesses, I think they do recognize the terrific pressures that many homosexuals are under in our society, pressures which often cause mental problems that I think all of us can sympathize with. So if there is a way that for a great proportion of our citizenry we can somehow provide a more stable and healthy environment, I think it deserves all of the time we can give it in consideration.

Now, some think that this is a violation of God's law. I don't know, I have tried to find out. I have talked with three clergymen that I am close to. All three of them were more enthusiastic about this bill than I am. The National Council of Churches favors such legislation. The Association of Catholic Priests favors it. I don't know what the Christian position is on this bill. I suspect it is all in your perspective on Christianity and where you come from. That is not much help to me.

I have prejudices in both ways. I really want to see this kind of legislation passed as it is because I think it would be such a help to many of our citizens as they come to grips with the very real problem in their lives. I guess I have got some other concerns too. I am not concerned about employment where adults are involved. I think there ought to be no reason to discriminate against somebody for sexual or affectional preference in employment in most cases. But I have been concerned from the very beginning with employment in the area of youth work, that is teaching, that is YMCA directors, those kinds of things, and not for the reasons that float about. I am not worried about child molestation, for example. In fact, if you are really concerned about that, you would be for this bill because anything which encourages people to be honest about their sexuality decreases the threat to young people from things like child molestation. Honest people, for one thing are healthier people. Honest people put other people on notice of their sexual preference. So I am not worried about that at all. I am also not concerned that there may be gay teachers teaching our young people. I assume there are. I, for one, would not want to fire them for that preference. I guess there is a concern in my mind when it deals with young people about the rights of parents to be able to discriminate in terms of the role model under which their child will be developing whether it is as a teacher or a youth worker in some other area. I do think parents have some rights in that area. While I would not encourage them in that prejudice and while I, as a school board member, would not vote in that direction, I do think I have some real reluctance to say that they don't have the right to discriminate in terms of what kinds of people can teach or work with their young people. So I am torn. It is in this one area that I have this problem.

My intention, therefore, is to vote for this bill this morning and to offer for your consideration at Second Reading, if it gets that far, an amendment which would strike this area of youth work. I emphasize again not because of all of

these stereotypes we have of homosexuals or being in any way different from heterosexuals in their interest in young people sexually. I will offer that amendment and that is why I vote this morning for the bill and against indefinite postponement.

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

Mrs. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: Because I cannot be a part of the system that oppresses or hurts people and because I believe that this is a conscience issue, because I believe that we, as a democratic society, must not drive people into corners and into shame, I urge you to vote to accept the "Ought to Pass" Report "A" and put an end to shame.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: This bill will not dry up and blow away as many of us wish it would. I did because I sat on the Human Resources Committee. It is here and it is something that we have to face. There is no straight up position on voting. You either will vote yea or nay.

From my background of being raised in rural Maine, 22 years in the military and dealing with many, many people, I am prejudiced. I have been prejudiced for a long, long time in reference to homosexuals. You may ask why is my name on the "Ought to Pass." Because I am prejudiced and so is 80 or 90 percent of our society. Therefore, if there is that much prejudice around in regard to homosexuals, then they must have the protection of the law. It says so in the Constitution of the United States and of the State of Maine that every man is born equal and has the right to pursue happiness. How can he pursue happiness if he is met with prejudice and barment of his fulfillment every day? It is another reason why we need this language in our human act.

When I went into the Human Resources Committee meeting, I made one basic statement to the sponsor of the bill for the purpose of everyone in the audience. My statement was that the Constitution by birth, anything that you have by birth is guaranteed by that Constitution: your race, your sex, your origin, etc. only one thing being different and that being religion. You could make your choice as you grew. My basic question to them was "is homosexuality voluntary or involuntary? Can they help it?" The overwhelming conclusion of the testimony given at that hearing was that it was non-voluntary, that the feeling that the individuals had, there was no way that they could control it. They were faced with a suppression because of the moral atmosphere around them.

Just what is morality? Morality is a standard set by the society. It is very simple. All morality is standards set by the society, with 80 to 90 percent of the people in the heterosexual area, no wonder they need protection.

I did have one problem with a bill that bothered me very greatly. I discussed it with the members of the Human Resources Committee. In my mind, in my voting for the bill in committee and my vote here today, in no way am I voting that any criminal act may be defended by the Human Rights Act. In other words, if it is against the law, whatever the individual claimed, he will not be able to use the Human Rights Acts as a defense. Even with my prejudices that I have indicated to you, I am urging you, please to think very carefully, discard your prejudices and vote no for indefinite postponement of this bill.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I have heard the words proud to be this and proud to be that this morning being used, and to tell you the truth, I am not proud to

have to pass judgment on such legislation because I think it is of little value. I think it is degrading. I think it is immoral. Some people have brought in a religious issue. I don't think it is a religious issue. I do think it is a moral issue.

I have, as a starter, last night in order to be on the right track of things and to satisfy my limited knowledge of the English vocabulary, I have taken the dictionary and I did look in there, not to find out what it was because I think I am well aware what it is but to find out the definition of homosexual. It had with it three other words which were named as synonyms. One of them was deviate, the other one was lesbianism and the other one was queer. I do not know which one to choose because they are all distasteful to me as I am going to discuss this legislation.

I think this is a very important bill, important bill to kill. The fact is, ladies and gentlemen, that this Bill 1419 is a bill relating to the lowest abnormal behavior in our society. It is a bill for most abnormal sexual behavior by resorting to all forms of degrading acts at any age. In the past years, our society has been conditioned to approve the homosexual behavior in every facet of our life. I want to tell you, I am not ready to accept it. I never did and I won't. I don't care if you pass this or not, I still will not do it. Certain abnormal individuals try to convince the American people that they should be tolerated in the name of civil rights. This is not civil rights. This is not human rights. When we talk about protection of the people, it is very clear that it is according to nationality, we even have age in there, we have sex and everything else but not according to behavior. I am not willing at this time to accept such behavior anymore than I would accept criminal behavior or any other types of behavior which was mentioned before. This behavior is a sickness. Somebody always mentions that alcoholism is a sickness. I think this is the lowest of the sicknesses, if you want to call it that, and when somebody refers to the American Psychiatric Association and their endorsement of such distasteful legislation that in the first place, most of them are a bunch of looney tunes anyway. In the second place, their endorsement does not mean anything because if you ever took any courses under some of these people or under some of their affiliates, everything is all right regardless of what it is. It all depends as to their own interpretation. They do not even agree among themselves.

I do resent that somebody said that the Association of Catholic Priests endorse this. I don't believe this. I don't think that this is true.

All I have to say is you tell me who you associate with and I will tell you who you are. This is the old saying. Maybe it is outdated. Maybe it is old, but it is not outdated. I submit to you that the people that want this and the people that have such behavior, have problems. It is a mental problem. It can be a very physical problem in the later years or sooner. I think that the solution for those people just as it is for me today is not to go out and rob somebody is actually a matter of self-discipline. I think that that is what they need. They choose, on their own, to lead a life of disgusting and animalistic nature. Rather than to lead a very meaningful life, which I think most of us try to do, they choose to lead a meaningless life of misery, frustration, degrading and very embarrassing to themselves and also to their families.

There was a comment made about Anita Bryant and her orange juice. I think she enjoys it. She seems to anyway. Some other people like grape juice. I don't care. But I will say this, last Monday in Florida, because of Anita Bryant, the House of Representatives turned down a bill in there where it was illegal for two male people to marry. They also turned down a bill in there which makes it impossible for two

deviates to adopt children. Maybe they got away with the first part of it but they got the second and third part of it the way it should be.

I submit to you that a lot of these things, we could go on forever. I always recall that some of the big promoters of this lesbianism has always been the NOW outfit, the National Organization of Women who, every two years at their convention, go down there and pass resolutions promoting lesbianism and any other form of degrading act that there is. These are the people pushing some of this. We try to protect the unfortunates and the mentally retarded and we should because these people need our help. But these people are sick in other ways. They don't need that kind of stuff. They don't accept this stuff in the Army or in the service. When they find them, they get rid of them and they should.

I have a certain amount of pride with who I associate with and these are the people which I don't want to associate with and I never have. I don't want my children or your children or the younger people today subjected to their acts and subjected that they cannot reproduce so they recruit. They pick on the young people and the old ones along with it. I submit to you, ladies and gentlemen that there are quite a few things that could be said about this bill. I don't know anything about latent homosexuality or whatever it is but I can assure you and I know that, from my studies, that actually whatever it is, it is distasteful, it is unaccepted by society and it should be.

Somebody said well the criminal code did great things and everything else but let us be realistic. The criminal code did say they did not actually deaden this criminal code like they wanted to because they forgot to put so they say two persons involving direct physical this and that but I can assure you whether I am here or not the next trip that something is going to come in between there. I think that if it is the way it is going to be interpreted, it should be changed. Then we say how great this criminal code has been. There has been a lot of fault with this criminal code. One of them is probably this error that was made in there. There is also the error that whether you know it or not, they took out one of the worst non-acceptable sins of the world sodomy. This is what your new criminal code has done. If this is what you agree with, you will have to live by it, but I don't. I truly believe this bill, I have looked at it, the bill itself, you know you can't make old rule inquiry about this and so and so and so. I make old rule inquiries all the time. I think it is my business and you can pass this and I will still make old rule inquiries. It doesn't make that much difference. It goes beyond this.

I was just looking roughly at one section here that you cannot refuse a rent to somebody that is on A.D.C. and all this stuff. I think this is not germane to the issue whatsoever but it is in there. I have rents and I rent to who I want to and if I don't want to rent, I don't care how many of these bills you pass.

All in all, ladies and gentlemen, I think that this is a bill that is worth some consideration. We are all entitled to our own ideas as to which way we should be. I think it is a very degrading bill. I hate to see the outcome of this bill if it would pass. I don't want any queer or lesbian teaching my kid at school. I don't want that. They aren't going to be there either. There are some right now. If you don't believe it, I can point it out to you. The fact is that I don't think this is a good bill. This is a bill against morality at the lowest level. I feel that you have enough good judgment to see that we don't need this kind of bill and that you will vote for the indefinite postponement.

The SPEAKER: The Chair recognizes the gentlewoman from South Portland, Ms. Benoit.
Ms. BENOIT: Mr. Speaker, Ladies and

Gentlemen of the House: This is obviously a very emotional issue to address. In part, I think because it is extremely difficult to identify or emphasize with a group of people whose sexual morals are so different from my own and the majority of society. However, I think that we can all appreciate the fact that a homosexual is a human being and a citizen of the United States, despite the fact that he or she may seek such gratification in what most of us may consider to be unconventional manner. Isn't the homosexual not as much entitled to the protection and benefits of the laws and fair treatment as others? In my judgment the secular community is not harmed by atypical sex practices conducted in private between consenting adult partners. I do not wish, in any way, to condone the sexual preference of homosexuals; but at the same time, I find it very difficult to pass judgment on something that I don't really understand. Perhaps this class of people does deserve to be treated fairly and equally, particularly when it comes to employment. Homosexuality, in itself, does not necessarily bear any relationship to an individual's fitness to perform a certain job or function. Without specific evidence of unfitness to perform such a job or function, perhaps a person should be protected by law against unjust discrimination due to their sexual preference.

I would therefore urge you to vote against indefinite postponement.

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

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

The SPEAKER: The pending question before the House is the motion of the gentleman from Biddeford, Mr. Lizotte, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Austin, Bagley, Bennett, Berry, Birt, Blodgett, Boudreau, P.; Brown, K. C.; Bunker, Bustin, Carey, Carrier, Carroll, Carter, F.; Churchill, Conners, Cote, Dexter, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Gauthier, Gillis, Gould, Gray, Hunter, Immonen, Jackson, Jacques, Jalbert, Joyce, Kilcoyne, Laffin, LaPlante, LeBlanc, Littlefield, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mackel, Marshall, Masterman, Maxwell, McBreairty, McHenry, McKean, McMahon, McPherson, Morton, Nelson, N.; Norris, Palmer, Peltier, Perkins, Peterson, Plourde, Prescott, Rideout, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Whittemore, Wilfong, Wyman.

NAY — Bachrach, Beaulieu, Benoit, Berube, Biron, Boudreau, A.; Brenerman, Brown, K. L.; Burns, Chonko, Clark, Connolly, Cox, Cunningham, Curran, Davies, Devoe, Diamond, Dow, Gill, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Hughes, Jensen, Kane, Kany, Kelleher, Kerry, Lewis, Mahany, Masterton, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Peakes, Pearson, Post, Quinn, Raymond, Sewall, Talbot, Trafton, Valentine, Wood.

ABSENT — Carter, D.; Dudley, Martin, A.; Mills, Spencer, Theriault.

PAIRED — Huber, Hutchings.
Yes, 88; No, 54; Absent, 6; Paired, 2.

The SPEAKER: Eighty-eight having voted in the affirmative and fifty-four in the negative

with six being absent and two paired, the motion did prevail.

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

Mr. MARSHALL: Mr. Speaker, having voted on the prevailing side, I would now move reconsideration and hope you all vote against me.

The SPEAKER: The gentleman from Millinocket, Mr. Marshall, having voted on the prevailing side now moves reconsideration whereby this bill was indefinitely postponed.

The Chair recognizes the gentleman from Richmond, Mr. Moody.

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

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

Mr. LAFFIN: I ask for a roll call on the tabling motion.

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

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

The SPEAKER: The pending question before the House is the motion of the gentleman from Richmond, Mr. Moody, that this be tabled for one legislative day. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Beaulieu, Benoit, Boudreau, A.; Brenerman, Burns, Carter, F.; Chonko, Connolly, Cox, Curran, Davies, Diamond, Gill, Goodwin, K.; Green, Hickey, Hobbins, Howe, Kane, Kany, LaPlante, Lewis, Locke, Masterton, Mitchell, Moody, Najarian, Nelson, M.; Raymond, Sewall, Talbot, Trafton, Valentine, Wood.

NAY — Aloupis, Ault, Austin, Bagley, Bennett, Berry, Berube, Biron, Birt, Blodgett, Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Bustin, Carey, Carrier, Carroll, Churchill, Clark, Conners, Cote, Cunningham, Devoe, Dexter, Dow, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gauthier, Gillis, Gould, Gray, Greenlaw, Hall, Henderson, Higgins, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kelleher, Kerry, Kilcoyne, Laffin, LeBlanc, Littlefield, Lizotte, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Masterman, Maxwell, McBreairty, McHenry, McKean, McMahon, McPherson, Morton, Nadeau, Nelson, N.; Norris, Palmer, Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Rideout, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Whittemore, Wilfong, Wyman.

ABSENT — Carter, D.; Dudley, Goodwin, H.; Huber, Martin, A.; Mills, Spencer, Theriault.
Yes, 35; No, 107; Absent, 8.

The SPEAKER: Thirty-five having voted in the affirmative and one hundred and seven in the negative with eight being absent, the motion did not prevail.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I have already won one battle and that is by sitting in my chair without saying anything. I guess I never ever thought that one day I would be sitting in this House fighting discrimination and prejudice against any group of people. It was only ten to

twelve years ago that I as a citizen of this state sat almost in the same identical room downstairs and fought for my rights and at that time the name was different, it was because of Black. I fought and heard the same arguments that I am hearing today, I heard at the hearing of housing, education, public accommodation and the like, and I don't think that there is another person in this body that wears the scars or the hurt that people such as Black people and myself wear and that is true for any group, whether they be Black, whether they be Jewish, whether they be handicapped or whether they be homosexual. I am entirely under the impression, 100 percent, that nobody, no person in this state, no human being should have to suffer at the hands of another human being and that is what we are talking about.

We are not talking about your moralistic views or your prejudices we are talking about equal protection under the law. You keep your moralistic views and you keep your prejudice as I will, you will have to determine that in your own mind, but I think we as a legislative body have the responsibility and the right to protect all of the people in this state without conditions, such as one group against another group.

The issue is very very simple, at least as I see it, and that is, if you believe in discrimination, you will vote against reconsideration. If you do not believe in discrimination, then you will reconsider this bill, because it is only morally, legally and our right as the highest court in this land to make that judgment. We vote during the session on dogs, on moose, black bass, black flies, yes, during the last session we even dealt with chickens.

This bill has every right to be in this body at this time or at any time, because when any group, when any person in this state or any other state feels unjustly hurt or discriminated against, he has a right to be heard through the legislative and judicial process, and that is all we are asking.

We had a hearing, a public hearing, that was well publicized throughout most of the papers in this state. We had a hearing and we had a room full of people who testified, and when the chairman of this committee, Senator Lovell, asked for opponents of this bill, not one person stood up, not one not from the legislature and not from the citizenry — not one single person stood up against this particular piece of legislation. Then we went on to hear more testimony from those who support this bill, and then the gentleman from Pittsfield came down, Representative Wyman, and testified against the bill.

You know, I have been a long long time preparing myself for this kind of legislation, or should I say society has prepared me a long time for this piece of legislation, a long long time, most of my adult life and the issue is very simple.

I would ask you to vote for reconsideration so that we can alleviate some of the problems and discrimination and prejudice that we are legally, lawfully applying to a group of people, whatever that group may be. We can change the name, we can call it Black, we can call it handicapped we can call it age, we can call it whatever we want to call it, but we have the right here and it is our duty to alleviate that hurt and that suffering; we have that right and it is our duty to alleviate that suffering. I would ask you to think about that, to really think about that, I am serious.

This is my third term and I have sponsored all types of legislation, but I have never believed or been more supportive of a piece of legislation that either I sponsored or that has come across my desk than this piece — never — and I am absolutely certain that if you fail to enact this piece of legislation and if you fail to enact it at this point, you would be doing not only yourself

a disservice, you would be doing the State of Maine a disservice, not only to speak of homosexuals or lesbians, because they are human beings and there is where we must start, with the fact that we are dealing with human beings.

First of all, let's deal with human beings and then as we work up the ladder, work toward your prejudices and your discriminations. I have no fault with that, they are yours, keep them. But first of all we must realize, whatever name we use, that we are dealing with human beings that have a human right to exist in this society such as we do. And as the gentleman from Anson said, they are not going to go away, the issue is not going to go away unless we vote to reconsider, pass this piece of legislation and then it will go all the way down to the Senate.

I guess what I am doing is pleading with you as another human being to reconsider this piece of legislation. Let's act in a responsible and a humane way, I ask no more. Be fair to yourself, regardless of your prejudice, be fair to the legislation and be fair to your fellow human beings. I ask you to vote for reconsideration and I hope that you will vote with me.

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

Mr. WOOD: Mr. Speaker and Members of the House: I had really not intended to speak on this. It would be very easy for me to sit here and let my vote be my testimony, but I don't feel that is right at this point. I feel that I must go on the record and I am sure that what I say probably will not sway any votes but it will make me feel better.

I would like to talk about this bill in terms of what it does, the protection of office to those people who are not homosexuals. There are some of us who easily fall into society's stereotypes of being homosexual. We choose to be single, we might be thinner than the usual person, we might enjoy flowers over football, we might have a limp wrist. Society, in its wisdom, has decided that because we fall into that stereotype we must somehow be deviant.

I would relate to you an experience that happened to me. I was working at a resort one summer and I was not getting what I thought to be fair treatment. When I questioned the people on why, I was told that the person who was supervising me thought that I was a homosexual. I had no recourse; how do you prove something like that? Yes, I was denied an employment opportunity because I fell into a certain stereotype. I was strong enough so that I overcame that and continued working there and overcame that scar, but this bill would allow me the opportunity at least to have my day in court, that if someone was discriminating against me for nonfactual information, I might have my day in court.

I also had the opportunity to teach school and I am well aware of the fear that parents have of sending their children to school to be taught by a homosexual, but how do you define that? If you have a male teacher, and I was teaching Head Start, who played with the children, who had a fondness for hugging children, both male and female, is that classified as being a homosexual activity? Is that something that should not be allowed? I will tell you that if you work in a small town and have those small town attitudes, you can be easily discriminated against and not be able to prove it just because of what might be considered to be homosexual activity but is just good teaching.

So I would say that this bill offers protection to those people who choose, and there are more of us that choose to be single, and this bill will protect us and therefore I hope that you will reconsider.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Valentine.

Mr. VALENTINE: Mr. Speaker, Men and

Women of the House: Like the gentleman from Springvale, Mr. Wood, I too was not going to say anything today and let my vote also be my testimony. In fact, I was very pleased with the manner in which most of the debate occurred prior to the vote this morning, with one or two exceptions. I thought it was kept on a very good level, and I am not going to go over a lot of the things that were just said and I don't know that anything that I would say would also change anybody's mind as of today. This is an issue I think that many of us have hashed up among ourselves both in a serious nature and sometimes in an off-color joking nature in the last several weeks around here.

What I would like to relate to you, particularly in reference to the subject of employment and part of what Mr. Wood just had to say, there is an anecdote involving a friend of mine and I hate to start out a story by saying I have a friend, but anyway, I have a friend and he is gay and he is a closet gay for a very good reason. He is a person who grew up as any other individual, went to college, went in the service. He was in the Air Force, he was an officer, captain in the Air Force, a military pilot, he served a year in Vietnam, he was awarded the distinguished Flying Cross and Air Medal. He is now a civilian although he still flies for a Military Reserve Unit, and before anyone runs to check the records, it is in another state, not in Maine. He also is a civilian flight instructor and he knows that it is very, very necessary for him to remain a "closet gay," because if he were to come out, so to speak, first of all, that would end his military association, as the gentleman from Westbrook Mr. Carrier, indicated earlier, that anybody in the Military who professes their homosexuality can plan on a discharge. That seems the way things have been going. So he finds it very necessary — that means he has, like many many other people who are homosexual, to lead an incredible dual existence. He has to be very careful about what he does, what he says and where he does it, lest anybody find out, and that puts on him, and I am sure many other people, a tremendous amount of stress. You almost have to be schizophrenic in nature to be able to maintain that dual existence.

I wonder whether a person who has served his country like he has, who probably not at all voluntarily spent a year in Vietnam, who has been given some of our country's highest awards, should have to run the risk of not being able to follow the profession of aviation that he has chosen, because were he to announce now his homosexuality, that would end both probably his civilian and his military career. I think that is most unjust and most unfair and that why I would ask you to please consider the motion of the gentleman from South Portland, Mr. Talbot, that we do reconsider our vote.

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

Mr. TALBOT: Mr. Speaker and Members of the House: First of all I would ask for a roll call. Second of all, I guess I would try to answer some of the questions that have been proposed by Mr. Wood and Mr. Valentine. Not very many of you know some of the situations that I have found myself in. All of you know by now that I am very proud of the fact that I am Black. I don't bring that up because I want to give you a lesson in Black history, I bring it up because I think some of the issues are related. I happen to be a light-skinned Black and being a light-skinned Black brings me in society in an altogether different world than being a dark-skinned Black. Some of the scars that I wore because of that I still have, I will always have the rest of my life and not very many people know that, such as going for an apartment and being shown the apartment and being encouraged to take that apartment until that landlord finds out that you are Black. Or in the

cases when I was coming up, "you are Negro," and then all the hoodoos come out of the woodwork and we cannot rent to you — somebody is coming in next day, my sister is coming. Oh, I can tell you stories from here to kingdom come about those kinds of incidents, but it is something that I have had to overcome myself and I think most of the members here, the Speaker, will tell you that when I first hit this floor, when I was first elected, I was up almost every day and I was very militant and in some cases I still am militant, but I guess I had to overcome that kind of condition myself to know that I am a human being, I am a whole human being with all the rights and responsibilities and all the desires to live a normal life.

When I was in the service, I played basketball for Fort Devens and they had a men's team and a women's team. We would travel to Fort Dix, Fort Riley, we would travel all over, and when I first became a member of that team, I sat in the middle, believe it or not, because Black people who sat in the back of that bus did not know what I was and white people in the front of that bus did not know what I was, so I sat in the middle until — and this happens all the time — until we broke down the barrier, until somehow I either mentioned to them, you know, I am a Black from Maine, or my family is Black and we are proud of the tradition, proud of the heritage. That broke down the barrier and now we know where we are, so we can deal with the whole situation. That is what I think Frank is talking about, so that we can deal with the entire situation. That not only happened at that time, it happens now. I go out of the state or I go to another part of the state to speak, they don't know what I am. I used to go to bed at night saying, I wish I was Black as ink, and then people could take me for what I am, not take me for half of what I am.

Remember, 20 years ago, it was legal to be Black and not illegal to be a man. That is what is facing us today. Why should any one of us, whether we be man, woman, whether we be homosexual, whether we be handicapped or what, why should any one of us have to go outside of this building and suffer, suffer the pains of discrimination and prejudice? Why should any of us have to do that? I tell you, we do not, we should not, we cannot, because if you do not believe in your fellow human being, then you cannot believe in anything else, it is as simple as that. You cannot believe in anything else — God, the Bible or anything. If you cannot believe in your fellow human being, then you are already lost.

Let me make one point clear, just one point and I promise I am going to sit down, and that is, we sin in what we do to others, not in merely being what we are.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I have heard my good friend Jerry for the last several years mention his predicament, and I know he has had a predicament. But I would like to tell Jerry at this time, like I have been wanting to for quite some time, that when the French people, French Canadians came in from Canada like flies to work in the mills because mills were opening in Sanford, Lewiston, Portland, everywhere, they were much more in the majority than Jerry is and they had to suffer, and they really suffered. In fact, in Sanford, I was on the School Board for 25 years, and until I got on there and a couple before myself, you could not get a Frenchman as a teacher that was graduated from the University of Maine.

We had a young girl by the name of Gauthier (no relation of mine) but she had all the qualifications, but because she was a French Canadian she could not get in there. The

businessmen in Sanford, Sanford Dairy was owned by Mr. Chabot. He would not sell a half pint of milk in the schools of Sanford when I got on the school board they were buying 2,500 half pints a day. I had to fight my way in there in order to see that he would have a chance to get in, and they did everything they could, even took his chocolate milk out of the refrigerator, the big refrigerator at the High School, they put it out on the side and it spoiled so that he would get discouraged and not sell his milk in there or his chocolate milk. We didn't have one janitor out of 25 in the schools over there in Sanford, we had to fight our way.

You had people coming into the Sanford Mill. My mother weaved in the Sanford mill and my father weaved there, and they told me what happened. They had these big bosses in the mill there, and these French girls would be picked in the rear when they were working as hard as they could in order to get more out of them.

I agree with Gerry, that we had to suffer and we had to find our way here. We finally did it, but I am going to tell you one thing, we had many, many people of the French extraction, the Canadians, who suffered before we were able to reach that point.

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.

The SPEAKER: The pending question is on the motion of the gentleman from Millinocket, Mr. Marshall, that the House reconsider its action whereby L. D. 1419 was indefinitely postponed. All those in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Beaulieu, Benoit, Berube, Biron, Blodgett, Boudreau, A.; Brenerman, Brown, K. L.; Burns, Chonko, Connolly, Cox, Cunningham, Curran, Davies, Devoe, Diamond, Dow, Gill, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Hughes, Jensen, Kane, Kany, Kelleher, Kerry, LaPlante, Lewis, Masterton, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Peakes, Pearson, Quinn, Raymond, Sewall, Talbot, Trafton, Valentine, Wood.

NAY — Aloupis, Ault, Austin, Bagley, Bennett, Berry, Birt, Boudreau, P.; Brown, K. C.; Bunker, Bustin, Carey, Carrier, Carroll, Carter, F.; Churchill, Clark, Connors, Cote, Dexter, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gauthier, Gillis, Gould, Gray, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Joyce, Kilcoyne, Laffin, LeBlanc, Littlefield, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Masterman, Maxwell, McBrearty, McHenry, McKean, McMahon, McPherson, Morton, Nelson, N.; Norris, Palmer, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Rideout, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Whittemore, Wilfong, Wyman.

ABSENT — Carter, D.; Dudley, Huber, Martin, A.; Mills, Spencer.

Yes, 53; No, 9; Absent, 6.

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

Sent up for concurrence.

Consent Calendar First Day

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

(H. P. 421) (L. D. 526) Bill "An Act Providing Funds for Young Women's Christian Associa-

tion Fair Harbor Shelter in Portland, Maine, an Emergency and Extended Shelter for Girls" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-463)

(H. P. 749) (L. D. 954) Bill "An Act to Create a Commission on Energy Efficiency Building Performance Standards" — Committee on Energy reporting "Ought to Pass" as amended by Committee Amendment "A" (H-462)

(H. P. 365) (L. D. 456) Bill "An Act to Amend the Septic Tank and Cesspool Waste Disposal Statute" — Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-455)

(H. P. 1246) (L. D. 1487) RESOLVE, Authorizing and Directing the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife to Undertake, to Preserve and to Enhance the Anadromous Fish Runs of the State of Maine (Emergency) — Committee on Fisheries and Wildlife reporting "Ought to Pass"

(H. P. 756) (L. D. 929) Bill "An Act to Delete the Requirement that Appeals to Superior Court from a Municipal Board of Appeals must be Trial De Novo" (Trial Anew) — Committee on Judiciary reporting "Ought to Pass"

(H. P. 1202) (L. D. 1431) Bill "An Act Relating to Granting Administration of an Intestate's Goods or Estate under the Law of Decedent's Estates" Committee on Judiciary reporting "Ought to Pass"

(H. P. 1364) (L. D. 1599) Bill "An Act to Provide Uniformity in the Method of Payment of Fees in Criminal Cases" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-465)

No objections being noted, the above items were ordered to appear on the Consent Calendar of June 2, 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 First Day:

(H. P. 182) (L. D. 244) Bill "An Act Relating to Notice of Authorization to Registers of Probate"

(H. P. 1247) (L. D. 1477) Bill "An Act to Expedite the Construction of Natural Gas Pipelines in the State" (Emergency) (C. "A" H-445)

(H. P. 683) (L. D. 865) Bill "An Act Relating to Partnership between Husbands and Wives" (C. "A" H-446)

(H. P. 1101) (L. D. 1325) Bill "An Act to Allow Limited Operation of an Unregistered Motor Vehicle" (C. "A" H-449)

(H. P. 256) (L. D. 325) Bill "An Act Concerning Solicitation Sales of Consumer Merchandise" (C. "A" H-447)

(H. P. 1353) (L. D. 1622) Bill "An Act Concerning the Registration of Voters by Justices of the Peace" (C. "A" H-451)

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

(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"

On the objection of Mr. Bustin of Augusta, was removed from the Consent Calendar.

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

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

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

Passed to Be Engrossed

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)

Bill "An Act Concerning the Definition of a General Lines Consultant and a Life Consultant under the Maine Insurance Code" (H. P. 1617) (L. D. 1818)

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. 1619) (L. D. 1820)

Bill "An Act Exempting from the Sales Tax Sales to Nonprofit Corporations Providing Home Health Services" (H. P. 840) (L. D. 1027)

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

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

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

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

House Amendment "A" (H-457) was read by the Clerk and adopted.

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

Second Reader Tabled and Assigned

Bill "An Act Clarifying the Tax Status of Regional Planning Commissioners and Councils of Government" (H. P. 555) (L. D. 672)

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

(On motion of Mr. Carey of Waterville, tabled pending passage to be engrossed and tomorrow assigned.)

Bill "An Act to Require that Savings from Substitution of Generic Drugs be Passed on to the Purchaser" (H. P. 147) (L. D. 177)

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

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

Mrs. GILL: Mr. Speaker, I would like to move indefinite postponement of this bill and all its accompanying papers. I don't want to belabor the point. We talked about this quite a while yesterday and the hour is getting late, but in the words of an old-time House member, this is a bad bill.

The SPEAKER: The gentlewoman from South Portland, Mrs. Gill, moves that this Bill and all of its accompanying papers be indefinitely postponed.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Anytime that you can pass money back to the consumers of this state, I don't know how any member of the House could say it is a bad bill. If it is a cost-savings measure, and that is the way I view it, to indicate that it is a bad bill, it would be a bad moment in this House if we indefinitely postponed this bill, and I would urge the House not to do so.

Mr. Cox of Brewer offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-84) was read by the Clerk.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I sincerely believe this is a good bill. I respect the good gentleman from South Brewer and I appreciate his opinion, but I would just like to know what the amendment does to the bill, because the bill itself is an excellent bill. The amendment that was offered here yesterday reducing the cost savings back to the consumer at 50 percent, I was delighted to hear it was defeated because the original bill itself was a good bill. So if the kind gentleman could tell me and tell this House, explain how it would improve this fine piece of legislation in dealing with the amendment, I would appreciate it.

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

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I would be happy to explain what this amendment does and how it relates to the original bill. The original bill states that the full amount of the savings which is realized from the substitution of a generic drug will be passed on to the consumer. A small problem arose as to what the definition of the full savings was. Does that mean that the pharmacist was going to have to sell the substituted drug without making a profit? This amendment, which, by the way, few of you will probably be able to find because it was prepared a long time ago, this simply defines the full amount of savings. "The full amount of savings realized by this substitution shall be deemed passed on if the same percentage of markup applied to the drug product originally prescribed is applied to the cost of the substituted drug product."

Thereupon, House Amendment "A" was adopted.

Mr. Morton of Farmington requested a division.

The SPEAKER: The pending question is on passage to be engrossed as amended. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Morton of Farmington 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 gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: This bill ended up on a good note yesterday, but I can assure the good gentleman from Old Town that Chester Greenwood was an entrepreneur and he would not be in favor of this bill. Now, having gotten that out of the way, let's talk about the bill.

Yesterday in the debate, I asked several questions. First I ask, how was it going to be controlled? The reply that we received for the supporters of this bill was that the control would be the same that it is under the present law. Admittedly, there was not much control, it wasn't working very well, but the control would be the same. Then I asked if it had any cases that had been taken to court under the present law, and

the answer came back no, no cases. There had been some areas where there had been concerns that the law under the present circumstances was not being adhered to and those who had worked out between the people in the department and the merchants involved. Therefore, there were no official cases.

Finally, I asked the question, in the cases that were worked out, was it determined that there was an intent to get around the law, to break the law, or was it a matter of misunderstanding because the law was possibly a little bit confusing? There wasn't any answer to that question, ladies and gentlemen.

My point on this bill, therefore, is that it is entirely unnecessary. We don't have any real problems out there. If we did, enforcement would be, and I use the words of the supporters of this bill, "difficult," enforcement would be difficult, so all of these reasons indicate to me that we don't have any need for this legislation. I think it is most unwise that we try to find out potential problems and legislate against potential problems. I certainly hope that the folks in this House today will see that this is unnecessary legislation because down deep, ladies and gentlemen, this is very insidious and dangerous legislation, and that is my real reason for being on my feet.

We have good laws for posting drug prices, the market place is there, people can find out exactly what is available to them. There is no attempt to avoid this type of disclosure, but if we begin to legislate how prices will be in this industry, before long it will be another one which is called to account, and before long, we will be getting a situation that I am sure none of your people in this House really want to happen, and that is state control of private business which is not in the public interest. Therefore, I urge you to vote for the indefinite postponement of this measure.

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

Mr. KERRY: Mr. Speaker, Ladies and Gentlemen of the House: I spoke yesterday on my proposed amendment to this bill which the members of my committee and staff worked on for about six to eight weeks in deference to the many questions that were presented by the committee and the members of the House, and in deference to my seatmate who was pleased to see that my amendment was defeated because he considered this a better bill; I understand that as well.

Well, this is a very simple matter. Mr. Cox's bill and the proposed amendment is quite simple. What it says is to pass on the savings to the consumer. Maybe we don't have it, as the people from Missouri say, in the palm of our hands, the frustrations that the people are going through out there, the many tens of thousands of elderly people and consumers. The point is that it does exist. I know as a social worker and I know as a businessman, having been to many homes of elderly people and people trying to purchase drugs, that they are, in effect, spending an exorbitant amount of money on life-sustaining products at exorbitant costs in many cases. I feel that this particular bill, even the passage of 10 percent, 20 percent, 30 percent, 40 percent, 50 percent on to the consumer in terms of savings would be a good thing, but 100 percent would be even better. And if there is anybody going to stand up, as the good gentleman from Limerick, Mr. Carroll, did in our caucus today and say "I am standing up for the common man because that is what I am," well, in my mind, there are enough lobbyists up here in the hallways lobbying for the vested interests, and I think listening to Mr. Carroll and other people get up here and say "Who is going to speak for the common man, who is going to speak for the person who cannot articulate their

problems, who can't get out of their wheelchairs or out of their beds to come before you and tell you what it is all about?" Well, there may be a few people in this hall that might try to articulate for them, although I am sure that everyone in this body wants to represent them, as I am sure all that might try to articulate for them although I am sure everyone in this body wants to represent them as I am sure the good gentleman from Farmington does as well. I would just like to say another thing to the good gentleman from Farmington. The fact that he did ask a lot of incisive questions. He has used this method of bringing out the most important elements of this debate. But I think he forgot one major question that hits at the heart of the issue. Why did Chester Greenwood invent the earmuffs? My belief is that he just could not afford the drugs to ward off the cold.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I am getting a little tired of answering objections but I have got to answer a few of these. The gentleman from Farmington, Mr. Morton, says that no cases have been brought. Of course no cases have been brought. You can't accuse someone of breaking a law that does not exist. No law exists making it illegal not to pass on this savings so, of course, no cases have been brought. The law is working now the way it is on the books. It is just not on the books right.

As far as the enforcement goes, how can you enforce a law that does not exist? How do we know how the enforcement is going to work until the law is passed?

We talk about the market determining the price. How much does the market operate? We are only talking about one narrow area now. We are not talking about regulating the drug industry or the pharmacy industry. We are talking about one narrow area within the prescription drug industry and not even the whole prescription drug industry but just this one little area where a substitution of a less expensive drug is made for a more expensive drug. We are not talking about the cost of this generic drug to someone who comes in with a prescription for a generic drug. We are only talking about this one case or one class of cases where a substitution is made. Insofar as how well does the market operate in this free enterprise, is the mother of a sick child who has a prescription in her hand for a drug in a position to go shopping all around town to see where she can get a cheaper drug? Is she in a position to say, well, they are all too expensive, I am not going to buy any of them as anyone can do in the normal free market? What about the elderly person who perhaps cannot drive and has to depend on a neighbor to either take the person to the drug store or the neighbor to go get this himself or herself? Is this elderly person going to feel free to say, well, you check at pharmacy A and see how much theirs is, then go to pharmacy B. Maybe there is only one pharmacy in town and so you check in our town and you go to the next town and you check there. How well is the market operating in these cases? In the case of posted drugs, how well does the market operate here? Let us take one example. The customer may come in with a prescription for a Paribenzamine. The druggist says, I can sell you Triplenamine Hydrochloride a little bit cheaper. Is this customer going to remember the name of this drug long enough to go around to a half a dozen pharmacies and look up their prices? They say what is your price on Triplenamine Hydrochloride? The whole area of prescription drugs works in an area of secrecy behind closed doors in which the public is not allowed in the prescription department. The doctors write their prescriptions illegibly. How many times have you gone to the drug

store yourself with a prescription, got back a bottle with just the instructions for taking it, that don't say what it is. You have perhaps no way of knowing unless the doctor happens to tell you what the name of the drug is you are getting. I say that the market does not operate very well in this one narrow area.

I hope that we could get beyond the slogans of free enterprise, price fixing. This is a foot in the door to regulate the whole drug industry. Beyond that, they have set prices everywhere. Look at what we are dealing with. Let us ask ourselves one question. Do we agree that it is right for a druggist to substitute a \$4 drug for a \$10 drug and be able to charge \$10 for it which he can under the existing law? Ask yourself, is that right? If your answer is no, it is not right that the druggist should be able to do this and that the law makes it legal, then we should be able to pass a law that this thing which we say is not right should be declared illegal. I think that that should be enough for me, ladies and gentlemen.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank the good gentleman from Brewer's explanation. If I understand it correctly, we went from 100 percent of his original bill to 50 percent of my seatmate's amendment which was defeated. Now he is offering 10 percent.

I am going to agree with the gentleman from Farmington, Mr. Morton. We ought to kill the amendment. Can you imagine 100 percent to 50 percent down to 10 percent? I agree with him. Let us kill the amendment and let the House stand by the bill which it did before and then it was finally recommitted back to the committee, which, in my opinion, worked very hard, came out with an amendment to the bill. However, the original bill looked better to me. So let's kill the 10 percent amendment and let us give Mr. Cox the support and the people of Maine the support they deserve with 100 percent reimbursement.

The SPEAKER: The Chair would advise the members of the House that the pending question is indefinite postponement of the bill with the amendment. The amendment has been adopted. The pending question is engrossment.

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: Gosh, we have gone round and round so many times on this bill, I think I am beginning to get confused and I am on the committee.

Just to lay things out a little bit, the amendment that was spoken about yesterday was not the gentleman from Old Orchard Beach's amendment, Mr. Kerry, it was the committee amendment and it was defeated. That amendment would have passed on 50 percent of the savings in substitution to the consumer. This body chose to defeat that amendment. I think the general feeling was that it was somehow interference with the free enterprise system.

Before my disbelieving eyes, we adopted an amendment that was even worse in those terms than the amendment yesterday. Despite Mr. Kelleher's assertions that this amendment of Mr. Cox's is not a 10 percent amendment, I don't know why he thinks that but it is not. If anyone would take the trouble to look at the amendment and do a little arithmetic, he would find that it would not be an incentive for the druggist to substitute at all. It would be a tremendous disincentive. I was in favor of the committee amendment yesterday. I signed the "Ought to Pass" Report. I am not in favor of the bill as it is written. I am even less in favor of the bill with this amendment on it. Essentially what it does is say, if a generic drug costs 50 cents and we think 10 percent is a fair profit to

make, then the druggist can only make 5 cents on the sale of that generic drug whereas if the brand name costs \$5 and ten percent of that is 50 cents, he can make 50 cents on that. I think a person would be crazy not to give out the brand name instead of the generic. If we were trying to help the consumer, this bill is certainly not the way to do it. Although I was in favor of the amendment yesterday, I would have liked to have seen it adopted, I really cannot understand how we could have defeated that and then go for this amendment today. It kind of baffles me.

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

Mr. KELLEHER: Mr. Speaker, I move that we reconsider our action whereby the House adopted House Amendment "A".

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that the House reconsider its action whereby House Amendment "A" was adopted. The Chair will order a vote. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.
68 having voted on the affirmative and 55 in the negative, the motion did prevail.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I think I should clarify my position on this amendment. I was offering this amendment as a substitute for the amendment which was killed yesterday. I have no objection to reconsidering the amendment in the hopes that we could reconsider our action of yesterday on yesterday's amendment.

The SPEAKER: The Chair will order a vote. The pending question is adoption of House Amendment "A". Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.
9 having voted in the affirmative and 102 in the negative, the motion did not prevail.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I move that the bill, L. D. 177, in its original form, be indefinitely postponed.

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

Mr. WYMAN: Mr. Speaker, I request a roll call.

The SPEAKER: The gentleman from Pittsfield, Mr. Wyman, requests a roll call when the vote is taken.

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

Mr. KERRY: Mr. Speaker, is reconsideration of the amendment that was defeated yesterday in order at this time?

The SPEAKER: The Chair would advise the gentleman that before we could reconsider whereby Committee Amendment "A" was not adopted yesterday that we must first dispose of the motion to indefinitely postpone. If the motion to indefinitely postpone should prevail, that will take care of the motion to reconsider.

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 Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you not to vote for indefinite postponement. I would

urge you to vote to keep the bill alive. There may be other action to take place in this bill by another member of this body so I would urge you not to vote to indefinitely postpone this bill right at this moment, please.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I wish somebody would explain this bill to me. It seems to me when I go to the doctor, he gives me a prescription for a drug. I go to my drug store, I present the slip the doctor gives me, he gives me the drug and he says \$7.50 or \$9 as the case may be. I take three different kinds of pills now. I pay for it and I leave.

What would this bill do for me? Does the druggist tell me he can give me another type of drug that is the same thing and it is going to save me \$2.50 or does he just keep quiet or do I ask him? Just what is the purpose of the bill is what I would like to know.

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

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

Mr. KERRY: Mr. Speaker, as simply as I can, Mr. Cote, the basic thing is if you go to a physician and he prescribes a drug under the present law, he has an option of checking a box on the prescription which says "brand name only" so to speak. You have got the \$7 drug that the pharmacist can purchase under a brand name, say for \$4 and he sells it to you for \$7. He can buy that same drug from a manufacturer for 30 cents for 100 pills in one bottle. He can sell that very same drug to you for \$7.

This bill here would provide that at least 50 percent of that savings would be passed on to you. Mr. Cox's original bill said that 100 percent of that savings would be passed on to you. In other words, you would buy your pills for 30 cents or \$1 or something of this nature.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I do not know if my question has been answered. Who do I trust, my doctor or the druggist? If he gives me a certain prescription, I feel that is what I need and that is what I want to pay for and my health is first in my life so I pay the price that the druggist sells me the drug for. I do not know about that little ball that I get that says you can substitute the drug or not. My doctor is Japanese and I can't read his writing anyway. I am trying to figure out how to go on this bill. For the first time in my life in 26 years, I am a little bit dumbfounded.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman's question of who he should trust, I think at this point, he ought to stay with Mr. Kerry, Mr. Cox and Mr. Kelleher.

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

Mrs. GILL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to have a conversation with Representative Kerry later on to find out where he buys his drugs for 30 cents when we have to pay a lot higher for that in the drug business. I am not involved in the drug business any longer. I have been and I have some background in it. That is why I have chosen to ask you to defeat this bill. It is not a good bill.

If Mr. Kelleher would like, I would be glad to explain to him at some point why it was not a good bill since he wasn't available yesterday for my explanation, I would be glad to take the time to do it at any time.

Generic drugs, when we are talking about them, not every name brand has a generic brand, to muddy the waters a little bit further. A name brand has to be off the patent. A patent lasts for 12 years. The name drug has to be in manufacturing for 12 years before it is allowed to be off the patent. Only at that point after 12 years are manufacturers allowed to concoct a bio-equivalent drug. Depending on which manufacturer you buy from in a generic line, it may be a bio-equivalent and it may not. You would have to be very very careful as a pharmacist to buy from reputable houses. I suggest that the 30 cent house that Mr. Kerry's buying from, I would not consider as reputable.

There is another area about drug stores being uniform in passing on the savings to the consumer. I maintain that drug stores and pharmacists do pass on their savings to the consumer when they are able to. Each drug store, particularly the independent have different overheads to maintain. They have to remove what they are paying for their help, what they are paying for light fixtures, everyone who has had anything to do with business knows what overhead is and that comes out of your profit. They pass on when they can to the consumer. There are instances where independent stores just can't pass on as much as they would like to because to stay in business, this is what they have to do.

I don't think that Mr. Cox, Mr. Kerry, Mr. Kelleher have raised any points where people are being gouged, where they are being taken for a ride. I don't believe that.

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

Mr. KERRY: Mr. Speaker, Ladies and Gentlemen of the House: One very important point here is Mrs. Gill is no longer in the pharmaceutical industry and I am sure if she was, she would not be the person doing dispensing a 30 cent drug for \$7. I believe any man in business, as I am myself, deserves a reasonable profit on their product. There are some people in the pharmaceutical industry, as there are in every industry, going to buy a 30 cent drug, mark it up exorbitantly to \$7 and sell it at the same brand name price. My point is, this bill is going to protect those people who don't understand that. I think we have a choice today. The choice is to vote to assist those people.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I didn't intend to get in this debate but having been associated in the medical business as a director of the hospital for twelve years in doing business with a lot of very reputable fine men in the sense of giving good health care to the people of the State of Maine. You will find that 85 percent of the pharmacists in the State of Maine are well policed by their own organization are men of integrity and I don't like to hear them brought into the same position as people who deal in the cutrate markets in the state. Furthermore, no doctor would stand for patients being gouged very long and that pharmacy would lose its standings and once it loses its standing, he is not in a varied position to go forward in his business. I think it would be a mistake for this House to move in the direction of state regulating business and I think it would be a very poor position to take at this time or in any future time, it certainly would put a deep mark on the free enterprise system in the State of Maine.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I am fully aware that it is one o'clock. I wrote you a note to that effect about half an hour ago and as far as I am concerned, way back on three different occasions

in January, I stated specifically what was going to happen, that we were going to wind up with hundreds of bills backwards, we were going to wind up at a point that we are now, where we are not even finished with Part II, I would like to help to do it this afternoon. The fact that people want to talk themselves to death from January 4th until now, now I am going to have something to say from now on and I am going to say it and I don't care if it is until September 15th, and I don't care now because I am past the time to take medication myself and I am past the time of being hungry anyway so I am going to take my turn at this thing.

I will tell Representative Kerry from Old Orchard this, I will guarantee you one thing that no druggist would last too long if he ever gave out 30 cents of medicine for \$7.

In answer to Mr. Cote, I will tell him this. His Japanese doctor or a doctor of American or Canadian ancestry or Italian ancestry or what have you, they are the ones that put it down in Latin on the prescription and believe me, that is the guy you believe because if you don't believe him, you can get him in court and as far as I am concerned, yesterday, I went along with my very dear friend up on the upper right but today I am with the little lady in red the whole way.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: Today I rise and I rise to point out to the gentleman on my right, who I have a great deal of respect for, Mr. Tyndale, you are living in a dream world. You had better start waking up. I live in a rural area. I happened to go to one drug store twelve months for the drug. I go to Lovell's Pharmacy, I get them for five. Who is ripping off who? The elderly people and the poor and the people in the area where there is no competition up here are ripped off by the drug industry and if you don't believe it, you just get on your horse and go around the state, start visiting, get out, look around you, you are living in a dream world if you don't think people are being ripped off. They are and they are sick people and they are people who deserve all the comforts of the weary and the sick. God has said many times and I have been told he has, take care of your sick and your weary and the Heavens will shine upon you. Look the other way today and you deserve only the cloudy days and the rainy days that follow, because nowhere have the elderly been looked out for as they should have been. When you grow old, you should not have to grow old worrying about how many dollars you save, you should grow old knowing that the golden years are here, but you don't. I have looked into their eyes with despair and I know they have been ripped off on the price of drugs.

My wife does social work and she travels around and picks up prescriptions. She knows that they are being ripped off at times. She questions. Who has has the right to question? Nobody has the right to question. Professional people have always been policed by professional people. The common man only recently got a man on their board. We should have one man on that board. If the board has twelve, we should have six. The common man should be represented and that is what I ask for today.

I urge you to back the gentleman from Old Orchard. He is trying to serve a purpose and he is trying to help the weak, the weary and the sick.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Farmington, Mr. Morton, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no. A roll call has been ordered.

ROLL CALL

YEA — Aloupis, Ault, Austin, Bennett, Berry,

Berube, Biron, Birt, Blodgett, Boudreau, P.; Carrier, Carter, F.; Clark, Conners, Cote, Cunningham, Devoe, Drinkwater, Durgin, Garsoe, Gill, Gillis, Gould, Gray, Higgins, Howe, Hunter, Hutchings, Immonen, Jackson, Jalbert, Jensen, LaPlante, Lewis, Littlefield, Lizotte, Lougee, Lunt, Lynch, Mackel, Marshall, Masterman, Masterton, McBreaity, McMahon, McPherson, Morton, Nelson, M.; Palmer, Peltier, Peterson, Prescott, Raymond, Rideout, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Tarbell, Tarr, Teague, Torrey, Trafton, Twitchell, Tyndale, Whittemore, Wood.

NAY — Bachrach, Bagley, Beaulieu, Benoit, Boudreau, A.; Brenerman, Brown, K. L.; Brown, K. C.; Burns, Bustin, Carey, Carroll, Chonko, Churchill, Connolly, Cox, Curran, Davies, Dexter, Diamond, Dow, Dutremble, Fenlason, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Hobbins, Hughes, Jacques, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LeBlanc, Locke, MacEachern, Mahany, McHenry, McKean, Mitchell, Moody, Nadeau, Najarian, Nelson, N. Norris, Peakes, Pearson, Plourde, Post, Quinn, Rollins, Strout, Stubbs, Talbot, Theriault, Tierney, Tozier, Truman, Valentine, Wilfong, Wyman, The Speaker.

ABSENT — Bunker, Carter, D.; Dudley, Elias, Gauthier, Huber, Martin, A.; Maxwell, Mills, Perkins, Spencer.

Yes, 69; No, 71; Absent, 11.

The SPEAKER: Sixty-nine having voted in the affirmative and seventy-one in the negative, with eleven being absent, the motion does not prevail.

Whereupon, the Bill was passed to be engrossed and sent up for concurrence.

Amended Bills

Bill "An Act to Increase Limited Partnership Filing Fees" (H. P. 404) (L. D. 514) (C. "A" H-448)

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

Second Reader

Tabled and Assigned

Bill "An Act to Provide for Budgeting of State Expenditures of Federal Funds" (H. P. 1387) (L. D. 1676) (C. "A" H-433)

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

On motion of Mr. Lizotte of Biddeford, tabled pending passage to be engrossed as amended and tomorrow assigned.

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

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

The following Senate Paper appearing on Supplement No. 1 was taken up out of order by unanimous consent:

The following Joint Order, an Expression of Legislative Sentiment recognizing that: Nine Year Old Mark Boyd of Houlton, son of Mr. and Mrs. Emmett Boyd, courageously and singlehandedly saved two and a half year old Jonathan Wright from drowning (S. P. 512) Came from the Senate read and passed.

In the House: The Order was read and passed in concurrence.

Passed to Be Enacted Emergency Measure

"An Act to Extend the School Budget Adoption Date until July 1st and Vocational Region Budgets to August 1st" (H. P. 1616) (L. D. 1824)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

"An Act Concerning Fly Fishing in the Kennebec River" (H. P. 550) (L. D. 667) (C "A" H-386)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of same and 7 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

"An Act to Amend the Charter of the Augusta Sanitary District" (H. P. 718) (L. D. 840) (S. "A" S-160 to S. "A" S-159)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 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.

Finally Passed

Emergency Measure

RESOLVE, to Extinguish Certain Debts Owed by Counties to the State of Maine (S. P. 315) (L. D. 1035)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of same and 26 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

"An Act to Implement a "Product of Maine" Designation" (S. P. 446) (L. D. 1551) (C. "A" S-153)

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 Revise the Water Quality Program" (S. P. 508) (L. D. 1793)

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

On motion of Mr. Blodgett of Waldoboro, tabled pending passage to be enacted and tomorrow assigned.

Enactor

Tabled and Assigned

"An Act to Increase Flexibility in the Funding and Operation of the Vocational-Technical Institutes" (H. P. 221) (L. D. 285) (S. "A" S-167 to S. "A" S-158)

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

On motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be enacted and specially assigned for Friday, June 3.

"An Act to Amend the Priority Social Services Program to Serve Health and Home Care Needs" (H. P. 224) (L. D. 288) (C. "A" H-378)

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

On motion of Ms. Goodwin of Bath, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same gentlewoman, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted and the amendment was indefinitely postponed in non-concurrence.

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

Ms. GOODWIN: Mr. Speaker and Members of the House: The Committee Amendment which was put on this bill, this is a bill from the Committee on Aging which I sponsored and which was before the Committee on Appropriations, and it was determined by the Committee on Aging and other elderly groups that we would like to amend it to include home care as well as health care for the elderly. However, in the redrafting of the Committee Amendment, the word elderly was stricken throughout, and the purpose of the amendment I am about to offer is to amend it as the committee intended to amend it and to put the word 'elderly' back into the bill. Therefore, I now offer House Amendment "A" under filing number H-456 and move its adoption.

House Amendment "A" (H-456) was read by the Clerk and adopted.

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

"An Act Concerning County Contingent Funds and the Rate of Interest Which May be Charged for Delinquent County Taxes" (H. P. 877) (L. D. 1102) (C. "A" H-337)

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

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

Mr. WHITTEMORE: Mr. Speaker, I move that this Bill and all its accompanying papers be indefinitely postponed.

On motion of Mr. Higgins of Scarborough, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On motion of the same gentleman, the rules were suspended for the purpose of further reconsideration.

The same gentleman moved that the House reconsider its action whereby Committee Amendment "A" was adopted.

Whereupon, Mr. Dutremble of Biddeford requested a roll call vote.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would hope you would vote to reconsider adoption of Committee Amendment "A" so that I might proceed to finish what I was doing and then if people wish to indefinitely postpone the whole bill, they might. I have an amendment which I wish to place on the bill which I would hope would alleviate a considerable amount of the problems that some people are having with this. I do wish you would vote in favor of the motion to reconsider adoption of Committee Amendment "A".

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Scarborough, Mr. Higgins, that the House reconsider its ac-

tion whereby Committee Amendment "A" was adopted. All those in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Burns, Carey, Carroll, Chonko, Churchill, Clark, Conners, Connolly, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Durgin, Elias, Fenlason, Fowlie, Garsoe, Gill, Gillis, Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Hughes, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Locke, Lougee, Lunt, MacEachern, Mackel, Mahany, Marshall, Masterton, McBrearty, McHenry, McKean, McMahon, McPherson, Mitchell, Moody, Morton, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Quinn, Raymond, Rideout, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Talbot, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Traiton, Valentine, Whittemore, Wilfong, Wood, Wyman.

NAY — Birt, Carrier, Dutremble, Flanagan, Hobbins, Hunter, Lewis, Lizotte, Masterman, Nadeau, Rollins, Sewall, Truman, Twitchell.

ABSENT — Blodgett, Bunker, Bustin, Carter, D.; Carter, F.; Cote, Devoe, Dudley, Gauthier, Goodwin, H.; Huber, Hutchings, Littlefield, Lynch, Martin, A.; Maxwell, Mills, Prescott, Spencer, Tyndale.

Yes, 116; No, 14; Absent, 20.

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

Thereupon, on motion of Mr. Higgins of Scarborough, Committee Amendment "A" was indefinitely postponed.

The same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-470) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: To explain the amendment a little bit, I know we have had, at least probably most of us here have been contacted by our county commissioners about contingency funds. If you will look at the amendment, it strikes out everything right from the beginning. All it says is the contingency fund that the legislature has delegated with the authority of establishing and giving to county commissioners, that fund can be spent for emergency purposes only at the discretion of the county commissioners. The only thing the amendment says and the bill was intended to do it at the beginning is that this money can be spent but it must have reasonable notice to the members of the legislative delegation within that county. I do not feel that is asking too much, since it is the legislator's duty to establish budgets and to put county contingency money aside for spending in emergency situations.

This does not prevent or prohibit the county commissioners from expending money on an emergency basis. They do not need prior approval of the legislative delegation, as the original bill said. All this is saying is that the members of the legislative delegation must be notified within a reasonable length of time of the monies that have been spent and what they are being spent for.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker, Ladies and

Gentlemen of the House: I cannot see as the title of this House Amendment "A", filing number H-470, has to do with what Mr. Higgins has just explained to us. It has to do with rate of interest which may be charged for delinquent county taxes. I cannot see that this has anything to do with contingency funds.

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

The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question of the good gentleman, Mr. Churchill, the original bill did deal with two things; once there were two sections. The first one did deal with county contingency funds. The second section of the bill dealt with what he has mentioned, the rate of interest which could be charged on delinquent county taxes. Since the Committee on Local and County Government had already passed out a bill that dealt with the rate of interest that may be charged on delinquent county taxes, my bill or the section within my bill was not needed and was therefore deleted and section one was left, which is the bill you have in front of you, or the amendment.

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

Mr. JALBERT: Mr. Speaker and Members of the House: A reasonable time can be, in my opinion, very expensive. I do not know what would happen if some pipe broke above the county courtroom and you would have to get the majority of the delegation notified before you could take action. I do not think this amendment amounts to anything and I move its indefinite postponement, and to save time, I will ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Jalbert has indicated that there is prior approval. There is not prior approval. They can expend the money when and if they want to. It does not say they can't spend money, and they can do it when they want to. All we are talking about here is letting the people of the legislative delegation know that they have expended the money and for what purpose. They can let us know a week afterwards.

This does not preclude them from expending money today for a broken pipe anywhere, or anything that they want to expend it for. It just seems reasonable to me that if the legislature or the delegations within the legislature are going to set the budgets and they are going to establish how much money is going to be set into this contingency account, then they ought to have some notification, at least, as to where the money is being spent and for what purpose. I am not saying that the legislative delegation has to okay by a majority vote or anything at all, this doesn't have anything to do with it. It struck that whole section out, and all I am trying to say is, the legislative delegation should be made aware of these expenditures because at times they have been used to circumvent the intent of the legislature. If money has been taken from a certain account by the act of the legislature, in some cases, it is my understanding that the county commissioners have taken money from the county contingency fund to replace some expenditure that the legislature in its wisdom had deleted, and I don't think that is the intent of the legislature nor the intent of the legislature. So I would hope you would vote against indefinite postponement.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I rise to speak in opposition to this amendment because I see no

real purpose for it. Obviously what has been discussed by Mr. Higgins are some of the problems that the legislative body has had with possibly some of the county commissioners and them circumventing our wishes in using their emergency funds to purchase other things which we much prefer that they wouldn't. This does not stop them from doing that, and I see no need — they will just continue doing it, and if I am going to be upset, I would just as soon be upset once a year than be upset every 30 days finding out that they are doing something they are not supposed to, and I have no way of stopping them from spending it. They have already made the expenditures. If the amendment were to say that they can't make major expenditures of \$10,000 or \$1,000 or more without notifying us, I would be all in favor of it, but this is not going to do anything except upset me every 30 days, maybe.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am getting this thing ready for the kickoff anyway. Actually, I think Mr. Higgins knows it, but I would like to ask the good gentleman from Scarborough, Mr. Higgins, a question. Suppose that I am notified of something that has been done over in that county building, and frankly, I don't like too much that is done over there anyway, but regardless of that fact, suppose that after I am notified and the members of the Androscoggin County delegation is notified of what has been done, suppose they don't like it, what do you prove with this thing here?

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I have to agree with Mr. Jalbert this morning. If you people in the delegations disagree with my good friend Mr. Higgins, as we want to do from time to time, if you don't want your county commissioners to have a contingency or discretionary fund, don't give it to them, but don't give it to them and then first try to say in order to use it that they will have to come back to you, or in order to use it they will have to notify you within a certain length of time. If you want to, on a home rule basis again, and this comes right back to each delegation doing with their own county commissioners what they want to, if you want them to spend the discretionary funds in your county according to certain rules and regulations, lay them down, but leave my county alone.

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

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

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker and Members of the House: I would agree with the gentleman from Lewiston and perhaps the gentleman from Brewer, Mr. Norris, that this is not going to stop any frivolous expenditures, but on the other hand, I think it is going to make the county commissioners a little bit more accountable to the legislative delegation and maybe they will think about it a little more before they start transferring funds from county contingency monies.

I would hope that you would vote against the motion to indefinitely postpone.

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

Mr. WHITTEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I hate to rise

against my good friend here, Mr. Higgins from Scarborough, but I hate to see us get involved in county government. We have got county government set up and I am happy with it. We set up the budget, and I can't see getting back into it, I am afraid it will lead to something else. I am satisfied with it the way it is, and I think our county government anyway, Somerset County, is in good shape and I am not worried about how they are going to spend the money after we give it to them. I hope you will go along with indefinite postponement.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that House Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Bachrach, Bagley, Beaulieu, Bennett, Berube, Biron, Brown, K. C.; Carey, Carroll, Connors, Connolly, Cote, Cox, Cunningham, Devoe, Dexter, Dow, Durgin, Dutremble, Elias, Fenlason, Flanagan, Gillis, Goodwin, H.; Gould, Greenlaw, Hall, Hobbins, Howe, Hunter, Hutchings, Jackson, Jacques, Jalbert, Joyce, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Lizotte, Locke, Lunt, MacEachern, Mahany, Masterman, McBreairey, McHenry, McKean, McMahon, McPherson, Mitchell, Morton, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Pearson, Perkins, Peterson, Plourde, Prescott, Quinn, Raymond, Rideout, Rollins, Sewall, Smith, Sprowl, Strout, Stubbs, Talbot, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Valentine, Whittemore, Wilfong, Wyman.

NAY — Aloupis, Ault, Benoit, Berry, Birt, Boudreau, A.; Boudreau, P.; Brennerman, Brown, K. L.; Burns, Churchill, Clark, Curran, Davies, Diamond, Drinkwater, Fowlie, Garsoe, Gill, Goodwin, K.; Gray, Green, Henderson, Hickey, Higgins, Hughes, Immonen, Jensen, Kane, Kany, Lougee, Marshall, Masterton, Moody, Nadeau, Peakes, Peltier, Post, Shute, Silsby, Stover, Tarbell, Tarr, Teague, Trafton.

ABSENT — Blodgett, Bunker, Bustin, Carrier, Carter, D.; Carter, F.; Chonko, Dudley, Gauthier, Huber, Littlefield, Lynch, Mackel, Martin, A.; Maxwell, Mills, Spencer, Tyndale, Wood.

Yes, 86; No, 45; Absent, 19.

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

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

Mr. JALBERT: Mr. Speaker, I move that this Bill and all its accompanying papers be indefinitely postponed 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 Lewiston, Mr. Jalbert, that this Bill and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Biron, Birt, Boudreau, A.; Brown, K. C.; Burns, Carey, Connors, Connolly, Cote, Cox, Cunningham, Curran, Devoe, Dexter, Diamond, Dow, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Gillis, Gould, Gray, Greenlaw, Hall, Henderson, Hickey, Hobbins,

Howe, Hunter, Hutchings, Jackson, Jacques, Jalbert, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Lizotte, Locke, Lunt, MacEachern, Mahany, Masterman, McBreairty, McHenry, McKean, McMahon, McPherson, Mitchell, Moody, Morton, Najarian, Nelson, N.; Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Prescott, Quinn, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Talbot, Tarbell, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Valentine, Whittemore, Wilfong, Wood, Wyman.

NAY — Berry, Berube, Boudreau, P.; Brenerman, Brown, K. L.; Carroll, Churchill, Clark, Davies, Fowlie, Garsoe, Gill, Goodwin, K.; Green, Higgins, Hughes, Immonen, Jensen, Lougee, Marshall, Masterton, Nadeau, Peakes, Post, Tarr, Trafton.

ABSENT — Blodgett, Bunker, Bustin, Carrier, Carter, D.; Carter, P.; Chonko, Dudley, Gauthier, Goodwin, H.; Huber, Joyce, Littlefield, Lynch, Mackel, Martin, A.; Maxwell, Mills, Nelson, M.; Spencer, Tyndale.

Yes, 103; No, 26; Absent, 21.

The SPEAKER: One hundred and three having voted in the affirmative and twenty-six in the negative, with twenty-one being absent, the motion does prevail.

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

Mr. JALBERT: Mr. Speaker, having voted on the prevailing side, I now move we reconsider our action whereby we indefinitely postponed this bill and I hope you vote against me.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, 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.

"An Act Relating to the Licensing of Auctioneers" (H. P. 905) (L. D. 1118) (C. "A" H-389)

"An Act Concerning the Municipal Refund Claims for the Tree Growth Reimbursement" (H. P. 932) (L. D. 1129) (S. "A" S-155)

"An Act to Amend and Repeal Certain Laws Relating to Amusements and Sports" (H. P. 1111) (L. D. 1378) (C. "A" H-385)

"An Act to Authorize the County Commissioners of Hancock County to Transfer Certain Accounts to Certain Active Unorganized Townships" (H. P. 1176) (L. D. 1404)

"An Act Concerning Record Checks on Applicants for Employment with Fire Departments" (H. P. 1214) (L. D. 1451)

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

On motion of Mr. Lunt of Presque Isle,

Adjourned until eight o'clock tomorrow morning.