

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, April 24, 1975

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

Prayer by the Rev. Edwin Garrett of Mt. Desert.

The journal of yesterday was read and approved.

(Off Record Remarks)**Papers from the Senate
Reports of Committees
Ought Not to Pass**

Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act Relating to Indemnification and Legal Representation of State Officers and Employees" (S. P. 325) (L. D. 1102)

Was placed in the Legislative Files without further action, pursuant to Joint Rule 17-A in concurrence.

Leave to Withdraw

Committee on Judiciary reporting Leave to Withdraw on Bill "An Act Concerning the Granting of Ex Parte Temporary Injunctive Relief by the Superior and Supreme Judicial Court" (S. P. 338) (L. D. 1126)

Committee on Labor reporting same on Bill "An Act Relating to Occupational Safety and Health" (S. P. 145) (L. D. 576)

Committee on Veterans and Retirement reporting same on Resolve, Providing a Minimum Service Retirement Allowance under the State Retirement Law for Clyde R. Chapman (Emergency) (S. P. 387) (L. D. 1242)

Came from the Senate with the Reports read and accepted.

In the House, the Reports were read and accepted in concurrence.

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act Relating to Filing Requirements for Perfecting a Security Interest in Mobile Homes under the Uniform Commercial Code" (S. P. 297) (L. D. 1023) which was indefinitely postponed in the House on April 22.

Came from the Senate with that Body having insisted on their former action whereby the Bill was passed to be engrossed as amended by Senate Amendment "A" (S-65) and asked for a Committee of Conference.

In the House: On motion of Mr. Dam of Skowhegan, tabled pending further consideration and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act Granting a Property Tax Exemption for Property Leased by Community Mental Health Centers" (H. P. 480) (L. D. 599) which was passed to be engrossed in the House on April 15.

Came from the Senate with the Bill indefinitely postponed in non-concurrence.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Bachrach.

Mrs. BACHRACH: Mr. Speaker and Members of the House: This is my bill and I would like to tell you a little about it, but first I would move that the House insist and ask for a committee of conference.

The SPEAKER: The gentlewoman from Brunswick, Mrs. Bachrach, moves that the House insist and ask for a committee of conference.

The gentlewoman may proceed.

Mrs. BACHRACH: Mr. Speaker and

Members of the House: The situation in regard to the mental health centers is that the property owned by them is already tax exempt. Much of the property that they lease is in churches or hospitals, which is also tax exempt.

Their requesting this bill is to have all the leased property that is leased by mental health centers be tax exempt, and the reason for this is that their leases are so set up that it will represent a saving to the mental health centers if the property is not taxed.

This is a local community tax that this bill has reference to and will not affect state revenues at all. However, since the local communities support the mental health centers, it seems not very rational that they should turn around then and return some of the money to communities in the form of local property tax. Therefore, it would be of benefit to the mental health centers if they could render more service with the funds that they have available if they didn't have to pay out some of it in the form of local property tax. Therefore, I would hope that you would vote in favor of my motion.

Thereupon, the House voted to insist and ask for a committee of conference.

**Petitions, Bills and Resolves
Requiring Reference**

The following Bills, approved by a majority of the Committee on Reference of Bills for appearance on House Calendar, were received and referred to the following Committees:

Appropriations and Financial Affairs

Bill "An Act Appropriating Funds to Provide School Building Facilities for Southern Aroostook Community Junior High School at Dyer Brook" (Emergency) (H. P. 1533) (Presented by Mr. Walker of Island Falls)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Repeal the Act to Incorporate the Parsonsfield Kezar Falls Village Corporation in the Town of Parsonsfield" (H. P. 1534) (Presented by Mr. Carroll of Limerick)

(Ordered Printed)

Sent up for concurrence.

Natural Resources

Bill "An Act to Permit Local Plumbing Inspectors to Approve and Issue Permits for Holding Tanks that Require Pumping" (H. P. 1535) (Presented by Mr. Cooney of Sabattus)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act Relating to Public Utilities Commission Jurisdiction over Certain Contracts" (H. P. 1536) (Presented by Mr. Martin of Eagle Lake)

(Ordered Printed)

Sent up for concurrence.

Veterans and Retirement

Bill "An Act Relating to Participation in the State Retirement System by Civilian Dispatchers Serving Municipal Police and Fire Departments" (H. P. 1537) (Presented by Mr. Carey of Waterville)

(Ordered Printed)

Sent up for concurrence.

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

Mr. Dam from the Committee on Local and County Government on Bill "An Act

Relating to Municipal Participation in Civil Emergency Preparedness Agencies" (H. P. 691) (L. D. 853) reporting "Ought Not to Pass"

Mr. Mills from the Committee on Fisheries and Wildlife on Bill "An Act to Establish Fish and Game Stations for Registration of Skins and Furs" (H. P. 979) (L. D. 1226) reporting same.

Were placed in the Legislative Files without further action pursuant to Joint Rule 17-A.

Mr. Mills of Eastport was granted unanimous consent to address the House.

Mr. MILLS: Mr. Speaker and Members of the House: Just an explanation on that report. It is covered by other legislation.

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

Mr. Hennessey from the Committee on Health and Institutional Services on Bill "An Act Amending the Lead Poisoning Control Act" (H. P. 474) (L. D. 594) reporting same in New Draft (H. P. 1531) (L. D. 1847) under same title and that it "Ought to Pass"

Mrs. Berube from the Committee on Local and County Government on Bill "An Act Relating to the Location of Town Meetings" (H. P. 819) (L. D. 1004) reported same in New Draft (H. P. 1532) (L. D. 1848) under same title and that it "Ought to Pass"

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

Divided Report

Majority Report of the Committee on Liquor Control reporting "Ought Not to Pass" on Bill "An Act to Equalize the Retail Price of Alcoholic Beverages Throughout the State" (H. P. 403) (L. D. 492)

Report was signed by the following members:

Messrs. GRAFFAM of Cumberland
DANTON of York
CARBONNEAU of Androscoggin
— of the Senate.

Messrs. IMMONEN of West Paris
RAYMOND of Lewiston
MAXWELL of Jay
LIZOTTE of Biddeford
TWITCHELL of Norway
PERKINS of Blue Hill
DYER of South 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. PIERCE of Waterville
FAUCHER of Solon
JACQUES of Lewiston

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker, I move adoption of the minority "ought to pass" Report.

The SPEAKER: The gentleman from Gorham, Mr. Quinn, moves that the House accept the Minority "Ought to pass" Report.

Thereupon, Mr. Lizotte of Biddeford requested a vote on the motion.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: You will notice by the report that only three members signed the "ought to pass" report, and I would hope that this could be

defeated so that we could then accept the majority "ought not to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Kauffman.

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to accept the majority report, "ought not to pass," and I would like to speak briefly.

I have a letter here from the Bureau of Alcoholic Beverages, and it is concerning L. D. 492. "The Kittery Store for the fiscal year ending June 30, 1974, took in \$6,504,932.09, with a net income of \$2,311,319.57. The overall state did a business of \$43,330,600, for a net of over \$20 million. There are 20 persons employed in the Kittery Store and for every dollar taken in in Kittery, 35.5 cents was transferred to the General Fund.

The purpose of opening this store in Kittery was to compete with the State of New Hampshire, whose liquor prices are considerably lower than the State of Maine. As a matter of fact, the two Portsmouth liquor stores were down in excess of \$600,000 in 1974. The Kittery sales in 1974 amounted to 15 percent of the total state business. The total calendar sales in Kittery for 1974 were \$7,340,173.

Now, a lot of people have complained that licensees, people holding Class A liquor licenses, come to Kittery and buy it by the truckloads. However, the total purchases by licensees throughout the state was only 15 percent of the total business. I think the majority of the business at the Kittery store is done by tourists and out-of-staters and this bill will not equalize the price of liquor in all the states stores. That is set by the Governor, the Council, and the recommendation of the Commissioner.

So, we all know the state needs money, if this bill goes through, you are throwing away better than \$2 million a year.

I urge you to accept the "ought not to pass" report.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I have some interest in this bill. I sponsored it in the Special Session of the 106th and my suggestion to this House is that the state isn't making any money on Kittery; they are losing a considerable amount of money. I submit that two thirds of the sales down there are done by licensees who would be buying in their own community at a 10 percent discount instead of enjoying the 28 percent discount that they get in Kittery.

My figures are a year or a year and a half old, but let me give you an example. In the City of Portland, after the Kittery store was opened, there were 82,000 less bottle sales than there was the year before. In Bangor, there was somewhere around 28,000 less bottle sales. I could go on and on and on. Out of the 88 stores, I might remind this House that a year ago something like 84 of them had a considerable amount of less bottle sales. Now, these aren't sales like the average fellow that is going in to purchase a single bottle of liquor, these are large wholesalers who are not buying in their respective communities, and I really don't blame them because they are getting an opportunity to get around a 27 or 28 percent break in the cost of procuring this liquor at the Kittery store.

We have got an investment in Kittery, considering the lease of the property that we use down there, but if you take the overall look, I suspect if we would roll back

the markup price, reduce it somewhat all across the state, that we could probably gain a net revenue of a million and a half dollars or more.

I urge the House to support the minority "ought to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Blue Hill, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: As much as my good friend from Bangor and I often agree on many things, I would have to rise to disagree with him this morning in that I was one of the members who signed the "ought not to pass" report from this committee.

I think in the economic times that our state is in these days, we can't afford to take the chances that we would be losing revenue on a gamble in changing or equalizing the prices throughout the state.

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

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: My reasons for opposing my good friend from Bangor, Mr. Kelleher, goes back quite a few years. For years and years now, the State of New Hampshire has been taking advantage of the State of Maine because we have a 5 percent sales tax. You would be surprised at the number of people in the western part of the state who go across into New Hampshire to buy all taxable goods. Our state is probably losing four or five million dollars a year in tax money just that way. Then they came up with a liquor store with reduced prices and started drawing business down there. The only reasons for reducing those prices is to get business away from Maine and placing that store in Portsmouth didn't change a single thing because the same people who go to Kittery now used to go to Portsmouth and if we do away with this store in Kittery or change the condition at all, the same thing will happen again.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: As you all know, licensees in Maine have to sell Maine liquor. They cannot go across the border and purchase liquor from another state and bring it back and put it on their counters. Now, this is a misstatement. The State of Maine is losing a considerable amount of money for a fiasco that the 105th Legislature created and this Legislature should remedy. It is unfair to allow one section of this state to be selling liquor at a 28 percent discount and the other 87 stores in this state are running at least 28 percent higher in your area and mine.

I did some research on this, and there is no state in the union that has the setup that we have here in Maine. It certainly is discriminatory.

I urge the House to support the "ought to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: Today, I speak as a proponent for all of Maine, not as a Representative of one group or one town but for every citizen in our state.

The issue of equal liquor prices within the State of Maine should not be judged on the basis of money. There are some things in government, we can all agree, which are more important than money. To prostitute the awesome power which a state enjoys, simply for profit, is to endanger the basic structure of our

democracy and the special pricing structure enjoyed by only one liquor store, is a prostitution of our state.

As Clarence Darrow proved in establishing the credibility of a young lady as a witness; when she indicated willingness to bestow her favors for a million dollars, but felt that to sell herself for five dollars was to make herself a prostitute, she had already established what she was, establishing the price was the only question remaining. If the State of Maine will sell my privilege to equal treatment as a citizen in the matter of liquor prices, then how am I to know that the State of Maine will not sell my right to free speech, if the price is right?

When a state writes a law there should be genuine need for that law, and the philosophy of that law should be logically consistent. If we accept the argument that a price differential at the Kittery Liquor Store is justified by virtue of proximity to New Hampshire, we should also establish similar stores in Fryeburg, Sanford, and our other border metropolises. Once that has been done, we must then agree that Kittery and these other communities should also have the same sales tax free advantage that competing businesses enjoy in nearby New Hampshire. After that, we can then forgive income tax in that part of the state. At what point would this piecemeal bartering cease?

The Alcoholic Commission people will point out that the state is involved in long-term lease on the Kittery emporium; it is true. But, since when does this legislature base its decision making on the ill-advised actions of empire building bureaucrats? My suggestion would be to give the gentlemen who designed this long-term lease, office space there, and bicycles for commuting to Augusta.

We have had the issue of revenue discussed. I would simply point out that of the people who testified at the hearing for this bill, there was only one person who could qualify as an expert who was not directly associated with the Bureau of Alcohol Beverage, a Mr. Healy, a former member of the Alcoholic Beverage Commission, who estimated that the state is in fact losing one million dollars a year in Kittery.

Out-of-state customers cannot be identified, except by such impressionistic views as license plates. The fact remains that no one knows what the real profit from out of state traffic is, but the figures furnished by the bureaucracy are surely inflated.

But, I don't want to base my argument on money. Whether we make money, or lose money with this arrangement is very largely, to me, a secondary consideration. 200 years ago, our country was given birth by people to whom cost mattered little. If the economic protections had been allowed to outweigh the personal and moral values of these patriots, it is certain that we would still be part of the British Commonwealth. Have we come so far in these two centuries that we have lost the very philosophy which brought our nation to life?

When I was a boy in Maine, we referred to ourselves as 'Mainiacs.' Today we call ourselves 'Mainers.' I am sorry for the slight loss of humor and self-confidence that this change reveals, but I am also sure that either Mainiacs or Mainers consider the price favoritism that exists in Maine today beneath them.

I have mail from all over the state on

this bill -- all -- everyone -- in strong support of this proposed change. It is even supported by the WCTU, the Baptist groups, and the Christian Civic League; a distinction which I feel reasonably sure I shall rarely again enjoy in my legislative experience!

I realize that this bill may have little chance of survival in its present form, particularly in the other body. And frankly, I would have no objection to an amendment giving the licensees some kind of reasonable discount at any store in the state. But I should like to see this body go on record as favoring this bill in its present clean, clear form. Let's show the people of Maine that we really care about them!

It is unconstitutional to set unequal taxes. The present arrangement is technically allowable because it is price differential rather than tax differential, but the net result and the everyday effect are exactly the same. It is an immoral, unconscionable ripoff of the people of Maine. It is unworthy of our heritage; it creates a disrespect for the law and for government. No amount of income can assuage these facts.

Our neighbor who adjoins us on the Piscataquis river and who finances their government with high property taxes, 10-cent toll bridges, cheap liquor, an income tax on Mainers, and a general taking in of everyone's washing, may have a slight economic advantage, but it is not worthy of Maine to bargain away our personal rights. If we want to have lower prices, let's all have them. If we have to have higher prices, let's all pay them equally.

The vote on this bill will offer as accurate a view of the sense of fair play, the feeling of dignity and the concern for proper balance and judgment of this legislature as anything we do this year.

Mr. Speaker, when the vote is taken, I ask it be taken by the yeas and nays.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: In researching another bill that we have on the liquor question, I personally began to feel that the myth of the Kittery store was being destroyed. You have heard figures here today as to the volume and the profit figures, and we came across the fact, that of the \$6 million made in sales last year, \$4 million were made to our own licensees who, incidentally, do enjoy a 10 percent discount at any store in the state but who obviously are well advised to drive to Kittery and take advantage of the 28 percent discount. So, it would seem that we are building this volume in Kittery store from our own back yard.

I would like to add my voice today in the support of the motion to accept the minority report.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: This is a very emotional issue that we have debated before in this House, and I think part of the reason for the emotion is, as the gentleman from Gorham expressed, a sense of unfairness. I think there is a feeling that the people down in the southern York County region has somehow got an advantage that nobody else in the state has and that somehow you are going to show us that we just can't enjoy this advantage.

I assure you that if this were passed and the Kittery store closed, which this bill would cause, that advantage would not be taken away from us. The advantage is there because of our proximity to the State of New Hampshire and people would do simply what they did before this store was put into effect; they would go across the border into New Hampshire. I know that there are people who feel so strongly about this, even in this body, that they will journey down to New Hampshire and buy their liquor there, illegally I might add.

I think there should be a few facts stated about the background of this bill. First of all, the original bill was put in, not by anybody from southern York County, but by the gentleman from Portland, Mr. Cottrell, who was concerned over the fact that New Hampshire had put a brand new liquor store in Portsmouth and was siphoning even more revenue away from the State of Maine. The question has come, has the Kittery Liquor Store done the job that it was supposed to do? There are figures on both sides to support this. One statistic that I think I can put into perspective is the fact that sales in the Portsmouth store are down \$900,000, so obviously the Kittery store has hurt liquor sales in New Hampshire. In New Hampshire, the Liquor Commission is feverishly setting up promotions of all sorts. I have seen pictures; they have brought in models, they are having promotions practically every week down there in trying to boost their liquor store. They are quite worried about the effect that the Kittery store has had on them. In fiscal year, 1974, as Mr. Kauffman said, the Kittery store took in \$6.5 million.

Now, the question has arisen and the impression has been given to you that these are all sales to licensees. There were 235,000 customers in the Kittery store. I wonder how many of those were licensees? The breakdown of sales is 46 percent case sales, 64 percent bottles sales, so again you can wonder how many of these were licensees. In terms of out-of-state people buying liquor at the Kittery store, and I will tell you there are a great many New Hampshire people who buy liquor at the Kittery store, because unlike the store in Portsmouth or the other New Hampshire liquor stores, it was a shopping center included around the Kittery store and many, many New Hampshire people come over to this area and they buy their liquor in New Hampshire. During the winter, a survey was done of the out-of-state license plates in the parking lot and there were about 35 percent, this was in the winter, not in the summertime. The population of the town of York, for example, is 8,000 in the wintertime; it swells to 20,000 in the summertime. Those tourists who come to York, who formerly bought their liquor in New Hampshire, will now patronize the Kittery store.

There has been some suggestion that jobs were lost in other liquor stores in the state because of the Kittery liquor store which now employs 20 to 25 people, and yet the overall employment of the Bureau of Alcoholic Beverages has been reduced by some 74 people.

There is a lease that has 13 years left at \$24,000 a year. That is a commitment that we would still have if you close this store. The latest figures that I have are that the sales at the Kittery store are 20 percent this year and will exceed \$8 million. The estimated loss of revenue by closing the

Kittery store will be approximately \$2.4 million.

I realize the way we have been going with deficits lately, this isn't very much money, but it will add to the growing fiscal crisis that is facing us.

The question comes, what to do about this situation? I will admit that it is an unfair situation. We can lower prices everywhere. I certainly would favor that, or we can let licensees buy at local stores, which was a bill that was passed in this session two years ago, which I also favored. It died on the Appropriations Table because it would mean a loss of revenue. Or, perhaps as the gentleman from Gorham said, we can open more stores along the New Hampshire border, in Fryeburg, Sanford, or other places close to New Hampshire and try to capture more of this lost revenue that is going to our neighboring state.

I certainly hope that you will support the majority report of this committee that this bill "ought not to pass".

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

Mr. NADEAU: Mr. Speaker, I would like to pose a question through the Chair. Although private motive isn't as important as equality factors brought out by Mr. Quinn, have we, as a state, made an overall greater profit since the Kittery store has been opened?

The SPEAKER: The gentleman from Sanford, Mr. Nadeau, posed a question through the Chair to any member who may care to answer if he so desires.

The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The answer is yes, and I believe that we are the only state in northern New England that has seen an increase in liquor revenue.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: The first part of the answer just given by the gentleman from York was, I believe, correct. There has been an increase in state revenue. However, it is debatable whether this increase can be attributed to the normal amount of alcoholic beverage increase which has occurred in every state in New England with the exception of southern New Hampshire.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Gorham, Mr. Quinn, that the House accept the Minority "Ought to pass" Report. If you are in favor of that motion you will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berube, Birt, Bowie, Burns, Bustin, Byers, Carey, Carpenter, Carter, Chonko, Churchill, Clark, Connolly, Cote, Cox, Curran, P.; Curtis, Dam, Davies, Doak, Farnham, Finemore, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hennessey, Hewes, Higgins, Hutchings,

Ingegneri, Jackson, Jacques, Jensen, Kany, Kelleher, Laffin, LaPointe, Leonard, Lewin, Littlefield, Lynch, Martin, A.; Martin, R.; McKernan, Mitchell, Morin, Morton, Mulkern, Najarian, Peakes, Pelosi, Peterson, T.; Pierce, Post, Quinn, Rideout, Shute, Silverman, Snowe, Spencer, Sprowl, Strout, Stubbs, Tarr, Teague, Theriault, Tozier, Winship, The Speaker.

NAY — Albert, Berry, P. P.; Blodgett, Boudreau, Call, Carroll, Conners, Cooney, Curran, R.; DeVane, Dow, Dirgotas, Dudley, Durgin, Dyer, Farley, Fenlason, Flanagan, Fraser, Gould, Hall, Henderson, Hobbins, Hughes, Hunter, Immonen, Jalbert, Joyce, Kauffman, Kelley, Kennedy, Laverty, LeBlanc, Lewis, Lizotte, Lovell, Lunt, MacEachern, Mackel, MacLeod, Mahany, Maxwell, McMahon, Mills, Miskavage, Nadeau, Norris, Palmer, Perkins, T.; Peterson, P.; Powell, Raymond, Rolde, Rollins, Saunders, Smith, Talbot, Tierney, Torrey, Truman, Twitchell, Tyndale, Usher, Walker, Webber, Wilfong.

ABSENT — Faucher, Hinds, McBreairty, Perkins, S.; Snow, Susi, Wagner.

Yes, 77; No, 66, Absent, 7.

The **SPEAKER**: Seventy-seven having voted in the affirmative and sixty-six in the negative, with seven being absent, the motion does prevail.

The Bill was read once and assigned for second reading tomorrow.

The following paper from the Senate was taken up of order by unanimous consent:

Non-Concurrent Matter

Bill "An Act Extending the Time During Which School Budgets May Be Adopted" (Emergency) (H. P. 1530) (L. D. 1842) which was passed to be engrossed in the House on April 23.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-89) in non-concurrence.

In the House:

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

Mr. **LYNCH**: Mr. Speaker, I move we recede and concur with the Senate, and I would like to speak a word of explanation.

When the bill was drafted, a second page was left out, and I signed the bill without looking at it and it is going to serve as a warning to me and I hope to you too.

The **SPEAKER**: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. **GREENLAW**: Mr. Speaker, if we recede, the Senate Amendment to it, could someone explain to us what the Senate Amendment does? I don't seem to have it here.

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

Mr. **LYNCH**: Mr. Speaker and Members of the House: The amendment puts into the bill what was in the L.D. that we passed a short time ago. It was a section that had to be put in because we were repealing the previous bill.

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

Mr. **CONNOLLY**: Mr. Speaker, I would like to pose a question. I don't clear as to what the amendment does.

(Off Record Remarks)

Thereupon, on motion of Mr. Lynch of Livermore Falls, the House voted to recede and concur.

By unanimous consent, ordered sent forthwith to the Senate.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Require Nonresidents of Maine to Use the Services of a Maine Guide when Hunting in Washington County" (H. P. 371) (L. D. 465)

Report was signed by the following members:

Messrs. **GRAFFAM** of Cumberland
PRAY of Penobscot

— of the Senate.

Messrs. **TOZIER** of Unity
KAUFFMAN of Kittery
USHER of Westbrook
DOW of West Gardiner
MARTIN of St. Agatha

— of the House.

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

Report was signed by the following members:

Mr. **McNALLY** of Hancock

— of the Senate.

Messrs. **CHURCHILL** of Orland
MILLS of Eastport
MacEACHERN of Lincoln
WALKER of Island Falls
PETERSON of Caribou

— of the House.

Reports were read:

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

Mr. **MILLS**: Mr. Speaker, I move acceptance of the Minority "Ought to pass" Report and would like to speak to the motion.

The **SPEAKER**: The gentleman from Eastport, Mr. Mills, moves that the House accept the Minority "Ought to pass" Report.

The gentleman may proceed.

Mr. **MILLS**: Mr. Speaker, Ladies and Gentlemen of the House: The reason for this action this morning is that the sponsor of this bill, Representative Kelley, wishes to have an introduction of an amendment. Therefore, I wish the House would let it go to second reading for the purpose of accepting the amendment.

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

Divided Report

Majority Report of the Committee on Health and Institutional Services on Bill "An Act to Permit Pharmacies to Advertise Drug Prices and to Require Prices of Commonly Sold Drugs" (H. P. 36) (L. D. 47) report in Report "A" that the same "Ought to Pass" in New Draft under New Title Bill "An Act to Permit Pharmacists to Advertise Drug Prices and to Provide Retail Price Posting Information to Pharmacies" (H. P. 1538) (L. D. 1849)

Report was signed by the following members:

Mr. **BERRY** of Androscoggin

— of the Senate.

Messrs. **LaPOINTE** of Portland
GOODWIN of So. Berwick
KENNEDY of Gray
LOVELL of Sanford
CURRAN of So. Portland
HENNESSEY of West Bath

Mrs. **POST** of Owls Head

— of the House.

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

Report was signed by the following members:

Messrs. **HICHENS** of York

GREELEY of Waldo

— of the Senate.

Mrs. **MORIN** of Old Orchard Beach

LAVERTY of Millinocket

Mr. **SPROWL** of Hope

— of the House.

Reports were read.

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

Mr. **GOODWIN**: Mr. Speaker, Ladies and Gentlemen of the House: I would like to move that we accept the majority report, Report A, and I would like to speak to that motion.

The **SPEAKER**: The gentleman from South Berwick, moves that the House accept Report A, "Ought to pass."

The Chair recognizes the same gentleman.

Mr. **GOODWIN**: Mr. Speaker, Ladies and Gentlemen of the House: Both reports are identical on the drug advertising section. Report A mandates posting of prices. It sets up for the Board of Pharmacy to establish the hundred most commonly prescribed drugs in the state and allows them to draw up the posters. These posters would then be posted in a conspicuous place in the drug store.

Report B simply allows posting, which actually doesn't change the law at all now since drug stores can post and some drug stores are posting, specifically the Osco chain.

So I would hope that you would go along with Report A this morning, as I feel it is simply allowing them to advertise. Prices won't accomplish what we are trying to do, and that is to get people aware of the prices they are paying for drugs and to allow them to shop around somewhat.

The **SPEAKER**: The Chair recognizes the gentleman from Old Orchard Beach, Mrs. Morin.

Mrs. **MORIN**: Mr. Speaker and Members of the House: I move we accept minority report B of L. D. 1850, which is a new draft of L. D. 47. It would permit posting by drug stores rather than making it mandatory to do so, I see now reason why drugists should have to compete if they don't feel that they want to.

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

Mr. **SILVERMAN**: Mr. Speaker, Ladies and Gentlemen of the House: Before us today is the opportunity which many of us have worked for over the past three or four years, to have advertising of prescription drug pricing, especially to the public which all these years have been denied the opportunity because of a rule in the pharmaceutical law under Title 32 saying it shall be unlawful for any pharmacy pharmacist or other licensee of the Maine State Board of Pharmacy, who furnishes drugs directly to the consumer, to advertise directly or indirectly by any public media whatsoever, any drug and so forth.

Some of us have been working to see that that law disappeared, and it was made possible through our free, competitive system to advertise prescription drug prices, whether it be brand or generic name.

The Committee on Health and Institutional Services has now come out with two L. D.'s on this subject, and the only difference between these two L. D.'s is, one says in the posting part you shall post, and the other says you may post.

Now, the bill allows for the first time in this state that advertising of prescription drug pricing is now to be a reality in the State of Maine if either one of these bills pass, and I am quite sure that is what the consumers want in this state, and that is what we have been working so hard to get. But in the posting of prescription drug prices, the bills are different, and I am quite certain if anyone has been in this legislature, it is the work of the legislator in seat 29 who has worked on this and has been very much for the consumer on this all the way. But now probably it is my background in business that I changed to the point of shall and may.

Any person who is in business, running a small business such as a pharmacy, I think he does not want the government coming in and telling them whether they should post or not post prescription drug prices in their store at their cost. As it reads, they can if they want to, and I am quite sure competition now is open that eventually they are all going to have to in order to keep competitive and keep their customers. But to the point where we in government are going to force upon them how they should advertise in the regulations to the point where they must put in a poster, that is where I think there could be some objections. Therefore, I would ask for a division on the motion by Mr. Goodwin and ask also for a roll call, and that you vote against his proposal for a mandatory 'shall' on the druggist in posting and then we could pass the bill on prescription drug advertising with a 'may' on the posting.

I am quite certain that before this bill becomes enacted it is going to be taken through both bodies and we are not going to kid ourselves on the games that are going to be played. I am only saying here today that if we go with the 'may', we are going to have advertising of prescription drugs, which is primarily, I would say, 80 percent importance of this bill. I hope you will vote not to the motion today and then vote yes to the advertising of prescription drug pricing.

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

Mr. LaPOINTE: Mr. Speaker, Men and Women of the House: I think Mrs. Morin, my colleague on the Health and Institutional Services Committee, has pointed out the prime reason for supporting Report A. In her remarks, she said that the pharmacist, or the druggist, do not want to compete. I think that is the essence of the difference between the two reports, that by mandating posting, we are creating a situation where the drug consuming public, or the prescription medicine consuming public, goes into the store and they have an opportunity to review the prices with the poster there. Mrs. Morin says they do not want to compete. That is precisely the reason that we are going with the mandatory posting. That is why some members of the Health and Institutional

Services Committee feel it is necessary that we have this mandatory posting.

It is very ironic that proponents of the so-called free enterprise will not allow for this sort of rational approach within the drug market place, the prescription medicine market place, in that we just don't allow, with the permissive posting requirement, we won't provide the public with a quick and easy access as to what the prices of prescription drugs are, and I think that is the issue, competition. If you go with Report A, you are going to have that competition, and I think that is a very healthy characteristic of what our whole market place system is about.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I think that some of you who know me will recognize the fact that I have exercised care as to when I get up and when I have gotten up since January 1.

I am somewhat amazed at the good gentleman from Calais, Mr. Silverman, at his at least 180 degree turn, and I know he will be dumbfounded at my 360 degree turn this morning. Some of you also that know me quite well are aware of the fact that I have been bothered with foolish, chronic illnesses over the years. I would like to see now competition, which is my reason for voting for Report A, and I do it in deference to the good lady from Old Orchard Beach, Mr. Morin, who I know is extremely well intentioned.

I would, however, like to see some severe penalties put on as an amendment to the bill for those drug manufacturers and also druggists who might play with this law.

I did not know that this measure was coming up this morning. I happen to have in my pocket a very harmless looking tablet, but to me I have this in strategic locations where I stay put, as I have another capsule, because if I don't take this at a certain time, I cannot cough, and I am not going to go into a long dissertation, but I cannot cough in the ordinary fashion and I cannot bring up in the ordinary fashion, so I would be in extremely serious trouble.

My reason for wanting guidelines is because tablets are baked. They could be underbaked or overbaked. I could be purchasing a bad one. That has been why I have been so unalterably opposed, to a point where I think you will recall a few years ago where I brought in a bagful of prescriptions that I have to have periodically. Incidentally, the count has now risen by three since the last time I spoke two years ago.

But here is what changed my mind. It happened ironically last Saturday morning. I was sitting with a few friends of mine, included in the group was a druggist. He told us about an experience that he had the day before, that this gentleman came in to his store and he wanted a prescription filled. The druggist told him, this is a prescription that must have the permission of the doctor and the druggist, and I will have to be in touch with the parties involved. He called the druggist in another community, who called the surgeon and then permission was granted to refill the prescription. And when the time came for the exchange of money for the prescription, the customer handed the druggist a \$20 bill and he was given back \$14.50, which would make the prescription \$5.50. He asked the druggist, are you sure that I am getting the proper

prescription, I am getting the proper dosage? He was assured that he was; he was shown that he was; he was told that he was in a telephone call, but the difference was that in the other community he had been charged \$12.50 for the same prescription, and then and there, Mr. Silverman, I changed my mind and I joined the group of advertisers.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out the differences again in these two bills and point out the fact that on the mandatory posting that these posters will be prepared by the State Board of Pharmacy at no cost to the pharmacies. It is paid for out of the fees that the State Board of Pharmacy collects each year and they have a surplus out of the registration fees the pharmacists pay each year. They have had a surplus sitting around the bank now for quite a while.

These posters will be standardized and sent to the pharmacists who only has to put them up some place in the store. Now I ask you, how many people in this House would go into a grocery store and pick food off a shelf without first looking if that shelf didn't have any prices on it, or go into a clothing store and start buying a shirt or some other stuff without even checking the price? Well, you can't do that in a pharmacy, because the drugs are behind a counter. All we are asking for is a poster that is going to show the people what they are going to be paying for the drugs.

Now obviously, with the thousands of drugs on the market, you can't have every single one up there, but if we can have at least the hundred most commonly prescribed, it will give the people some idea of what the prices are, and it most likely will be their prescription that is up there. This will give the people a chance to look and see what they are going to pay before they get their prescription, and that is all I am asking for. It is not going to cost the pharmacist any money.

Drug stores can now post. As far as I know, there is only one in the state that is doing it. With this, there will be a standardized poster. The same drugs will be on that poster in Millinocket as there will be in Kittery. The prices will probably be different, and if you go into a town with two or three drug stores, it will give the people a chance to check around to see what the prices are. This is all we are asking for.

It is not going to cost the pharmacist anything; it is not going to put any pharmacist out of business because they have to do this. All they have to do is hang it over their counter or hang it in a window or some place like that. I am sure that no store is going to go out of business for lack of a spot to hang a poster.

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I am glad that the gentleman from Lewiston, Mr. Jalbert, my good friend, took a 360 degree turn, and I am glad the opposition to advertising prescription drug pricing is now coming to realize that it was a discrepancy, almost, against the public of the state. Posting part of it, still, you want to remember, when you start mandatory business and what they can do, you are going into a very dangerous

aspect. You who have never known the business world might say it is wonderful. You who have known the business world recognize the problems we can get into.

I have explained my position. I hope you recognize both sides and also recognize that we have come 80 percent of the way. In this business of legislating, you have to learn another thing somewhere along the way, I think, to be effective. You have got to learn to compromise to some degree. You don't get your own way completely, and I hope a compromise is a just situation instead of going 360 degrees.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I have some reservations along this line, because I can't speak what goes on in the city of Lewiston or the city of Portland, but I can speak quite fluently about what goes on in my area in relation to the drug store.

I know my mother and father are quite aged and they buy their drugs much cheaper than other people do. I know all older people are treated the same in our local drug store. He has a great discount for the older people, and I also know that people go in that don't have any money and pay very little for their drugs. In some cases I have known him not to charge them. As I see it, if he has to post a sign there and post these drugs on it, it is going to be a little bit embarrassing to have this sign posted when — as a matter of fact he has more than one price. I think in our local stores, the ability pay — he knows everybody by their first name practically — it would be a bit embarrassing to have to put a sign up.

I suspect it is different in a big city. He doesn't know his customers and he doesn't know who is poor and he doesn't know who is aged and so forth, but for this reason I don't see this bill. It doesn't do anything for my area, I am sure, and it could be a bit embarrassing for the druggist that is trying to do a good job and administer good drugs to people in need and to the aged. I am sure that every aged person on social security buys their drugs a lot cheaper than I do, and I am sure that I get discriminated against because he thinks I have got an extra dollar in my pocket and I am sure I pay double and I really don't mind. I have been able to do it because I haven't had to have that many. So it is the aged people that seem to buy the drugs and they are being well taken care of in my area. For that reason, I don't go along with a bill that makes them post signs.

The SPEAKER: The Chair recognizes the gentlewoman from Millinocket, Mrs. Laverty.

Mrs. LAVERTY: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support Mrs. Morin in her explanation of the 'may' and 'shall'. This is a matter in the posting of mandate or choice, and we feel the choice should be allowed in this whole bill.

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

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would accept Report A today, which requires the mandatory posting. This Report A already provides several concessions to the pharmacist. First, it will insure that advertising of drugs will not demean the profession by disallowing the use of bonuses, gifts, television advertising and stamps and all sorts of gimmicks. Also, it does not require

advertising, which is the thing which will cost the pharmacist out of his own pocket. The listing will include professional services offered, which will assure that the consumer can compare the advantages of the cost of the drugs to the services which are provided by the pharmacist. Also, it will limit the posting to the 100 most commonly purchased drugs, and as has been pointed out before, a list will be provided to them free of cost.

If you merely allow drug posting, you will dilute the intention of the original bill. If you just allow posting, no precautions will be taken to insure consistent costs and a consumer will be unable to compare costs and the value of services.

There was a similar case in Virginia when the court determined that drug advertising was in the public good and was part of the First Amendment, that is the Right to Know, and that the citizen maintains the right to freely choose a pharmacy, then he must also have the right to know its prices and practices.

This legislation came out of the Blaine House Conference on Aging as one of the priority pieces of legislation for this session. It was also adopted by the Maine Committee on Aging as part of their legislative package. As far as I am concerned, Report B is nothing but a copout, and I hope you will support report A.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: As the original sponsor of the drug advertising bill in the 106th Legislature, I want to make a couple of comments on L.D. 1849. My original bill did not have the posting and subsequent bills to that did include the posting provision which we are now really debating. In fact, I am glad to see that it was the concept of advertising drug prices, which was the thing we were debating last session, apparently everyone decided that that is in fact a good idea, so now the question is on the posting.

Before we can really discuss the posting aspect, I think we ought to discuss the theory behind allowing the advertising of prescription drug prices. The whole reason for this type of a bill is to allow the consumer to get the information before he or she has to go to the drug store to ask the price. The purpose of advertising it so you don't have to go shop around in ten drug stores in the community to find out what the prices are. Posting does nothing to alleviate that problem. In posting, you have to go into the store anyway, so if you go into the store, you are already going to be there, so you are going to have to ask the price or look at a chart. So this really doesn't help the consumer, because it doesn't stop them from having to travel around.

In response to what Representative Goodwin from Berwick said, I think this is clearly distinguishable from someone who goes into a supermarket and wants to have the prices on the shelves so he can compare the different brands of tomatoes. Here you have to go with your prescription to the counter and present it in order to get the drug that has been prescribed for you. It is very easy at that time to ask what they are charging for it. Then you can go to the next drug store and present your prescription and again ask what they are charging, if in fact that is what is going to have to happen. The purpose of advertising is to hope that that won't

happen, because you will know from the advertisements of the different drug stores what they are charging for that particular drug. So posting, as far as I am concerned, is really a non-issue, because you are already in the store, you have the prescription, you have to present it anyway, and they will always tell you what they are charging. That doesn't help the consumer from traveling around.

The reason I feel that 'may' is the best thing is for that reason. This is sort of an extra, an extra public relations gimmick that a drug store can use to say yes, we post our prices when in fact it really doesn't matter, because if you are in the store you can ask them and find out the price. Therefore, I think that we ought to defeat L.D. 1849 and pass L.D. 1850.

I would call your attention to the proponents of 1849 and 1850 that there are two misspellings in the last paragraph that we ought to correct at second reader, whichever one of these passes.

The SPEAKER: The Chair recognizes the gentleman from Rangeley, Mr. Doak.

Mr. DOAK: Mr. Speaker, Ladies and Gentlemen of the House: The only problem that I have with this piece of legislation is that I come from a relatively small community, and rural Maine, of course my next drug store is about 43 miles down the road. So as far as competition is concerned, I can understand that there is very little. I am more or less committed to buy my medicine at the local drug store, and I am wondering if perhaps in the consideration of the amendments which I know are going to be coming on this bill if perhaps some of these local one-family drug stores couldn't be considered in this. Again, I would agree with Mr. Silverman that compromises must be made, but I would hope that you would take legislation for the small, independent drug store in the small community into consideration in any amendment which you may be putting on this bill.

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

Mr. TYNDALÉ: Mr. Speaker, Ladies and Gentlemen of the House: Having been associated with the medical field as director of a hospital for eleven years and realizing the highly professional field that the pharmacist works in, I am a little bit in a quandary as to the description given in this bill which states, An Act to Permit Pharmacies to Advertise Drug Prices and Require Prices of Commonly Sold Drugs. I would like to pose a question to anybody who can give me an analysis of that statement.

The SPEAKER: The gentleman from Kennebunkport, Mr. Tyndale, poses a question through the Chair to any member who may care to answer.

The Chair recognizes the gentleman from Sanford, Mr. Lovell.

Mr. LOVELL: Mr. Speaker, in response to Representative Tyndale's question, I would say that several drug magazines come out each month and at various times they list the hundred best selling drugs in the United States, both generically and in the trade name, and in some cases they list the best 200 selling drugs or the most used drugs. So consequently, the State Board of Pharmacy would, without doubt, use that list in the posting or sending to the druggist the poster that they might get.

In regard to this bill, actually I signed the 'shall' post, because I am a retired pharmacist, and I had no problem on prices. I was the lowest priced drug store in the

United States with some 35,000 customers, and I don't think that anybody has any problem. In the small towns you might hurt yourself by passing this bill, because if in the small towns, we have some 220 pharmacies in the State of Maine, in the small town there is only one pharmacist. The average profit of the drug store last year was only 3.7 percent. That is a pretty small profit, and of your health dollar, only 12 percent of it goes to the pharmacist. The rest goes to the doctor and the hospital. And if you have been in the hospital and ever had an itemized bill given you, you will find that if you take four or five pills a day in a hospital, it is costing you \$10 or \$15 a day.

We should have something to stop the price of the hospitals. We have many doctors in the State of Maine dispensing or selling their own medicine. Something should be done about that for the pharmacists.

Now the small pharmacist in the towns, as the good Representative from Rangeley, Mr. Doak, has stated, if you drive that small pharmacist out of business by sending your prescriptions to the AARP in Washington, who now has an office in New England or to a pharmacy in the southern part of Maine and gets a very low price, eventually you are going to put your small pharmacy out of business. There have been some 25 or 30 pharmacies that have sold or a person has retired or died that has never been replaced. So there are a great deal of misgivings about this bill that I signed the 'shall' and being retired, I feel I can speak on it without any feeling of remorse, but I do feel that we should analyze this bill very carefully. I have no recommendation to make, I have already made my recommendation.

Mr. Silverman of Calais was granted permission to speak a third time.

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to add one more thing which Representative Lovell brought out and Representative Doak brought out. You may, and I believe, in free competitive advertising, especially in a field like this, but I also would not want to go to a position where Mr. Doak didn't have a pharmacy to go to somewhere 40 miles away. Because all the prices in the world are not going — as low as they may be — are not going to help rural Maine if we put those pharmacies out of business. Therefore, I will say I have made the compromise with that in mind. We want lower prices; we want free competition in advertising, which we now will have, and those businesses that want the business will be doing this, but we don't want to take these rural pharmacies and put them out of business. Or Mr. Doak, instead of going 40 miles away might have to go 140 miles away.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I wish to thank my distinguished colleague from York County, Ralph Lovell, in his very lengthy explanation. I think this was needed. However, there is another thing that we have to consider. I would like to emphasize the fact that this is a very highly professional field. It isn't like going into a supermarket and looking around and picking up the cheapest of any commodity with which you are thoroughly familiar with.

I would like to call your attention to one

other problem, and I would like to pose another question to my distinguished colleague, Mr. Lovell, would these distinguish marks of the generic drug and the drug produced by some of the outstanding drug companies, because, there is a difference, and of course there would be a difference in the price, and whether this should not be included in the bill to make this distinguishing mark?

The SPEAKER: The gentleman from Kennebunkport, Mr. Tyndale, has posed another question through the Chair to any member who may answer.

The Chair recognizes the gentleman from Sanford, Mr. Lovell.

Mr. LOVELL: Mr. Speaker and Members of the House: To Representative Tyndale's question, there is another bill coming out on generic drugs that has been before the Committee on Health and Institutional Services, and I think that will clear up his question entirely. The way the bill is worded — I won't go into the bill because it is a separate bill, but it will take care of that without any question.

I would like to just go along with Representative Silverman to the extent that in many cases if the small drug store, the one-man drug store, the pharmacist who is working 12 hours a day, he has to post these hundred drugs. Now he has another 20,000 prescription drugs, and he just simply going to have to raise the price on those other 20,000, because he can't get along with less than 3.7 percent net profit during the year. So consequently, if he does go out of business and the patient has a prescription, an emergency prescription, they can't mail it to a drug store in Portland or Bangor, they don't have time, so the pharmacy is out of business and he goes 35 or 40 miles to get that prescription. The patient could very well have passed away before he gets back if it is a very serious case.

Most people who are in the condition that need medication, like our good Speaker needed medication, he didn't look around for price back the first of the year. He went to the nearest drug store and paid their price because he needed that medication at once. Consequently, I think we should give this bill very serious consideration. I won't move "ought not to pass" certainly, because I do feel, and I had one of the original posters in advertising of prices for many years, and I got in trouble with the State Board of Pharmacy or the Pharmaceutical Association for it, but I felt that I was doing the right thing to help the senior citizens, the blind, the crippled and those with terminal diseases.

The SPEAKER: The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: The Health and Institutions Committee spent I think about 10 hours in taking testimony on this general concept of advertising and posting of drugs. We spent many more hours discussing the proposals in committee. There was unanimous agreement within the committee that advertising should be permitted. There was a division on whether the posting of drugs should either be mandatory or whether it should be permissible. Actually, already today it is permissible to post the prices of drugs.

Those of us who signed the majority "ought to pass" report, who felt that the posting of drug prices of the 100 most commonly sold drug prices should be mandatory, did so because we felt it was

only through that mechanism that the advertising of drug prices would actually be accepted, that the two, both the advertising, which was permissive, and the posting, which was mandatory, were necessary for consumers to be able to get some feeling on the actual cost of their prescription drugs. Perhaps as an example, the pharmacists are not going to be advertising the prices of very many drugs on any one day. They may, for instance, do the same thing that shopping centers are doing and advertise a few drugs, the prices of very a few drugs. If you happen to have a prescription for penicillin, nobody happens to be advertising it that day, the only way that you can go and find out the price of it anywhere is to go and ask a pharmacist, and many people are embarrassed to do that. With the posting, you could go and check in a couple of pharmacies and then fill the prescription, if you wish to do that.

As another example, there is no way to compare the advertised prices unless the posting is present. For instance, if you have that same prescription for penicillin and you find that it is advertised, the price is advertised in one of the newspapers by one of the pharmacies that very day, how do you know how that price compares with the price that any other drugstore is charging? The way which you could do it is to take the advertised price in the newspaper, go check it with the drugstore where you most usually do your trading, and if your own drugstore is cheaper, you can buy it there. If the other one is cheaper and you are willing to drive the extra amount or take a little walk, you can go buy it in the place where that particular drug is being sold at the cheapest price.

So really, advertising is not going to be effective to give consumers any idea on the general cost of prescription prices without the mandatory posting.

I think it is very clear from our hearings that the consumers want mandatory posting. We had overwhelming testimony, particularly from the elderly, when we heard our first bill, that this was what their need was. They were simply embarrassed to go to a pharmacist and ask, how much is this drug going to cost me? They want to be able to go walk up, see it on the wall and check for themselves.

I did a survey in my own communities during town meetings, and I particularly phrased the question strongly, because I know the feeling of free enterprise in my small, rural communities, and the question I phrased, is, are you in favor of the mandatory posting of drug prices? Over 90 percent answered yes. In fact, it was the strongest yes vote that I had, and I had over 300 responses.

We had some questions on the small drug stores. All we are talking about is the small poster, which is perhaps the same size as the newspaper which the gentleman is holding here. That poster will be put up on a wall. The price would be entered in when the druggist received the poster. If he wanted to change his prices, all he would have to do is go up with an eraser and change the price. Actually, it is going to be much less expensive for the small druggist than it would be for advertising.

Pharmacy is a highly professional field, but a brand name of a drug is the same brand drug wherever you get it.

I think Mr. Dudley gave the strongest arguments that I have heard in favor of accepting the majority report, and that is that it might embarrass the pharmacist

into finally admitting that they are in fact charging different prices to different people for the same drugs, and I say that that has to stop, and I ask you to move the majority report.

The SPEAKER: The Chair recognizes the gentleman from Blue Hill, Mr. Perkins.

Mr. PERKINS: Mr. Speaker and Members of the House: Even though I am listed in the House Register as retired, I have some slight interest in this topic which we have spent some time on this morning, and I fear by rising that I may confuse the issue more, because I have, and I think your committee will agree, favored the advertising from the start of this session and I do now rise to favor it also.

My only hesitation with this is with the implementation of the poster and with the problems that it entails. I would hate very much to have an awkward poster cause us to lose the advertising feature of this legislation. It is my feeling that there has been a precedent set in the Office of Price Stabilization for prices in grocery stores, as we have referred to, supermarkets and their methods, to have a booklet beside the cash register to give the price posted. This then, if we are in fact trying to help the elderly and those who are ill to see the prices, then they can walk up and look at them first hand. My hesitation on this implementation on poster is that I will spend more time on the step-ladder changing the prices than I will be filling prescriptions, because by putting this poster up and the way prices have changed in not only drugs but in everything else in the past six or eight months, this will be a real problem to any drugstore.

As far as the size and what they have required specified there, this could much better be done in a booklet and a poster. If they would put everything on there that is required, it is just going to be so small that many people are not going to be able to read it.

I apologize for confusing the issue. I am wholeheartedly in favor of the advertising. I am sorry to say that I cannot support Report A but would heartily support Report B.

The SPEAKER: A roll call has been ordered. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those in favor of 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 South Berwick, Mr. Goodwin, that the House accept the Majority "Ought to pass" Report on Bill "An Act to Permit Pharmacies to Advertise Drug Prices and to Require Prices of Commonly Sold Drugs," House Paper 36, L. D. 47. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Bennett, Berry, P. P.; Berube, Blodgett, Boudreau, Bustin, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Davis, Dow, Drigotas, Dyer, Farley, Farnham, Flanagan, Gauthier, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Henderson, Hennessey, Higgins, Hobbins, Hughes, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, LeBlanc, Leonard, Martin, A.; Martin, R.; McMahan, Mills, Mitchell, Mulkern, Nadeau, Najarian, Norris,

Pelosi, Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rolde, Rollins, Saunders, Shute, Smith, Stubbs, Theriault, Tierney, Tozier, Truman, Usher, Wilfong, Winship, The Speaker.

NAY — Albert, Ault, Bagley, Berry, G. W.; Birt, Bowie, Burns, Byers, Call, Conners, Curran, R.; Curtis, Dam, DeVane, Doak, Dudley, Durgin, Fenlason, Finemore, Fraser, Garsoe, Gould, Hall, Hewes, Hunter, Hutchings, Immonen, Jackson, Kauffman, Kelley, Laverty, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Maxwell, McKernan, Miskavage, Morin, Morton, Palmer, Peakes, Perkins, T.; Peterson, P.; Rideout, Silverman, Snow, Snowe, Spencer, Sprowl, Susi, Tarr, Teague, Torrey, Twitchell, Tyndale, Walker, Webber.

ABSENT — Faucher, Hinds, McBreairty, Perkins, S.; Strout, Talbot, Wagner.

Yes, 78; No, 65; Absent, 7.

The SPEAKER: Seventy-eight having voted in the affirmative and sixty-five in the negative, with seven being absent, the motion does prevail.

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

The following Enactor was taken up out of order by unanimous consent:

An Act Extending the Time during which School Budgets may be Adopted (H. P. 1530) (L. D. 1842)

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. 128 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

Consent Calendar

First Day

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

(S. P. 353) (L. D. 1153) Bill "An Act Concerning the Definition of Child and Student under the Workmen's Compensation Statute" — Committee on Labor reporting "Ought to Pass"

(S. P. 331) (L. D. 1117) Bill "An Act Concerning the Acquisition, Maintenance and Replacement of Multi-level Private Parking Facilities under the Municipal Securities Approval Act" — Committee on Legal Affairs reporting "Ought to Pass"

(S. P. 376) (L. D. 1227) RESOLVE, to Refund Clyde Wardwell of Mexico a Portion of Liquor License Fee Due to Loss of Business by Fire — Committee on Legal Affairs reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 25 under listing of Second Day.

(H. P. 223) (L. D. 279) Bill "An Act to Establish County Commissioner Districts in Cumberland County" — Committee on Local and County Government reporting "Ought to Pass"

On the request of Mr. Higgins of Scarborough, was removed from the consent calendar.

Thereupon, the Report was read and

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

Consent Calendar

Second Day

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

(S. P. 117) (L. D. 382) Bill "An Act Concerning the Registration of Certain Pickup Trucks"

(H. P. 248) (L. D. 300) Bill "An Act to Repeal Certain Unconstitutional Provisions of the Election Laws"

No objections having been noted at the end of the Second Legislative Day, were passed to be engrossed and sent to the Senate.

(H. P. 907) (L. D. 1106) Bill "An Act to Provide for Supervision of Elections by Municipal Clerks" (C. "A" H-191)

On the request of Mrs. Boudreau of Portland, was removed from the consent calendar.

Thereupon, the Report was read and accepted, and the Bill read once. Committee Amendment "A" (H-191) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 477) (L. D. 597) Bill "An Act Making a Supplemental Appropriation for the Supplemental Security Income Programs for the Purpose of Increasing the Base Rate for Boarding Home Care" (C. "A" H-192)

(S. P. 241) (L. D. 793) Bill "An Act to Amend the Employment Security Law as to Separation Reports" (C. "A" S-79)

No objections having been noted at the end of the Second Legislative Day, were passed to be engrossed and sent to the Senate.

Passed to Be Engrossed

Bill "An Act to Provide Low Cost Financing through the Maine State Housing Authority for Nursing Homes and Similar Facilities for Persons of Low Incomes" (H. P. 756) (L. D. 926) (C. "A" H-183)

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

Passed to Be Enacted Emergency Measure

An Act to Allocate Money from the Federal Revenue Sharing Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1976 and June 30, 1977 (S. P. 230) (L. D. 774)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary a total was taken. 115 voted in favor of same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Allocate Moneys for the Administrative Expenses of the State Lottery Commission for the Fiscal Years Ending June 30, 1977 (H. P. 710) (L. D. 889)

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

Mr. Smith of Dover-Foxcroft 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 Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to anyone who could answer. I would like to know exactly how much money is involved in this bill and what it is going to be used for. I don't understand it.

The SPEAKER: The gentleman from Portland, Mr. Connolly, poses a question through the Chair to any member who cares to answer.

The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: This is an allocation act. The State Lottery operating expenses are taken out of the revenue that it generates and this is going to be a recurring item just like the Liquor Commission Allocation Acts have been over the years. I guess we may as well start getting used to it now. It is going to be a very normal recurring item to allocate the operating expenses and the sums that are totalled here are \$1.6 and \$1.6, both years, approximately.

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

Mr. CAREY: Mr. Speaker and Members of the House: I only have one question to ask and that would be, have we been reimbursed, has the General Fund been reimbursed for the loan that was made to the Lottery Commission to have them set up originally?

The SPEAKER: The Gentleman from Waterville, Mr. Carey, poses a question through the Chair to any member who may care answer.

The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker and Members of the House: I am not exactly positive of that, but I understand that we are being reimbursed over a period of years.

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

Mr. TYNDALE: Mr. Speaker and Members of the House: I would like to pose a question on this. Is there a price tag on this bill for this year? This was the question I had in mind and the reason for my no vote.

The SPEAKER: The gentleman from Kennebunkport, Mr. Tyndale, poses a question through the Chair to any member who may care to answer.

The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker and Members of the House: I don't know what the gentleman means by a price tag, but the amounts that are being allocated are \$1.6 in 1975-76 and \$1.6 in 1976-77 and I guess that is a price tag, if the gentleman agrees. It will be simply allocated from the revenues that will be derived from the lottery.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mrs. Morin.

Mrs. MORIN: Mr. Speaker, Ladies and Gentlemen of the House: May I ask a

question please? That 40 in the personnel, is that 40 new people or the ones they already have?

The SPEAKER: The gentlewoman from Old Orchard Beach, Mrs. Morin, poses a question through the Chair to any member who cares to answer.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: To answer the question of Mrs. Morin of Old Orchard, the 40 employees are the employees that they have always had. When we passed the bill authorizing a state lottery, we said that 55 percent of the money earned from the lottery would go to prizes and 45 percent would go to operating expenses, so the money that we were allocating to them is money that they earned. It is 45 percent of their total intake and that was determined by legislation that it would go to the operating expenses of the lottery. It is not coming out of the General Fund.

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

ROLL CALL

YEA — Albert, Ault, Bennett, Berry, P. P.; Birt, Boudreau, Burns, Bustin, Byers, Call, Carey, Carpenter, Carter, Chonko, Churchill, Clark, Connors, Connolly, Cote, Curran, P.; Curran, R.; Curtis, DeVane, Dow, Drigotas, Dudley, Durgin, Dyer, Farley, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Hewes, Higgins, Hobbins, Hughes, Hutchings, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kennedy, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McMahon, Mills, Miskavage, Mitchell, Mulkern, Nadeau, Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Snowe, Spencer, Sprowl, Talbot, Tarr, Teague, Theriault, Tierney, Tozier, Truman, Twitchell, Tyndale, Usher, Walker, Webber, Wilfong, Winship, The Speaker.

NAY — Bachrach, Bagley, Berry, G. W.; Berube, Bowie, Cox, Davies, Doak, Farnham, Gauthier, Henderson, Hunter, Immonen, Ingegneri, Jackson, Kelley, Laffin, Lewis, Littlefield, Morin, Morton, Raymond, Strout, Torrey.

ABSENT — Blodgett, Carroll, Cooney, Dam, Faucher, Hennessey, Hinds, Lizotte, McBreaity, McKernan, Perkins, S.; Quinn, Stubbs, Susi, Wagner.

Yes, 111; No, 24; Absent, 15.

The SPEAKER: One hundred eleven having voted in the affirmative and twenty-four in the negative, with fifteen being absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.

Enactor

Tabled and Assigned

An Act Relating to Leasing and Selling of Property Taken or Acquired for Highway Purposes (S. P. 310) (L. D. 1058)

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

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker and Members of the House: May I pose a question through the Chair. It seems to me that we debated a similar bill or this particular bill a few weeks ago and I would just like to know if this is the same bill that is back before us for enactment?

The SPEAKER: The gentleman from Windham, Mr. Peterson poses a question through the Chair to any member who cares to answer.

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

Mr. FRASER: Mr. Speaker and Members of the House: As we all know, the highway has to plan ahead a couple of years. A project plan often requires the purchase of land. If that land is not going to be used for a year or two, then they have the opportunity to lease it and make a few dollars on it. That is all this is really for. Why leave land idle when there can be an income from it. They can't use this land just as soon as they buy it, so they might just as well have income from it.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: Not to be difficult, but at the time the bill came before us it was very controversial in the instance that there was no provision included that the land taken by eminent domain be leased to the person who the land was taken from. I am wondering if that provision has been included by way of an amendment?

The SPEAKER: The gentleman from Windham, Mr. Peterson, poses a question through the Chair to any member who cares to answer.

The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Members of the House: I don't expect to answer that question, but I would like to say, if Mr. Peterson would take the bill and read it, it says the Governor and Council, with recommendations of the Department of Transportation, and before it was "Department." There has been no change in the method of the bill, and then on the bottom part it says, the Department of Transportation may lease, and before it was "he," the head of the department, may lease. I can't see any difference in the bill than what it was. It only corrects from Department to Department of Transportation in both parts of the bill. There is no difference.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker and Members of the House: My only problem is that if land is taken away from the small businessman that the land be used or leased back to him during the interim, and that he have priority and I wondered if that provision was included in the bill? I think it would be a shame if land was taken away from an individual and then leased to another business enterprise. I think that would be inequitable and unfair and I don't think that this legislature would put its stamp of approval to this kind of thing happening. All I would like is that the person whose land is taken for purposes of highway construction have a priority of first option to lease the land back from the department.

The SPEAKER: The Chair recognizes

the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker and Members of the House: I request a roll call, because I am certainly going to vote against this bill. I have had dealings with the state in this business.

On motion of Mr. LaPointe of Portland tabled pending passage to be enacted and tomorrow assigned.

Passed to be Enacted

An Act to Increase the Amount of Employee Life Insurance (S. P. 377) (L. D. 1228)

An Act to Increase the Amount of Dependent's Coverage for Group Life Insurance (S. P. 378) (L. D. 1229)

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.

Enactor

Tabled and Assigned

An Act Relating to Specially Designed Registration Plates for the Maine National Guard (H. P. 733) (L. D. 909)

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

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

An Act Establishing the Civil Rights of Hemophiliacs (H. P. 840) (L. D. 986)

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

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

Mr. SPENCER: Mr. Speaker, I had a question as to the contents of this bill in its final form, and since I had the item set aside, I found out that the bill is in the form of Senate Amendment "B", which simply has the effect of eliminating discrimination against hemophiliacs in post-secondary educational institutions. It does not do what I was afraid that it did, which was eliminate non co-educational institutions. So I am strongly in favor of the bill as it is written, and I would urge everyone else to support it.

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

Finally Passed

RESOLVE, Authorizing Priscilla Blodgett of Augusta or her Legal Representatives to Bring an Action against the State of Maine (H. P. 553) (L. D. 681)

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

Orders of the Day

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

HOUSE REPORT "Leave to Withdraw" Committee on Election Laws on Bill "An Act Changing the Date of Primary Election to the First Wednesday after Labor Day" (H. P. 4) (L. D. 9)

Tabled — April 22, by Mr. Goodwin of South Berwick.

Pending — Motion of Mr. Kelleher of Bangor that the House Substitute the Bill for the Report.

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I ask that you do not substitute the bill for the report. The Election Laws Committee had several bills dealing with the September primary. I think most of the committee favor a September primary if it was possible, but under our present statutes, it would be highly impractical to move the primary from June to September. Before Maine can safely turn to a September primary date, a great deal of time and effort has to be spent on revising the election statutes, hastening the actual ballot recount system and instituting a quicker, effective appeals process. I will give you an example of what we have discovered so far.

The time between the September primary and the election in November is approximately 60 days, give or take a day or two. Our actual time limitations, by statute, are: the Secretary of State tabulates votes and submits findings to the Governor and Council and by statute this is 20 days. The candidates requests of recount; by statute they have 10 days. Allowing 14 days for a ballot recount, that is not a great period but just say they take 14 days, then printing of the ballots for the next election, seven days, distribution of absentee ballots, we have to get them at least to the city clerks 20 days before the election. That totals up to 71 days and the 71-day period does not allow for a court appeal; an appeal would naturally increase the time needed.

The Election Laws Committee is working on this problem, we are studying it, and if the study can come up with a workable system to alleviate the time problem, bills can be presented at a special session or the committee can come out with a bill, so these are the reasons that I ask you not to substitute the bill for the report.

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

Mrs. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: Until two days ago, I did not know there was such emotion for substituting the bill for the report. I was one of the three people who had in bills to change the day of the primary to September and I am very reluctant to disagree with Representative Boudreau on this matter, but I think the real issue here, in substituting the bill for the report, I think this body needs to debate the issue, because what we have done by given leave to withdraw to these bills, we have said the Secretary of State and his office is going to decide whether or not it is a good idea to have September primaries. The real issue is whether or not we want one and I think we should decide this.

September primaries are held in other states. I totally agree with Mrs. Boudreau, there are problems to the recount procedure, but I really cannot understand why we want the Secretary of State and his office go to all the trouble to figure out if it is possible in Maine if we don't want to go to September, so I would like to see us accept this bill and debate the bill on its merits, on its issues, because I have every confidence that the Secretary of State is quite competent of devising a recount procedure if we can him a reasonable frame period of time.

The other point is, I think in the memo to Representative Kelleher, Mitchell and Bagley, we were the three who had the bills in, the prime consideration on this action was the fear that the present

recount system would not work efficiently in the time frame created by a late August or early September primary. Prior to such a change, it is imperative that a balanced recount and judicial appeals procedure be created. I just don't think that is the way to go, it seems to me a backward approach.

The other thing I want to mention, and I must read you both parts of this letter or my good friend Mr. Berry will read the part that I have left out. In a letter from Vermont, it does say that they are surprised that we are interested in a September primary because there is a lot of talk in Vermont about moving back to June. Well, this is the part that I am interested in and I think it backs up my point. We do not seem to have any difficulty in meeting the time frames to get ready for the general elections of September primaries. I think the real issues here are: Does a September primary really shorten the campaign period? And all of us know that we cannot perspective shorten the period prior to the primaries because there are people, many of them in this room, who are campaigning right now for the next election, but you cannot deny that it will shorten the period between the primary and the general, this will not be there. I think this is a consideration. You also know that there will be less expense in a shorter period and I think that one of the Representatives in presenting his bill in this Election Laws Committee gave an excellent example of how it is cheaper and I hope that he will present that to you.

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

Mr. CAREY: Mr. Speaker, I would like to direct a question to Mrs. Boudreau, the gentlelady from Portland. Did the sponsor of this measure ask for Leave to Withdraw as a way to beat the 17-A rule that we have so that he might possibly substitute the bill for the report? The question is directed at Mrs. Boudreau.

The SPEAKER: The gentleman from Waterville, Mr. Carey, has posed a question through the Chair to the gentlewoman from Portland, Mrs. Boudreau, who may answer if she so desires.

The Chair recognizes that gentlewoman.

Mrs. BOUDREAU: Mr. Speaker, I am very happy to answer. The gentleman was informed that it would be given a Leave to Withdraw rather than a 17-A so there could be the opportunity to present it in a special session and also we were given the promise that the bill would not be substituted.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I think there is some confusion that has been just presented in the House. I have been around long enough to realize what a 17-A Report is and I have also been around long enough to know that if I want to express myself on the floor of the House that I should protect both flanks. Had I disagreed with the fact of the Leave to Withdraw, and I asked the committee to sign the bill out so it would be discussed, I would have gotten a 17-A and you and I would not have had the opportunity to discuss this. There was no underhandedness on the part of the sponsor or the other sponsors of coming out Leave to Withdraw.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: The point that was being made was made to bring out the fact that apparently earlier in the session, and my committee was informed of such, that those bills which would be granted Leave to Withdraw could be brought back in special session. Since then we have been handed information, leadership has decided at this time that only those bills which have Leave to Withdraw carrying appropriations would be given an opportunity to come back in a special session. In effect, leadership might have put somewhat of a burden on committee chairmen who spoke to well-meaning sponsors to ask for a Leave to Withdraw rather than a 17-A, because we were misled as members of the committee in allowing people to come back with these bills and possibly somebody in leadership could clarify that position.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I don't know if I can answer all of the questions that the gentleman from Waterville has asked. I think the answers are that there was no intent to defeat this, the 17-A process. I think it was partly due to the feeling of the committee that we wanted to study this more extensively and I guess my own experience would be, if you want to study something more extensively and you are working on the direction of attempting to develop legislation or you are working on the theory of trying to get Leave to Withdraw as covered by something that will or will eventually be developed as against a complete objection to the report of the content of the bill.

As far as the discussion this morning, I am very much in agreement with the comments that were made by the gentlelady from Portland, Mrs. Boudreau, and I have absolutely no quarrel with the comments that were made by the gentlelady from Vassalboro, Mrs. Mitchell. I do wonder what might be gained by a discussion of a primary or the passage of this bill, either one, this morning and passed on and finally enacted. It presently appears to us, as has been pointed out, that it is completely impossible to develop a primary election or have a primary election until some of the other provisions in the statutes are cleared up.

Now, we did pass an order some time ago to allow the Election Laws Committee to do a thorough review of the election laws. It is the intent of the Election Laws Committee, at the present time, to request that this committee be empowered to continue this study after the adjournment of the regular session. It was felt that the amount of work that is involved and the time that is involved, it was a much more comprehensive task than we could do with the other work that we are doing during the regular session.

We also did discuss what would happen if we did come out with a primary bill at the special session. The primary laws or the general election laws or some of the standards for the general election, the mandation of a general election, is covered in the Constitution. The primaries are not mentioned in the Constitution because there is no mention of political parties in the Maine Constitution. If we were to pass a primary election bill with an emergency clause in a special session, whether it be in

September or January, there would be every reason for us to believe, and this has been part of our discussion, that we could have this primary moved ahead from June to September at that time. We have discussed it and we think that this could be worked out.

I have not heard anybody on the Election Laws Committee that has really strongly opposed changing the primary from June to September, but we are disturbed a great deal over the problems that might develop in the movement of this.

Interestingly, the present Secretary of State, when he first discussed some of the election laws with us, was very much in favor of it, but he is one of the people who has pointed out to us, that having studied the election laws in the statutes more exhaustively, has some serious reservations as to how that the primary could be moved to September and successfully carried out with the restrictions that are presently in the law.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I guess this would probably have to be studied over with more time but I would like to tell you some of the reasons why I feel as I do.

Now, in order to give you a little background, I wish you would go back to last August on a real hot day when you are mowing the lawn. You decide it is time for a break, you know the Red Sox are in the midst of their annual summer drive, which generally peters out later, so you go in and get a cold drink out of the icebox, probably lemonade, you turn the TV on, and it is the 6th inning; the score is nothing to nothing. The Red Sox are putting on a typical Red Sox rally. Yasstrzemski walks, he gets to second on a fast ball, he makes third on an infield out and he scores on a long fly. Then the score is 1 to 0. In the first half of the 6th inning, Baltimore scores 6 runs, five unearned, you get disgusted and decide you might as well forget the whole thing and as you are ready to forget it and turn off the TV, a politician appears or a candidate, I should say, appears and says "Think About It." Well, my whole idea is to try to shorten up this time when we have to turn on the TV and listen to speeches. Now, I like to listen to political speeches, but after you hear the same man a couple of times, you decide he has said about all he is going to say. There is not much object in listening to him the third and fourth time. Now, he is like the rest of us, we all say about all we know the first two or three times we speak.

I just want to give you a couple of figures. In 1964, there were 20 states that had the primary after August 1st. In 1974, there were 27 states who had their primary after August 1st.

Another item that was mentioned was the cost of running these campaigns. Now, I wrote to the six states that are nearest Maine in size and I got answers back on the cost per vote in the gubernatorial campaign. In the June primary, New Mexico, a vote for governor cost \$1.78; in Maine, \$1.34; in Montana, \$96; that is the average for June primaries of a \$1.36 per vote in campaign expenditures. Now, the September or October primaries; Rhode Island, \$.98 per vote; Hawaii, \$.71 per vote; New Hampshire, \$.57 per vote, for an average of \$.75, so a June primary cost the candidates an average of a \$1.36 per vote. A September or October primary costs the candidates an average of \$.75 per vote. So,

I hope that whether we change the primaries now or do it later, we at least do change it.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am in support of the action of the Election Laws Committee and I move this bill and the report be indefinitely postponed.

Relative to the brief flurry we had on how this bill got a Leave to Withdraw report as opposed to a 17-A, lest people in the House, particularly the freshmen members, think that that is a cute strategy, I can probably guarantee you that this is the last time the sponsor of this bill before the Election Laws Committee will be given that kind of consideration.

You all remember of the story of the boy who cried "Wolf" to the merits of the thing. I am one, I guess, contrary to what Mr. Birt said, who would not like to see a September primary. Maybe it's because I envision a lot of candidates campaigning among a million summer visitors, wasting their resources and wasting their time. Take that for what it is worth.

The major problem is that if we have a September primary, you probably, in order to make that work, would have to mandate voting machines in every municipality in the state in order to take care of pending recounts. You would shorten campaigns all right. In some situations you would shorten them to the point where nobody would know when to start certain recounts, perhaps as late as October 15th coming down into a November election. That is not only for statewide offices and Congressional offices but also for legislative races, if there is a lot of activity.

I am not sure that people want September primaries. I am not even sure that people want shorter campaigns. Isn't what they really mean, please hold the advertising down to a particular time period? There is a big difference in that. Does a person in Augusta really care if a candidate for Governor is going door to door in Saco? No. Does he care if he is in Madawaska at the plant gates? He doesn't care about that at all. All he is getting upset about is the advertising, particularly on television and radio that he has to look at. Sometime we are going to have to stop and think about whether or not that impatience is worth catering to. Are we coming to the point where the only people who will hold elected office are not people with a wide range of governmental experience who have labored in these halls or in their city governments year after year and who know what government is all about, and instead, the only people who can be elected are those who smile sweetly at our packaged over a four-month period like detergents and diapers and sold in that amount of time to run the state or the nation. I ask you to consider that as you consider indefinite postponement.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to try to respond to the question that was posed earlier by the gentleman from Waterville, Mr. Carey, regarding the position of leadership concerning bills that have a Leave to Withdraw.

I think to try and put this into perspective, the joint rule that was instituted before says that no bill that was introduced in a regular session can be put

into a special session. However, of course, our rules also provide that any bill can be introduced if it receives a majority vote of the Reference of Bills Committee.

I believe that what happened here was that leadership put out a memo saying that they would look favorably upon any bill that had financial implications that received a Leave to Withdraw and that they would let it into a special session. Now, this still could relate to any other bill. It could be let into a special session by a majority vote of the Reference of Bills Committee. Now, possibly before this memo was issued, there was talk in the halls that this would come forth and people may have gotten the impression that any bill that got a Leave to Withdraw would be automatically allowed into a special session. However, I would like to emphasize again that a bill such as this could be allowed into a special session if the majority of Reference of Bills so wish.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: L.D. 9 is my bill. It was filed in November of 1974. It is a bill that was definitely going before the Election Laws Committee, prompted by my reason for the fact that I would like to see a shorter primary and less political advertising on television and in the papers, but more important, a number of people in my area, and I think Mr. Bustin should get in contact with the people in his area, who would like to see a September primary.

When I went before the Election Laws Committee, I even suggested to that committee, and I am not even sure that the good gentleman from Augusta was present in the room, that they put a referendum clause on it and let it come out in 1976 just to see what the attitude was of the people of this state. I am convinced that the people of Maine would vote for a September primary, due to the conversations that I have had with various people, letters and correspondence that I have had because of this bill, and I think probably Mr. Bagley and Representative Mitchell could attest to the fact of the mail that they have received on it.

The bill was prefiled on the 21st day of November. The committee had it in January, February, March, and here we are in April. It is a very broad bill; it is a bill that Senator Cox and I talked about two years ago. He had drafted it but because of bills that he had considered he couldn't put it in at the time, and I had more bills than I wanted at that time myself.

The motion that I made before the House is not an irregular motion. It is well within the parameters of each and every one of us to use it. Knowing exactly how the committee was feeling, and I know the sympathy on the committee for the bill, but because of what I have to consider to be two reasonable reservations from the Secretary of State's Office, I was asked, would I prefer 17-A or a Leave to Withdraw. Knowing the attitude and the pressures that the committee was under, I would have gotten a 17-A, or the people of Maine, for that matter, would have gotten a 17-A, as well as the other two sponsors, and would never have had an opportunity to discuss it, no more than you would have this morning or the other sponsors.

In no way was I misleading the committee, but I did know the pressures and the attitudes that they had, and I certainly wanted to discuss the issue this morning, and more importantly, I was

trying to get the consensus of the feeling of the people of this House reflecting various areas in the state as the feeling for their constituents.

This bill was broadly drafted and it needs amendments, but that doesn't mean that we in this legislature can't put amendments on it to either make it workable to the Election Laws Committee and the Secretary of State's Office, who only administers the rules that we give them, the statutes that we give them, or we can simply amend this bill, put a referendum clause on it and see what the people of Maine would like.

I ask this House to vote against the motion of the gentlemen from Augusta, Mr. Bustin, for indefinitely postponing both the bill and report and I request a roll call.

The SPEAKER: The Chair recognizes the gentleman from Buxton, Mr. Berry.

Mr. BERRY: Mrs. Speaker, Ladies and Gentlemen of the House: I, too, felt some of the sentiments that Mr. Kelleher just expressed to you and especially during my campaign. As most of you know, if you campaign very extensively, it gets to be a tedious process. At the same time, two dozen other people were appearing on television. Mr. Bagley gave you a good account of that. So I thought maybe a September primary would be a good idea.

Before I was elected, I started working on a ballot recount procedure, recognizing that if we were going to have a September primary, we would have to have a different ballot recount procedure. I have got that here; and I can tell you that I worked about four months on it, with the help of a good many people. Mr. Howell spent many many hours on it, and about two days before cloture, I was asked if I was going to submit my bill. I had been asked by the Secretary of State's office, which I had been in contact with many times in regard to this matter. We worked almost hand in hand on it. And I said no, and I believe the Secretary of State was quite relieved when I said no. But the reason I said no is because I knew what would happen to this bill when it got before the Committee on Election Laws. I had already been told.

When Mr. Howell and I tried to work out the finishing touches of this particular bill, the recount procedure, we found that it changed almost every law in the election laws manual, the little red booklet — very, very comprehensive area. And Mr. Howell advised me that this can be submitted but there are many areas in here that still should be worked on, and that is what the Secretary of State's Office wanted to do. They wanted to look into all of these areas, not just throw in something that might fly or might not fly. So that describes that part of it.

Now, to get back to me changing from thinking maybe a September primary was the answer, and I have changed, I don't think it is the answer, for several reasons. And I recognize that other states do have September primaries and we could, but I am not certain we want to. If you think that a September primary is going to shorten campaign time, I don't think it will. I think it will do this: I think instead of having two candidates, who have finally paired off in June, running against each other, you are going to have a whole field of candidates in both parties out campaigning right up until September. Instead of having two from June to September, you could have 18, 9 from each party. I guess Mr.

Bagley's baseball game wouldn't even be visibly on television if that happened.

In addition to that, there are tremendous problems of right after the primary in September. Supposing you were a candidate and finally emerged as your party's choice, you would then have to line up your campaign financing, and you would have a very short time to do that. You couldn't do it prior to September, because who is going to finance somebody who might or might not be a candidate? You have got another problem of ordering material, and it is no easy thing to start a week into September and send an order out to California or wherever you do order your material and received that material in time to distribute it amongst your constituents. One reason is that everybody in the country is doing it at that time. Thousands and thousands of people are ordering material.

One other problem that distresses me considerably is if you do go into a September primary, and Mrs. Boudreau laid out several reasons why she thought we ought not to at this time, is the area of absentee ballots. Now I talked with the Secretary of State and I said, under any provision for a September primary, what is the minimum time that municipalities would receive absentee ballots? I was informed that if printing went the way it had been planned, if the printing press didn't break down or if any of these other things didn't happen, the minimum amount of time that absentee ballots would be sent to the towns was around 20 days, or they would be sent out of here 20 days prior to the election. That means, in the town of Buxton, possibly we would receive absentee ballots 17 days prior to the election. Well, I happen to have a good many constituents that are spread all over the worlds. There are some in Germany, some in Japan, China, everywhere, and there is just no way you can send an application to these people, receive the application back, send the absentee ballot, get the absentee ballot back in 17 days. And I most certainly support the motion of the gentleman from Augusta, Mr. Bustin.

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 Augusta, Mr. Bustin, that this Bill and all its accompanying papers be indefinitely postponed. If you are in favor of that motion you will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Aull, Bachrach, Bennett, Berry, P. P.; Birt, Blodgett, Boudreau, Burns, Bustin, Call, Carey, Carpenter, Carroll, Carter, Chonko, Clark, Conners, Cooney, Cote, Curran, P.; Curran, R.; Davies, Doak, Dow, Drigotas, Durgin, Farley, Fenlason, Finemore, Fraser, Gautier, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hennessey, Hinds, Hunter, Hutchings, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Leonard, Lizotte, Lunt, Lynch, MacEachern, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, Mills, Morin, Morton, Nadeau, Najarian, Peakes,

Pelosi, Perkins, T.; Peterson, T.; Post, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Snowe, Talbot, Tarr, Teague, Theriault, Tierney, Tozier, Twitchell, Tyndale, Usher, Webber, Wilfong, Winship.

NAY — Bagley, Berry, G. W.; Berube, Bowie, Byers, Churchill, Connolly, Cox, Dam, DeVane, Dyer, Farnham, Flanagan, Hall, Henderson, Hewes, Higgins, Hobbins, Hughes, Immonen, Ingegneri, Kelleher, LaPointe, Lewis, Lovell, McKernan, McMahon, Mitchell, Mulkern, Norris, Pierce, Powell, Quinn, Spencer, Strout, Stubbs, Truman, Walker.

ABSENT — Dudley, Faucher, Garsoe, Gray, Lewin, Littlefield, Mackel, McBreaarty, Miskavage, Palmer, Perkins, S.; Peterson, P.; Sprowl, Susi, Torrey, Wagner.

Yes, 95; No, 38; Absent, 16.

The SPEAKER: Ninety-five having voted in the affirmative and thirty-eight in the negative, with sixteen being absent, the motion does prevail.

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

Mr. BUSTIN: Mr. Speaker, having voted on the prevailing side, I now move we reconsider our action whereby this bill was indefinitely postponed, and I hope the House rejects the motion.

The SPEAKER: The gentleman from Augusta, Mr. Bustin, moves the House reconsider its action whereby this Bill and all accompanying papers were indefinitely postponed. If you are in favor of reconsideration you will say yes; those opposed will say no.

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

Sent up for concurrence.

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

Bill, "An Act Relating to Special Agency Stores" (S. P. 290) (L. D. 1015) (C. "A" S-39)

Tabled — April 22, by Mr. Pierce of Waterville.

Pending — Passage to be Engrossed.

Mr. Pierce of Waterville offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-193) was read by the Clerk and adopted.

Mr. Morton of Farmington requested a vote on passage to be engrossed.

The SPEAKER: The pending question is on passage to be engrossed as amended by Committee Amendment "A" and House Amendment "A" in non-concurrence. All in favor of passage to be engrossed as amended will vote yes; those opposed will vote no.

A vote of the House was taken.

85 having voted in the affirmative and 15 having voted in the negative, the motion did prevail.

Sent up for concurrence.

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

House Divided Report — Report "A" (7) "Ought Not to Pass" — Report "B" (4) "Ought to Pass" in New Draft under New Title "An Act Regulating the Sale of Handguns" (New Draft "A") (H. P. 1511) (L. D. 1828) — Report "C" (2) "Ought to Pass" in New Draft under New Title "An Act Regulating the Sale of Handguns" (New Draft "B") (H. P. 1512) (L. D. 1829) — Committee on Judiciary on Bill "An Act Regulating Handguns" (H. P. 18) (L. D. 26)

Tabled — April 22, by Mr. Rolde of York.

Pending — Acceptance of Any Report.

On motion of Mr. Rolde of York, retabled pending acceptance of any Report and later today assigned.

The Chair laid before the House the fourth tabled and today assigned matter: Bill "An Act to Extend Date for Closing of Open Burning Dumps" (Emergency) (H. P. 1464) (L. D. 1502) In House, Passed to be Engrossed April 9. In Senate, Passed to be Engrossed as Amended by Senate Amendment "B" (S-83) in non-concurrence.

Tabled — April 23, by Mr. Palmer of Nobleboro.

Pending — Further Consideration.

Mr. Palmer of Nobleboro moved that the House recede and concur.

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

Mr. FARLEY: Mr. Speaker, I would ask for a division and would ask that somebody table this for two legislative days.

On motion of Mr. Jacques of Lewiston, tabled pending the motion of Mr. Palmer of Nobleboro to recede and concur and specially assigned for Monday, April 28.

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

An Act to Fund Public School Education. (Emergency) (H. P. 1437) (L. D. 1452)

Tabled — April 23, by Mr. Lynch of Livermore Falls.

Pending — Passage to be Enacted.

On motion of Mr. Rolde of York, tabled unassigned pending passage to be enacted.

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

Bill "An Act to Phase out the Present Form of County Government, Transfer its Functions to other Government Units and to Direct the State's Advisory Commission on Intergovernmental Relations to Make Recommendations to the Special Session of the 107th Legislature" (H. P. 1445) (L. D. 1819) — In House, Referred to the Committee on State Government on April 10. — In Senate, Referred to the Committee on Local and County Government in non-concurrence.

Tabled — April 23, by Mr. Snow of Falmouth.

Pending — Motion of Mr. Finemore of Bridgewater to Recede and Concur.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Snow.

Mr. SNOW: Mr. Speaker and Members of the House: Quite briefly, I would surmise that this bill was originally referred, in the judgment of the Reference Committee to State Government because it assigns new functions to state government and removes them from county government. There was thought that a committee such as County Government would not give the proper consideration to a bill which would, in effect, if approved, put it out of business. Since that time, there has been a great deal of sentiment in favor of serious consideration, at least of reform, and I am sure that the bill will receive most favorable and certainly fair consideration by the Committee on Local and County Government. Therefore, I would concur with the Representative from Bridgewater's motion that we recede and concur.

Thereupon, the House voted to recede and concur.

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

House Order — Relative to a Request for a Supreme Court Ruling on the Constitutionality of Bill "An Act to Fund Public School Education" (H. P. 1437) (L. D. 1452)

Tabled — April 23, Pursuant to House Rule 41.

Pending Passage.

Thereupon, the Order received passage.

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

HOUSE DIVIDED REPORT — Report "A" (7) "Ought Not to Pass" — Report "B" (4) "Ought to Pass" in New Draft under New Title "An Act Regulating the Sale of Handguns" (New Draft "A") (H. P. 1511) (L. D. 1828) — Report "C" (2) "Ought to Pass" in New Draft under New Title "An Act Regulating the Sale of Handguns" (New Draft "B") (H. P. 1512) (L. D. 1829) — Committee on Judiciary on Bill "An Act Regulating Handguns." (H. P. 18) (L. D. 26)

Tabled — By Mr. Rolde of York.

Pending — Acceptance of Any Report.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I move that we accept the majority report "ought not to pass" and I would like to give the reasons why I voted — I am not against handguns but I have had a lot of people contact me from the different towns in this state and they have Home Rule and they have laws which are different from each other, and they think if the state would implement the law themselves, it would conflict with these towns. That is the reason why I want to mention to you why I voted that way.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank the gentlelady from Portland for tabling this item last Friday when I wasn't here.

I hope you don't go along with Report A, which is the majority report. I think it is the majority "ought not to pass" report. As I understand it, there are six people who signed the "ought not to pass" report, but there were four people who signed the "ought to pass" report, and there were two people who signed the "Ought to pass" report in new draft to go out to referendum. That is Report C — Report C will send it out to referendum. I would like to go over that for just a minute.

I don't think we can afford to accept the Report A; because then the bill is dead. I don't think we can afford to accept Report C, because it sends it out to referendum, and I think you know what happens when we send a bill to referendum. It is either dead or lobbied, in this case, it is the NRA, they will flood this state with so much money and so much propaganda that it will be dead anyway. Maybe that is not such a bad idea because I could have my name floating around all over the state all summer long, build myself up a platform, and run for Governor. Maybe that is not such a bad idea. I would sincerely hope that you would accept Report B and I want to give you some of my reasons.

I sponsored this bill in the 106th Legislature and I was told that I would be politically dead, don't touch it, don't go

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

House Order — Relative to a Request for a Supreme Court Ruling on the Constitutionality of Bill "An Act to Fund Public School Education" (H. P. 1437) (L. D. 1452)

Tabled — April 23, Pursuant to House Rule 41.

Pending Passage.

Thereupon, the Order received passage.

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

HOUSE DIVIDED REPORT — Report "A" (7) "Ought Not to Pass" — Report "B" (4) "Ought to Pass" in New Draft under New Title "An Act Regulating the Sale of Handguns" (New Draft "A") (H. P. 1511) (L. D. 1828) — Report "C" (2) "Ought to Pass" in New Draft under New Title "An Act Regulating the Sale of Handguns" (New Draft "B") (H. P. 1512) (L. D. 1829) — Committee on Judiciary on Bill "An Act Regulating Handguns." (H. P. 18) (L. D. 26)

Tabled — By Mr. Rolde of York.

Pending — Acceptance of Any Report.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I move that we accept the majority report "ought not to pass" and I would like to give the reasons why I voted — I am not against handguns but I have had a lot of people contact me from the different towns in this state and they have Home Rule and they have laws which are different from each other, and they think if the state would implement the law themselves, it would conflict with these towns. That is the reason why I want to mention to you why I voted that way.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank the gentlelady from Portland for tabling this item last Friday when I wasn't here.

I hope you don't go along with Report A, which is the majority report. I think it is the majority "ought not to pass" report. As I understand it, there are six people who signed the "ought not to pass" report, but there were four people who signed the "ought to pass" report, and there were two people who signed the "Ought to pass" report in new draft to go out to referendum. That is Report C — Report C will send it out to referendum. I would like to go over that for just a minute.

I don't think we can afford to accept the Report A; because then the bill is dead. I don't think we can afford to accept Report C, because it sends it out to referendum, and I think you know what happens when we send a bill to referendum. It is either dead or lobbied, in this case, it is the NRA, they will flood this state with so much money and so much propaganda that it will be dead anyway. Maybe that is not such a bad idea because I could have my name floating around all over the state all summer long, build myself up a platform, and run for Governor. Maybe that is not such a bad idea. I would sincerely hope that you would accept Report B and I want to give you some of my reasons.

I sponsored this bill in the 106th Legislature and I was told that I would be politically dead, don't touch it, don't go

near it. I did sponsor it, it did lose on a 2 to 1 vote, and I said that if I was ever coming back here or if I was ever lucky enough to come back here, I would bring that handgun bill back with me, which I did.

This handgun bill we have in front of us now has been redrafted, it has become more palatable to the Judiciary Committee, it is more attractive. I think it is a better working bill. I think it is one that we can all live with. I think it is one that the municipalities can work with. We have some of these ordinances in our towns now and I think it is a good, workable, attractive bill that we can vote on.

I have been trying to pass around to you, each member of the House and the Senate, information that has come to me or that I have come across that is put in front of you so you can read it so you wouldn't have to listen to me stand up here all day on statistics and reasons and emotionalism and this kind of thing. I hope that you have taken time to do that because it is very, very important that this happens.

I think all of us can realize the magnitude of the firearms problem in this country. At best estimates, there are approximately 90 million firearms in this country, approximately 25 to 30 million handguns alone loose in this country, which is the reason, I guess, for the death of some 27,000 Americans each year from the blasts of a handgun. I want you to think about that for a minute, because police estimate that every 16 seconds a new handgun is sold, and that every 19 minutes somebody dies from a handgun. That is pretty frightening when you look at it, but what is more frightening is the fact that it is growing every day.

In 1963, the number of homicides involving firearms increased by 48 percent while the number of homicides committed with other weapons increased only 10 percent.

I am not so sure that I should be standing here and I think it is kind of idiotic for me to be standing here pleading with this body to pass a bill with this kind of a magnitude that is going to be beneficial to the people of this state. I kind of get up tight and it kind of warms me over a little bit when I think about all of the people that came to listen to the returnable bottles bill, not that the returnable bottles bill is a bad bill, or on single-member districts, when we stand on the floor and speak about good government, good representation for the people back home.

I get up tight when we spend a lot of time and a lot of energy talking about raising the drinking age of our young citizens and I guess it kind of burns me up when I hear the House Chairman of the Judiciary Committee stand on the floor and specifically say, and I quote, "That at least four police officers were at a hearing when they discussed squealing tires". That kind of bothers me. When this bill came up for hearing, not one police officer testified, not one. Our ex-police chief from Portland, Mr. Joyce, my colleague did testify, but not one other police chief from the state was here. We are dealing, at least I think, — I am under the impression that we are dealing with guns and we are dealing with violence and we are dealing with death. To me that is very, very important. I think when we discuss to great lengths, and it is reported in the paper at great lengths, the shipment of cats and dogs in this state, but when we start talking about guns — I have changed my views on the bill insofar as asking anybody about it. I don't call it a handgun

bill any more because when I do that, people seem to hide quick, they seem to disappear, so I call it a — I have taken a verse from my colleague from Portland, Mr. Joyce, and I call it my "bang-bang bill" and they don't seem to disappear so fast and then when they ask me what is a "bang-bang bill," I explain what the bill is about.

Mr. Clifford, Mr. Henderson, Mr. Hobbins and Mr. Hughes signed the "Ought to Pass" Report. I commend them for it.

Mr. Collins, Mrs. Miskavage, Mr. Hewes, Mr. Gauthier, and Mr. Binnette signed the "Ought not to Pass" Report. My good friend from Portland, Senator Merrill, who is running for Congress, signed the "Ought not to Pass" Report.

If it was possible for me to get the two gentlemen who signed the "Ought to Pass" Report in referendum, who signed the report "Ought to Pass" in the 106th and supported the bill, to sign the "Ought to Pass" Report, we would have a majority report.

A poll that was released by Senator Hathaway in 1973, revealed that 63 percent of those polled, wanted stricter gun control legislation. A re-poll that was released by the Social Science Research Center at the University of Maine, said that some 63 percent of Maine people wanted stricter gun control legislation. This bill isn't really stricter gun control legislation. We have it in some of our communities today. Biddeford, Bangor, Lewiston, Falmouth, Cape Elizabeth. It is kind of amazing that none of these police chiefs showed up, none of them, even the dear police chief from the City of Portland never showed up. I asked him, I wrote to him, I sent letters to him asking him to come up here during the 106th legislature and nobody showed up.

I have got four, five, six pages of notes, things that I would like to say and I really don't know if it does any good. I guess most of your minds have been pretty well made up. I don't know how many of you talked to anybody that has lost a loved one because of a quick moment, but I have, and it is really disturbing. You can ask the young lady that is sitting up in the balcony now, she is alone now. She is four months pregnant and she has a small child but because of a flick and a quick moment and because a hand-gun was accessible in that quick moment, she is alone today. Her husband can't fix his bleeding nose or fix his broken tooth or his broken lip, mend it, come back, it is all over, it is gone, there is no more. Think about it. All the way across this country, every state in this union, is looking harder and more seriously and deeply into laws which deal with handguns. I don't think we can afford to be any different. You are going to hear all kinds of arguments and emotionalism today about my right to bear arms. We are not trying to take your right to bear arms away.

Just let me get on to another phase of this whole thing that we have forgotten to discuss and we happen to discuss now, and that is money, dollars and cents. I bring to point an article which appeared in the Sunday Telegram several weeks ago, in where it cost the County of Lincoln something like \$250,000 because of a murder trial up there on two Massachusetts men. \$250,000, that is a quarter of a million dollars it cost the tax payers and they were only in the state a couple of hours. I did a little checking. I thought I would check to find out what each county would have to pay in the case

of a murder trial and that information just isn't available because it takes in so much. It takes in the jury, court witnesses, state witnesses court fees, whether the defendant was indigent and can't afford a lawyer. It takes in all of those, but roughly speaking, it cost in the County of Cumberland about \$10,000 to \$15,000 just to try a murder case. That is taking in all the benefits, the jurors, their hotel room, and the janitors. In Androscoggin County, depending on the trial, some trials run one day, two days, three days, some might run a week. In Androscoggin County, it would run from anywhere \$100,000 to \$150,000 a day. That is coming out of your pocket and that is coming out of my pocket and this bill isn't going to solve the entire problem, we know that. It is going to reduce it to a certain extent. It is going to stop somebody and make them think about what happens.

I am not going to read all of these over. I don't know, you know, I promised my wife and a couple of other people that I guess have been around me for too long — keep your cool Jerry, keep your cool. I said, I am going to keep my cool. I am going to keep it, but I guess I am getting near the border-line. Maybe, it is time I sat down.

Just let me read you one more item. There were two people that testified in behalf of this bill. Two people, like I said, the gentleman from Portland and another gentleman. The other gentleman had lost a daughter because of this very same thing. I would like to read you his testimony. This is his testimony and I am not going to give you his name or anything else but I am going to read you his testimony and then I am going to sit down because I know a lot of you want to get up and support the Bill. "Mr. Chairman and Gentlemen; I have spent many hours of thought arriving at the decision to appear before this committee in support of this bill. The fact that I have lost a loved one because of a handgun in the hands of a person who must have had a tormented mind is only one reason for my involvement or desire to appear. Almost all of my friends and neighbors are hunters and gun lovers and some have expressed a fear that any law would lead to their freedom being limited or in some way harass their support. With due respect, I think they are allowing their fears to interfere with their rational thought. I can not believe that anyone can honestly say that this bill, because of a three day delay, if any cause for alarm. For those who say, that if a handgun were not available, the would-be killer would use another weapon. I would say, that the record show that the handgun is a convenient way to kill. We as individuals or as a state learn or at least I hope we learn, from our past experiences. We also learn from the experiences of others. To believe that this one piece of legislation will always prevent the death of loved ones or our national leaders, would be, of course, naive but to deny that it would help in any way, would be more naive. In other words, I am not here only because of my loss, but because I feel that as mature and rational citizens, we can not help to realize that there can very well at least be some saving in life to the state, and that this bill could well mean other families will not have to suffer the tragic loss of a loved one. To my friends, who fear any law having to do with guns, I would say that to fear this bill, opens the door to the loss of their guns, means that they have very little faith in their legislators." Maybe you want me to read that again. "To my friends, who fear any law having to do with guns, I would

say that to fear this bill opens the door to the loss of their guns, means that they have very little faith in their legislators. The legislature is made up, for the most part of men and women who place a great value on the freedom of the individual and should there, at some time, be a bill on guns that threatens that freedom, they would be among the first to step down on such an idea. When we speak of the freedom of the possible victim of a sick, disturbed mind to life is far more important than a three day waiting period for a handgun. I would hope that this committee not only vote "Ought to Pass" but will take it upon themselves to go to their respected chambers and work for passage. It is past time for positive action to prevent this tool of death from being purchased by the wrong person."

The SPEAKER: The Chair requests that the Sergeant-at-Arms to escort to the rostrum the gentleman from Dover-Foxcroft, Mr. Smith, for the purpose of presiding as Speaker pro tem.

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I think we should put the bang-bang to the bang-bang bill. I, therefore, move that we indefinitely postpone this bill and all its accompanying papers. I request a roll call.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I would inquire whether there is a quorum present?

The SPEAKER pro tem: Under Rule 1, the only reference to a quorum is that it has to be present in order to bring the legislature into session and it is under the powers of the Speaker and, therefore, the Speaker is now ruling that there is a quorum present.

The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker and Members of the House: I oppose the pending motion before the floor for the indefinite postponement of this bill. I am one of the lone rangers of three others on the committee to sign the "Ought to Pass" Report. When I was first elected to this body three years ago, I had many people come to me, many legislators and many individuals who had served in this body before, and gave me what to do and what not to do list. One of the things not to do was to speak on any type of gun control legislation, never mind vote for it but don't speak for it. I did vote for a gun control bill last time and, in fact, this same bill only this bill is a little more modified than that bill. I stand before you reluctantly, so, I guess that threat didn't weigh any merit. Ideally, in this state or this nation, it wouldn't have to be such laws if every person reasonably and acted sensibly but, unfortunately, as you know this isn't the case. This state and this nation have enacted laws to protect society as a whole and the bill before you, I feel, is one of these bills. In this state we register many things which pose really inconvenience to many people and there are funny things we take for granted. We take our car registration as a matter of course and you never see any lobbyist or politicians or indignant citizens jump on the soap box

and make speeches against car registrations and equally dangerous and more easily a hidden piece of machinery is a handgun, I feel. We register cars, license the owners so we can keep track of them in case of accidents. I don't see, in all honesty, why we shouldn't use the same procedure for the three day waiting period for handguns.

There have been abuses that we have seen in the past in this state and in this nation regarding handguns. Representative Talbot, I feel, has introduced a feasible bill which every legislator should consider seriously. Mr. Talbot's bill simply requires that anyone who wants to buy a hand-gun will fill out a certificate stating who he is and where he lives etc. I won't go through the whole list and that certificate will be turned in to the State Police for checking. The State Police would have 72 hours to determine if the would-be buyer has any convictions or any indictments for felonies against him. If so, then he would not be able to buy a hand-gun and if he didn't he would be able to purchase one. I think this is a needed tool for protecting citizens of the State of Maine. The Maine Chiefs of Police say that they need this legislation and as the representative from Portland has mentioned, Portland, South Portland, Westbrook, Falmouth, Lewiston and a few other communities saw the need and have passed local ordinances, which require the 72 hour checkup period. All of Maine, I think, is entitled to the same equal protection.

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

Mr. McMAHON: Mr. Speaker and Members of the House: At the outset, let me say, that regardless of where we stand on this issue no one can doubt the sincerity of the gentleman from Portland.

I feel that sending this bill out to referendum is the proper course of action for this body to follow. That is why I signed Report "C". I feel this handgun bill before us is a reasonable measure which should be presented to the people of this state for their judgment. If this bill is sent out to referendum, it will receive a far more thorough discussion of its merits, than we will give it here. This issue needs to be discussed and considered by all of the people of this state. They should be made a party to such an important decision as this one. Ladies and gentlemen, I sincerely hope that the pending motion is defeated and that Report "C" would be accepted.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I don't plan to get into a discussion of the need for handgun legislation but I would like to discuss the two drafts that are under consideration here. I find one great fault with both of them. The problem is that when people are trading guns there is a question of time involved and I will give you a very brief example. If I happen to find a guy who happens to have a German Luger pistol with an American Eagle stamped on the barrel and he is willing to sell it for \$35, I would like to give him \$35 and get just as quick as I can because this happens to be a very rare model of the Luger and I don't want to wait seven days while I send in things. This brings up the fault that I feel is in this particular bill. We are excluding dealers. Now in Portland and many towns

have said that dealers when they sell handguns there is the three days and the police are notified. This doesn't deal with that, this doesn't make that state-wide or anything, this just says that when you and me, as private citizen, buy or trade guns, that we will send - we will get a hold of this form that will be sent into the state police and the state police will send it back okaying it or disapproving it and this is necessary before and there is seven days allowed for this. I would submit that this just won't be done. People will not do it, they won't bother to get the form, they won't send it in. It is between two people and there is no possible way that it can be checked on, there is no possible way to enforce the law and it would just be a law on the books.

We are dealing with 1828 and 1829. 1829 calls for a referendum. A referendum is fine, if we want to duck the point and pass it on to the people and we might get some indication how the people of the State of Maine feel regarding handgun legislation, but we are not correcting the problem in the bill, even if it were accepted at referendum, which I feel, it would not be, because the people in opposition to it would certainly point out the problems with that particular bill and would use it to defeat it in referendum. We wouldn't have gotten anywhere except costing the state a great deal of money for a referendum. If we want to approach handgun legislation, I think we have got to do it with a far more comprehensive bill than this. If towns want to set up a licensing of a law such as you have in Portland, where they have to send in to the State Police and have it okayed and the dealers do it, I think this is a question that the towns can do and it would be possibly a good way to handle this but I don't think that either of these two bills here will solve the problem. In fact, I think they will probably work against the sponsor's idea of eventually getting stronger legislation because I think they have a patent defect in them and this would contribute to a defeat of any idea here. Therefore I support the indefinite postponement.

The SPEAKER pro tem: The Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I certainly am going to support the motion of the gentleman from Portland, Mr. Talbot, although I am not naive enough to think that this has a chance to pass or the referendum one either. I submit to all of you that we could have a bill in front of us to register cannons and it wouldn't pass.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. McKernan.

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like you to know that what the gentleman from Yarmouth, Mr. Jackson, says is correct and that is this bill would only apply to private sales and not to someone buying them in any kind of a store. I see it says it does not apply to dealers. Does that mean that the normal place that one would buy a gun is in some kind of a shop that is licensed to sell them? Because I think in particular to send this out to the people, this is just a whitewash. That is not going to cure anything other than a miniscule part of the problem if it doesn't apply to everyone that sells guns in the state. I think it is obvious that somebody has put on a lot of pressure to say that you are just

going to ruin our business if you do it. If that is the case, we ought to just not pass the bill. I think you ought to do it or not. It looks like we are trying to find an end run that isn't going to solve any of the problems.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: We have plenty of hunters in the Waterville area, and earlier this week, I wrote a letter to the editor of our local daily newspaper mentioning that this House would be voting to regulate the sale of handguns, and I would like to report that only one person contacted me to vote against this bill and at least 30 people urged me to vote for it. It just seems to me that Report B, as it is written in L. D. 1828, is hardly unreasonable.

As was pointed out by Representative Hobbins, the bill merely calls for registration so that it can be determined if the applicant has been convicted or is under indictment for a felony and the bill further requires, as Representative Jackson pointed out, that a week lapse before delivery of a handgun could be made and I just want to ask you, is this really all that unreasonable? I urge you to vote against the indefinite postponement of this bill.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I, like some previous speakers, do not at all criticize the intent of the sponsor of this legislation; I am sure he has the good will of everyone at heart. But I would submit, the same as some previous speakers, that this bill really does probably absolutely nothing. What it tries to do, in my opinion, is to get a foot in the door. I have read many of the editorials and many of the letters that have been sent out and do realize how serious that the gentleman from Portland, Mr. Talbot, is.

There is a gun or two in every household on an average in Maine about the same way there is a car or a truck. What I mean by getting your foot in the door is that if we pass this piece of legislation and we send it to referendum this morning, that is the foot in the door. What is wanted here is the registration of all weapons across the State of Maine, this is what we are talking about.

The problem is that you can't put anything through that is too effective to begin with, but you get a little one through and then it expands and the next thing you know, we all will take our weapons down and have to register them.

As the Chairman of the Judiciary Committee said, this certainly is a grassroots issue. I think that was evidenced by the debate of the good gentleman from Portland, Mr. Talbot, that there wasn't a police chief, there wasn't a law enforcement officer that appeared at the hearing, because I imagine they feel that it is something that should be handled in each of their own cities and towns.

The SPEAKER pro tem: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to support the motion for indefinite postponement of all three reports. I think that everyone is aware that at the present time that municipalities can control gun registration at the local level, if they wish,

and none of the towns within my district have chosen to do it by this method. Evidently, the people in Portland have chosen to do this and evidently they must be in favor of this. Out of the 25 or 26 towns in Waldo County, there hasn't been one town adopt this method of gun legislation.

Now, we have heard some reference to the polls or to the pollsters that say people are in favor of gun registration in the state. I wonder if these pollsters are the same ones that took the polls last November and said that Governor Longley would come in third in the Governor's race. If they are, I wonder how creditable these polls are.

As far as these letters that we get from out-of-state we have one here from a gentleman from Michigan I am sure my constituents are not overly impressed with his opinions on gun control. I think I am in a good position to survey the feelings of the people in my area as far as gun control goes and I am sure it would never pass on a referendum.

The SPEAKER pro tem: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: I really hadn't intended to get up this morning and talk about this thing, but there has been so many people make statements, I feel that I have to.

It has even been said, perhaps not here this morning, but it has been said that no one uses the handguns to hunt with. This is absolutely not true. Over the years I have shot two deer with a handgun. I have shot eight bear with a handgun. I have shot several bobcats, I have shot many, many rabbits and other small game with a handgun.

Mr. Jackson spoke about a Luger that was very valuable. It just happens that one of these guns that I have used was that same Luger he was talking about, so I feel I am qualified, in a sense, to mention the fact that we don't need any more controls on handguns. I hesitate to say this, but the letter that the good gentleman from Portland read, I am very sure came from my brother. It so happens that my own brother lost a child, a very sad case, I will agree, and I felt very bad about it, but changing the law regarding handguns is not going to change the situation one iota.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. Ingegneri.

Mr. INGEGNERI: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to support Mr. Talbot's bill. I would like to say that I was a law enforcement man. Perhaps, I am not a typical law enforcement man, and many times when I have thought about my typical stance or my non-conformity, I was very happy because there was one over riding philosophy that I followed every day that I worked as a law enforcement agent and that was, "there but for the grace of God go I."

Before I came to the conclusion to prosecute a man, I agonized and my law enforcement experience, believe it or not, despite my appearance, I know that I am slight, perhaps I don't fit the bill of the machismo, the virility or whatever you want to call it, but it goes back a long, long time to when I was about 27 years old. At the tender age of 27 years old, I was a parole officer in New York. I had 105 gorillas, all alumnus of murder incorporated almost, but here and there, there was an unfortunate person. There was

a white-collar crime victim, I mean a person who committed a white collar crime and he was as much a victim as the person he victimized, and there was a person who had been incarcerated because of a crime of passion and such a person would never have violated the law willingly in his life except for that one moment of passion.

And there was one man, an immigrant, who had spent 18 years in Sing Sing. He had been in a bar on the lower east side and a man had insulted him and as an Italian, the fact that his honor had been impugned was something he could not stand. This man ran three blocks to his flat, picked up a handgun, came back to this bar killed this man. Now, you might say, what difference does it make if it had to be registered? Or New York State had a Sullivan Law or whatever, the point I am making is, if in his anger he had gone to that house and there had been no handgun, those few seconds of reflection might have saved that man's life, the victim, and might have saved him years and years of terrible incarceration.

In 1964, because of the terrific crowds which were going to come to where President Johnson was, many of us who were the pencilpusher law enforcement guys, were pressed into service by secret service and I was one of them. I was given a special little label to identify me by the people on the rostrum and I can tell you the feeling I had as I looked at the people in the room before me. I said to myself, how many of these people can be unbalanced, can lose their balance in a moment of anger? How many of these people may have a gun? And I suffered, I suffered to the point where there was somebody in front of me who had a bulge underneath his windjammer and so help me, I violated his constitutional rights. I worried so much about what he had under that windjammer that I picked up his windjammer and felt in his pockets to see if there was a weapon there. I really had no right to do that but I was worried about that, which leads me to point out to you, it is that split second that very often can mean life or death, not only of an ordinary citizen but of a President, of a high government official.

Mr. Talbot's bill, to my way of thinking, is a very reasonable one and a very mild one. All it asks is that the person apply and that the police have an opportunity to check on this person and after a short time approve the application. I would even say that it should have another sentence or another question or two as to institutionalization at any time, whether the person had been ill so you could find out if a deranged person wanted to buy a handgun.

I would hope today, whether this bill of Mr. Talbot's is defeated or not doesn't much matter, because I think I am a minority, but I would hope today that there would be a greater show of strength, that you separate the sportsman added idea from the idea of protection. One has nothing to do with the other and I would hope that this would be the first step towards a reasonable control of a sickness in our country.

The SPEAKER PRO TEM: The Chair recognizes the gentleman from Portland, Mr. Joyce.

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: This is not a "mother's bill" but it probably should be.

I rise to support the bill by Mr. Talbot. I come from Portland where we operate under the 72-hour bill and there are, no

doubt, people in Portland alive today because of that bill.

We hear little or no complaints about the city ordinance in my town. I feel sure that I investigated the last murder in Portland before the ordinance was put into effect. Two men in their young twenties, having a high-leveled conference, at nine-thirty on a Saturday morning in a bar room that was known as the Bucket of Blood. They sat there and talked about the abuse they took the night before from an ex-marine, 260 pounds, who for a little hobby decided to punch some around. They decided that they had to have their day. They talked about guns. One said, well, I thought of the idea, I should shoot him. Well, the other guy said, no, he hit me harder than he hit you, I should shoot him. Did he ever use the gun? No, not really, but I will go up and buy one. He walked a block and a half, brought back a gun to show to his friends and he said, it was a real nice gun, a real shiny gun and he bought a box of shells for it. The friend said, how much did you pay for it? He said, I paid \$19.95. He said, gee, you got a heck of a buy, I think I will go up and buy one. They went up, the second guy, and bought one. They came down and they still had the argument, who was going to shoot this villain? Neither one of them apparently agreed that the other had shot a gun before in their life. So, they decided, let's take some target practice. It was a day like today, a little rainy out, so they wanted to take the practice without getting out of the car. One said, I will drive you around, put the window down. They went along the Eastern Promenade in the City of Portland, and for a target they picked out the elm trees that Longfellow often talked about, four or five feet wide. After shooting at five, he finally hit the sixth one. The guy said, I will have my turn now and they use to slow down to take the shot. The second guy tried and he couldn't hit one in six but they said, well, let's put it this way, whoever catches him will shoot him, so they started out and at four thirty that afternoon we had the murder. We eventually arrested both of them because there was a conspiracy there and, you know, if you plan in this state, you don't have to take the Overt Act, and we got them there. If they had had to wait 72 hours on that weekend, that young ex-marine would be alive today.

I had another one shortly before that, a young girl who became pregnant. She panicked, went and bought a gun and destroyed herself. I say it is a very good bill. It has done well for Portland, and I urge you to support Mr. Talbot's bill.

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

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. Usually, when a firearms bill or a restriction on firearms is put in, it is put in to decrease crime and I see nothing in this bill that would decrease crime in any way. All across the country, this has been going on and it is the first step in the registration of firearms.

It will give you an example in Washington, D.C. They kept coming up with restrictive firearms in Washington, D.C., finally they came up with the idea that they would register all firearms because the crime rate was increasing in that city more rapidly I think than in any place in the nation, so they got the idea of registration so they registered all firearms in Washington, D.C. and of course those that were registered were those that felt

they should stay within the law; they were law abiding citizens. Now, about two or three weeks ago, the City Council of Washington, D.C., voted and they are very seriously considering confiscation of these firearms within the city and this is all firearms and this the only thing they can do. They have to have the registration of the firearms before they can confiscate them, and each little step throughout this country, and this is what those steps are for, if we want to decrease crime, let's begin on the other end and put our efforts into the other end and let's take the criminal off the street, because about 70 percent of the crimes committed by firearms are committed by second offenders. They are into the courts with the arresting officer and they are out on a 10 percent bail and they are out onto the streets again before the arresting officer can get back out there to do his duty.

In the City of New York, the Sullivan Law is one of the most strict that we have within the nation, you know what they do with them down there when they find them carrying a firearm without a permit? They take them into the night court, they fine them \$50, keep their firearm and they are right back onto the street again. So, I don't see where this bill is going to help us, except to restrict the law-abiding citizen.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I beg your indulgence again that I have to hold you against your will perhaps, because it is past lunch time, but I think it is worth it, I think it is at least worth it to me, when all throughout our society we license or permit everything else, from our cars to our trucks, even a license to get married, and I know your wife or your husband isn't dangerous, even to picking up cough medicine. I ask you a question, have you ever heard of anybody being killed because someone threw cough medicine on them or have you ever heard of anybody being killed because somebody threw a pill at them?

I sincerely hope that you do not go along with indefinite postponement of this bill. I sincerely hope that you go along with standing up for what is right and let's not dicker about sending it out to the people because that is the best thing to do because that is crazy and it is idiotic. Now is the time to stand up right here in this seat that you and I sit in gets hot, depending on the issue and probably it won't get any hotter than it is right now, but it is time for you to stand up. You represent people back home, as I do, and if you have to do what is right, do that — what you feel is right but vote on the merits of this bill.

The gentleman brought in the fact that the Sullivan Act in New York has proved futile, no good. I would suggest to you that in 1965, in Philadelphia, where it was required that finger prints and a photograph be taken that that plan weeded out almost 200 people with records of burglary, robbery, rape and addiction, plus 27 individuals, who had been convicted of intent to kill and 96 others with police records for carrying arms — it does help and you can't sit there and tell me it doesn't help, because I know it helps and you know it helps.

If somebody were to come to you and say, I will take your cat and I will take your dog and I will take your wife and I will take your house, you would put up an argument and blink a couple of times and

that would be it, but if somebody came along and said, I will take your gun, you would fight them until the end of the earth. We don't want to do that and I wouldn't infringe upon your rights, although to be truthful with you, I don't think any of us should be having guns but I made a promise, when I presented this gun bill for the second time around, that if I were lucky enough to come back, that I wouldn't bring back any more gun legislation, although I believe we should have it, I wouldn't do that. I sincerely believe in this bill.

I would like to get back to another point of interest which was brought up by the gentleman Mr. Conners, concerning the gentleman that wrote to me stating the fact that this was a reasonable bill. It was a good bill. They have over 90 bills in Congress today that they must deal with one way or the other and it is going to be rough because they are going to go through the same thing we are going to go through and that we are going through right now. I have a lot of respect for the gentleman from Michigan, Representative Conners. The fact that, day after day, as I sit here and listen to people saying that we are tired of the Federal Government, we don't want them pushing anything down our throats and that we are tired and we don't want anything more to do with them, yet, when the minimum wage hit this floor everybody stood up and said let's follow the Federal Government, so it depends on where our priorities are is what we are standing behind and supporting. I am not going to be any longer because I really don't want to infringe upon your time. I would hope that you would not vote for indefinite postponement and I would sincerely hope that you accept Report "B", which is to say is to accept the "Ought to Pass" Report. None of us are going to disappear, we are going to come back tomorrow and business of the state is going to go on but we are going to have accomplished something, something that has never been done before in this House as far as I know and as far as this piece of legislation is concerned. I therefore hope that you would not indefinitely postpone this bill.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clear up two misconceptions which have come up in the debate. First of all, the bill excludes transactions between a licensed dealer and a licensed dealer. It does not exclude transactions between a licensed dealer and a member of the public. The reason for the exclusion of the transactions between licensed dealers was that they are already licensed by the state and if they are involved in the commission of felonies, their licenses would be reviewed at that time. Since they are in the business of constantly exchanging guns between each other, it seemed as if it was ridiculous to have them sending into the state each time to get permission to carry out such a transaction.

Another problem with the bill that came up at the hearing and which concerned me a great deal, because I do represent a basically rural area, was that somebody who is a legitimate sportsman who wanted to buy a handgun to shoot a raccoon would have to drive all the way to the store and then back home again and then return back after the expiration of so many days and if there were a 50 or 60 or 70 mile trip

involved, that could work a real hardship. As the bill has been redrafted, however, the person who wishes to purchase a handgun can send the certificate into the state himself get it back and that certificate will be valid for a period of one year, which takes care of the person who is constantly trading guns back and forth. He will not have to send in the form each time he trades a gun. He can initiate the process of getting this certificate himself and once he gets it, it will be valid for 365 days. So the person who legitimately collects guns or trades guns back and forth will not have to get a certificate every time he purchases a gun or trades a gun.

On the report coming out of the Judiciary Committee, my signature is on the "Ought not to Pass" Report and since I signed that report, I have done additional — I have given the thing a great deal of thought and I have talked to a great many of my constituents. I think the one thing that impresses me the most and it has caused me to change my mind on this bill is that I talked to two people in my district who were in the business of selling guns and they both said to me that they felt that this legislation was badly needed because as the law stands now, they have to sell guns to people who they don't think should be buying guns. A person comes in who may be half-drunk, he asks for a gun and they have to sell it to him. They can't say, look, you are not in any condition to buy the gun. Both of them, one of them ran a Western Auto Store in Westbrook and he said that he felt that this law was necessary and the other runs two Casco Country Stores and he felt that this law was necessary. I think that if the people who are selling the guns, and this is true in my district, feel that there is a need for this law, they are in the position to know because they know, who is coming in to buy the guns.

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

Mr. HUGHES: Mr. Speaker and Members of the House: I am glad that the gentleman from Sanford, Mr. Spencer, has got us back to talking about the bill.

I have it in front of me and as I glance around not many of us do, I suspect many of us haven't read it. It is a redraft of the original bill, which changed a great deal, to meet a lot of the objections which were made to the bill and also to tighten it up so that a lot of loop holes which were in original bill which really destroyed the whole purpose of it, are no longer there. It is what I would call a weakening of the bill in that it is less than what is now in effect in the cities of Portland Lewiston, Bangor and I have a list of others too. It requires that you get a permit which is good for a year and that should take care of the person who anticipates buying guns during the year but still wants to have that permit on hand. Maine presently has a gun control law, I guess you would call it, passed by this Legislature some time ago, a law which denies convicted felons the right to own guns. The big loophole is this, that if somebody goes into a store, fills out an application claiming he is not a felon he walks out with the gun and by the time that gun is checked out, a week or two later, if it ever does, there is certainly no way to get that gun back if he robbed a store that night. What this bill would try to do is to put some teeth in the law we enacted a few years ago, but it goes further than that, it has a side effect which is what attracts me to it and that is that in the process of

checking out to see if one is a convicted felon and that is the only ground for which a person can be denied eventual possession of that weapon. In the process of checking that out, you are providing this waiting period, this cooling off period, and the gentleman from Portland has described at least two instances in which that cooling off period would have made a difference in someone's life. I can think of some others and I don't want to go on all afternoon describing a lot of gruesome cases to you, but it is that waiting period, that cooling off period, which has convinced me that this bill is worth supporting.

In legislation before the Judiciary Committee, I try, and I am sure the other members do, and I am sure other committees do, to get the emotion out of the issue and look at the bill and see if it really does anything important. I asked a couple of questions about bills before us, especially bills which are in the area of crime and the fight against crime. I first ask, will this really make a difference? Will this do something to help us fight crime? My answer on this bill is not much but something and it is that waiting period which I think it will accomplish and I think that is important.

Secondly, is it constitutional? Does it violate any of the rights guaranteed to all of us as citizens and any glance through a constitutional law text book will show that the Supreme Court has upheld far stronger laws than this one, namely the New York Sullivan Law, many years ago.

So, I answer these question both affirmatively. One, they will make a difference and two, that it is constitutional and I suggest that if you are serious about crime, murder and violence in this country, you will give this some real thought, perhaps at least read it.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I would pose to the members of the House a question and an answer. After listening to the remarks of the last gentleman who spoke, the question which I would ask is, do you want convicted felons to buy guns? If you do, then vote for the indefinite postponement of this bill.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't in on all of the debate that went on on this bill this morning. First, I want to commend the gentleman from Portland, Mr. Talbot, for his sincerity in presenting this bill and for his beliefs. I am going to vote this morning for indefinite postponement of this bill because of one reason. I am not in favor of having it publicly known and being registered that I own a gun. Not because I intend to commit a crime with it. My main reason is this, I believe in freedom and this freedom means much to me and I maintain, if this type of law had been on the books back in 1776, the shot that was heard around the world, would never have been fired because no one would have had the gun to fire it. And we probably would still be under English domination. I feel that if any time our government should go sour and it can happen, because it happened in other countries, I feel that I would like to have a weapon at my disposal to be able to defend myself so that I may be free again and if I am on the register, that I have a gun, I am sure that my home

would be invaded and that gun taken away from me. That is the principle why I am against this type of legislation. I am also in favor of deterrent of crime and I have proved that time and time again. To me, it is a question, in the future whether for myself or for my descendants that some day they may have to defend themselves against invasion and if everybody knows they have a gun, they will lose it.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: In no way can this bill be described accurately as a gun registration bill. As the gentleman Mr. Hughes, from Auburn, has stated, in this state at the present time, it is not legal for a convicted felon to possess a weapon. This bill only attempts to guarantee that such people do not come to possess handguns.

I signed the referendum report, Report C on this bill as I indicated in my comments earlier but I want to assure the gentleman from Portland the members of this body that I will vote for the bill even without the referendum. I would not vote for a gun registration bill but I do support this bill because in the long run it will protect the people of this state.

The SPEAKER pro tem: 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 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.

At this point, Speaker Martin returned to the rostrum.

SPEAKER MARTIN: The Chair thanks the gentleman from Dover-Foxcroft, Mr. Smith.

Thereupon, the Sergeant-at-Arms escorted Mr. Smith to his seat on the floor, amid the applause of the House, and Speaker Martin resumed the Chair.

The SPEAKER: The pending question is on the motion of the gentleman from Lincoln, Mr. MacEachern, that the House indefinitely postpone Bill, "An Act Regulating Handguns," House Paper 18, L. D. 26 and all accompanying appers. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Bowie, Burns, Byers, Call, Carey, Carroll, Carter, Chonko, Churchill, Connors, Cooney, Cote, Curran, R.; Dam, DeVane, Dow, Drigotas, Durgin, Dyer, Faucher, Fenlason, Finemore, Fraser, Garsoe, Gauthier, Goodwin, H.; Gray, Hennessey, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Kauffman, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Lewin, Littlefield, Lunt, MacEachern, Mackel, MacLeod, Mahany, Maxwell, Mills, Morin, Nadeau, Norris, Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Raymond, Rideout, Rolde, Shute, Silverman, Smith, Sprowl, Strout, Stubbs, Tarr, Teague, Theriault, Tozier, Truman, Usher, Walker, Webber, Wilfong, Winship.

NAY — Bachrach, Bagley, Boudreau, Bustin, Carpenter, Clark, Connolly, Cox, Curran, P.; Curtis, Davies, Doak, Farley, Farnham, Flanagan, Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hobbins,

Hughes, Ingegneri, Jalbert, Jensen, Joyce, Kany, Kelleher, LaPointe, Leonard, Lewis, Lovell, Lynch, Martin, A.; McKernan, McMahon, Mitchell, Mulkern, Najarian, Pelosi, Powell, Quinn, Saunders, Snow, Snowe, Spencer, Talbot, Tierney, Torrey, Tyndale.

ABSENT — Dudley, Jacques, Lizotte, Martin, R.; McBreaarty, Miskavage, Morton, Palmer, Peakes, Perkins, S.; Rollins, Susi, Twitchell, Wagner, The Speaker.

Yes, 85; No, 50; Absent, 15.

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

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

Mr. NORRIS: Mr. Speaker and Members of the House: Having voted on the prevailing side, I now move that the House reconsider its action and hope you all vote against me.

The SPEAKER: The gentleman from Brewer, Mr. Norris, moves the House reconsider its action whereby this Bill and all its accompanying papers were indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

42 having voted in the affirmative and 84 having voted in the negative, the motion did not prevail.

(Off Record Remarks)

Mr. Laffin of Westbrook was granted unanimous consent to address the House.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I stand before you this afternoon in complete disgust by the actions of the Business Legislation Committee yesterday afternoon at the Civic Center. A deplorable situation was allowed to take place before my very eyes.

It is hard for me to conceive that men on the Business Legislation Committee would allow two lovely women to sit in filth for better than 2½ hours. After 2½ hours, the Chairman, Senator Thomas, did order trash removed from one end of the hall. After the trash was removed, spots of beer and soda remained, never cleaned up for 6 hours.

In nobodys standard today, do we, and I am sure all of us, disapprove of picketing in any form, shape, or manner for individuals to put their point across. I supported and I am sure you do also, however, when members of this Legislature, especially lovely ladies have to sit all afternoon in filth and dump surroundings, I feel that it is above the call of the duty of the legislators. I cannot understand why any man member of that Business Legislation Committee did not get up and demand immediate removal of all trash from the hall, if not in respect for himself, he could have at least out of the respect for the two lovely ladies on that committee. My cigar smells like a rose compared to what that trash smelled like.

I do not hold the co-sponsors of L. D. 913 responsible for the deplorable conditions because I know these people personally and I know them to be honorable and respectable people, but I do ask the sponsor, if this was his doing, he accomplished nothing.

Mr. DeVane of Ellsworth was granted unanimous consent to address the House.

Mr. DeVANE: Mr. Speaker and

Gentlemen of the House: In response to Mr. Laffin, I would like him to know and others in this chamber to know that I believe every member of the Business Legislation Committee requested immediately as unpleasant surroundings manifested themselves, requested that the Senator in charge of the hearing do something about it, it eventually was done. I am curious as to which of three of our lovely members, Mr. Laffin keeps referring to, when he refers there were two lovely members.

(Off Record Remarks)

On motion of Mrs. Martin of Brunswick, Adjourned until one o'clock tomorrow afternoon.