

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred and Ninth
Legislature

OF THE
STATE OF MAINE

Volume II

First Regular Session

May 7, 1979 to June 15, 1979

INDEX

First Confirmation Session

August 3, 1979

INDEX

First Special Session

October 4-5, 1979

INDEX

Second Special Session

October 10-11, 1979

INDEX

Second Confirmation Session

December 7, 1979

INDEX

HOUSE

Monday, May 7, 1979

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

Prayer by Pastor Lester Dow, Jr., of the Fayette Baptist Church.

Pastor DOW: Mr. Speaker, Ladies and Gentlemen, good morning. Let us bow in prayer.

Lord, God of Abraham, Isaac and Jacob, the God and Father of our Lord, Jesus Christ and our heavenly father, we come to you this morning in prayer and thanksgiving for your great goodness, for your mercy, for your wonderful love to us. We thank you for this great nation in which we live and the freedom that we enjoy. We thank you for our State of Maine and for our elected officials serving in this chamber today. I pray, father, your blessing and your guidance upon each one of them as they carry out the heavy responsibilities that are theirs in elected office. I pray that you will give them wisdom and strength, courage to do what is right and to follow their convictions. I pray for the continued blessing of God upon our nation, our state, our communities, our homes and our personal lives. In the name of the Lord, Jesus Christ, our Savior. Amen.

The members stood at attention during the playing of the National Anthem by the Scarborough High School band.

The journal of the previous session was read and approved.

Papers from the Senate

The Following Joint Order, An Expression of Legislative Sentiment recognizing that:

Norman and Margaret Deschaine of Millinocket are celebrating this, their 40th anniversary of their marriage. (S. P. 532)

Came from the Senate Read and Passed.

In the House, was read and passed in concurrence.

The Following Joint Order, An Expression of Legislative Sentiment recognizing that:

Paul Forrester, Jr., who has long been associated with the forest products industry, has recently celebrated his 75th birthday. (S. P. 533)

Came from the Senate Read and Passed.

In the House, was read and passed in concurrence.

The Following Joint Order, An Expression of Legislative Sentiment recognizing that:

JoAnna Green of Harpswell, defeated 5 competitors from throughout New England to win the Girls 12 and Under Tennis Title at the Pilgrim Championships at Kingston, Massachusetts. (S. P. 534)

Came from the Senate Read and Passed.

In the House, was read and passed in concurrence.

The Following Joint Order, An Expression of Legislative Sentiment recognizing that:

Tara Geelhoed, a senior at Freeport High School, has been selected from among 6 finalists to receive a \$1,000 award from The Thomas Alva Edison Foundation. (S. P. 535)

Came from the Senate Read and Passed.

In the House, was Read and Passed in concurrence.

Reports of Committees

Ought Not to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act Relating to Cost Reimbursement of Boarding Care Facilities under the Human Services' Laws" (S. P. 339) (L. D. 1000)

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on RESOLVE, to Reimburse the Town

of Eastbrook in the Amount of \$25,644.35 for Losses Caused by Excessive State Valuation (S. P. 35) (L. D. 23)

Report of the Committee on Local and County Government reporting "Ought Not to Pass" on Bill "An Act to Provide for a Decision by Municipal Electors on Municipal Spending Limits" (S. P. 483) (L. D. 1481)

Report of the Committee on Local and County Government reporting "Ought Not to Pass" on Bill "An Act to Increase the Stipend for the County Law Library at Rumford" (S. P. 126) (L. D. 252)

Report of the Committee on Local and County Government reporting "Ought Not to Pass" on Bill "An Act to Allow Item by Item Referendums on Proposed Town Charter Amendments Presented by a Municipal Charter Review Commission" (S. P. 221) (L. D. 605)

Were placed in the Legislative Files without further action pursuant to Joint Rule 22 in concurrence.

Leave to Withdraw

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act to Clarify Certain Definitions under the Real Estate Law" (S. P. 447) (L. D. 1368)

Report of the Committee on Energy and Natural Resources reporting "Leave to Withdraw" on Bill "An Act to Encourage Location of Certain Coastal Heavy Industry in the Portland, South Portland and Upper Penobscot Bay Area" (S. P. 471) (L. D. 1419)

Came from the Senate with the Reports Read and Accepted.

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

Divided Report

Majority Report of the Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-137) on Bill "An Act to Reimburse Municipalities for Expenses Incurred in Enforcing Statutes, Ordinances and Regulations Relating to the Operation or Use of Motor Vehicles Streets and Highways" (S. P. 183) (L. D. 413)

Report was signed by the following members:

Messrs. REDMOND of Somerset
COTE of Androscoggin
— of the Senate.
Mr. DRINKWATER of Belfast
Mrs. WENTWORTH of Wells
Messrs. NELSON of Roque Bluffs
BORDEAUX of Mount Desert
DUTREMBLE of Biddeford
LaPLANTE of Sabattus
BROWN of Livermore Falls
— of the House.

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

Report was signed by the following members:

Mr. EMERSON of Penobscot
— of the Senate.
Messrs. McMAHON of Kennebunk
STOVER of West Bath
McHENRY of Madawaska
— of the House.

Came from the Senate with the Minority "Ought Not to Pass" Report read and accepted.

In the House: Reports were read.

On motion of Mr. LaPlante of Sabattus, the Majority "Ought to Pass" Report was accepted in non-concurrence and the Bill read once. Committee Amendment "A" (S-137) was read by the Clerk and adopted and the Bill was assigned for second reading tomorrow.

Non-Concurrent Matter

Bill, "An Act to Provide for Consistent Hours of Operation by State Retail and Agency Liquor Stores" (Emergency) (S. P. 293) (L. D. 854) which Failed of Passage to be Enacted in the House on May 1, 1979.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-117) and Senate Amendment "A" (S-141) in non-concurrence.

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

Non-Concurrent Matter

Bill, "An Act to Prohibit the Gathering of Signatures Within 250 feet of the Entrance to a Polling Place and Within any Registrar's Office" (H. P. 174) (L. D. 208) which was passed to be engrossed as amended by House Amendment "A" (H-257) in the House on April 25, 1979.

Came from the Senate with the Bill and Papers Indefinitely Postponed in non-concurrence.

In the House:

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

Mr. LIZOTTE: Mr. Speaker, I move the House adhere.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker and Members of the House: I move that the House Recede and Concur.

The SPEAKER: The gentlewoman from South Portland, Ms. Benoit, moves that the House Recede and Concur.

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

Mr. LIZOTTE: Mr. Speaker, I would request a division.

The SPEAKER: The pending question is on the motion of the gentlewoman from South Portland, Ms. Benoit, that the House recede and concur. All those in favor will vote yes: those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Lizotte of Biddeford 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 pending question is on the motion of the gentlewoman from South Portland, Ms. Benoit, that the House recede and concur. All those in favor will vote yes: those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Birt, Blodgett, Bordeaux, Brennerman, Brown, D.: Brown, K. L.; Brown, K.C.; Bunker, Carroll, Carter, F.: Cloutier, Connolly, Cox, Cunningham, Curtis, Davies, Davis, Diamond, Dow, Elias, Fillmore, Fowlie, Garsoe, Gould, Hall, Huber, Hughes, Hutchings, Immonen, Jalbert, Joyce, Kany, Kiesman, Laffin, Leighton, Lewis, Locke, Lougee, MacBride, MacEachern, Masterton, Maxwell, McHenry, McPherson, Mitchell, Nelson, M.; Nelson, N.; Payne, Peltier, Peterson, Prescott, Reeves, J.; Reeves, P.: Rollins, Sewall, Sherburne, Silsby, Stetson, Strout, Studley, Tarbell, Tierney, Torrey, Tozier, Twitchell, Vose, Wyman.

NAY — Berube, Boudreau, Brannigan, Brodeur, Brown, A.; Call, Carrier, Chonko, Churchill, Damren, Dellert, Dexter, Doukas, Drinkwater, Dutremble, D.; Dutremble, L.: Fenlason, Gavett, Gillis, Gowen, Gray, Gwadosky, Hanson, Hickey, Higgins, Hunter, Jackson, Jacques, P.; Kelleher, Lancaster, LaPlante, Lizotte, Lowe, Lund, Mahany, Marshall, Martin, A.; Masterman, Matthews, McKean, McSweeney, Morton, Nadeau, Nelson, A.; Paradis, Paul, Pearson, Rolde, Roope, Simon, Smith, Soulas, Sprowl, Stover, Theriault, Tuttle, Vincent, Violette, Went-

worth, Whittemore, Wood.

ABSENT — Bowden, Carter, D.; Conary, Dudley, Hobbins, Howe, Jacques, E.; Kane, Leonard, McMahon, Michael, Norris, Post, Small.

Yes, 75; No, 61; Absent, 14.

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

Non-Concurrent Matter

Bill "An Act to Allow the Evaluation of the Existing Toll Facilities on the Maine Turnpike" (H. P. 533) (L. D. 654) which was passed to be engrossed in the House on April 27, 1979.

Came from the Senate with the Bills and Papers Recommended to the Committee on Transportation in non-concurrence.

In the House: The House voted to Recede and Concur.

Orders

An Expression of Legislative Sentiment (H. P. 1367) recognizing that:

The Maine Coast Memorial Hospital at Ellsworth has received special recognition from the Joint Commission on Accreditation of Hospitals for demonstrating a high quality of patient care while mindful of the need to contain health care costs and its accountability to the patients and community it serves.

Presented by Mr. Silsby of Ellsworth (Cosponsor: Mr. Bunker of Gouldsboro)

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

An Expression of Legislative Sentiment (H. P. 1368) recognizing that:

Harry E. Cummings of Portland has been recognized as the Regional Citizen of the Year by the Greater Portland Council of Governments.

Presented by Mrs. Beaulieu of Portland.

The Order was Read.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: The words, as printed on your calendar, has made all citizens of Portland very proud of and for Mr. Cummings. This award comes on top of several others he has received since becoming active in local and regional affairs more than 25 years ago.

Our newspapers tell us that Mr. Cummings is 75 years old, but, believe me, in his case, age is only a condition of the body and not of the mind.

Harry is now Chairman of the Regional Planning Commission, Chairman of the I-95 Review Committee and a member of the 9-11 Study Committee, which is an emergency number that has just gone into effect in the City of Portland. He has served our city extraordinarily well and the state. He has served the Portland Planning Board for 25 years and is now vice-chairman of that board. In 1954, he was coordinator of the communications for the Cumberland County Civil Defense and in 1959 served a term on the State Board of Education.

Mr. Cummings has been instrumental in the construction of many buildings in our city, the municipal parking garage, the Portland police station, several fire stations, the Reiche School, a proponent of the Westbrook Arterial, and I served with him on the Portland Regional Vocational Center Building Committee. In 1974, Harry was presented a distinguished service award by the Portland Kiwanis Club and he also serves now as Chairman of the Board of Registration for Professional Engineers.

In August of 1977, in my district, a neighborhood center on Munjoy Hill was named for him and dedicated to him. I am proud of the fact I had something to do with that. When the planning board voted to allow just monies to get architectural drawings, I went around my

neighborhood and collected signatures to make sure the building would be named after Mr. Cummings. I received a polite letter from our Mayor saying, since we don't even know what the building will look like yet, we will put your petitions on file. When the foundation was put up for the center, I reminded city hall again, when the roof went up, I reminded them again, and finally I got a call from city hall saying the center will be named after Mr. Cummings for two reasons, one to shut you all up and, secondly, he deserves it.

In short, I would guess by now that you all know that I and my fellow legislators are most proud of Mr. Cummings.

Mr. Speaker, I would ask you to introduce him to us so that we might welcome him to this House. He is in the balcony.

The SPEAKER: The Chair would ask Mr. Cummings to please stand to accept the greeting of the Maine House. (Applause)

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

An Expression of Legislative Sentiment (H. P. 1370) recognizing that:

The Portland Area Branch of the National Association for the Advancement of Colored People, NAACP, which is continuously fighting to eliminate racial discrimination and segregation from all aspects of public life in America, was established on May 11, 1964, and is now celebrating its 15th anniversary.

Presented by Mr. Connolly of Portland (Cosponsor: Senator Najarian of Cumberland)

Was read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 1369) recognizing that:

The Scarborough Public Library has served readers of that community for over 75 years.

Presented by Mr. Higgins of Scarborough (Cosponsor: Ms. Benoit of South Portland)

Was read and passed and sent up for concurrence.

House Reports of Committees

Ought Not to Pass

Mrs. Locke from the Committee on Education on Bill "An Act Relating to Reimbursements to Nonpublic Schools for Transportation" (H. P. 37) (L. D. 48) reporting "Ought Not to Pass"

Mrs. Gowen from the Committee on Education on Bill "An Act to Establish an Energy Efficient School Year" (H. P. 1079) (L. D. 1340) reporting "Ought Not to Pass"

Mrs. Wentworth from the Committee on Local and County Government on Bill "An Act to Bring the Definition and Use of Local 'Comprehensive Plan' into Conformity with Local Planning Requirements" (H. P. 828) (L. D. 1029) reporting "Ought Not to Pass"

Mr. L. Dutremble from the Committee on Local and County Government on Bill "An Act Concerning Interdepartmental Transfers of Appropriated Funds by a County and Concerning other County Budget Items" (H. P. 833) (L. D. 1040) reporting "Ought Not to Pass"

Mr. Vose from the Committee on Public Utilities on Bill "An Act to Require Periodic Management Audits of All Public Utilities." (H. P. 633) (L. D. 784) reporting "Ought Not to Pass"

Mr. Drinkwater from the Committee on Local and County Government on Bill "An Act to Provide Voter Approval of County Budgets" (H. P. 609) (L. D. 753) reporting "Ought Not to Pass"

Mr. Brown from the Committee on Local and County Government on Bill "An Act to Increase from \$7,000 to \$12,000 the Annual State Payment for the Support of the Hancock County Law Library" (H. P. 319) (L. D. 417) reporting "Ought Not to Pass"

Mr. L. Dutremble from the Committee on Local and County Government on Bill "An Act to Amend Comprehensive Planning Enabling

Legislation" (H. P. 1192) (L. D. 1460) reporting "Ought Not to Pass"

Mr. Howe from the Committee on Business Legislation on Bill "An Act to Provide Security Deposits or Bonding of Businesses in the State which Warrant Consumer Goods and Services" (H. P. 1020) (L. D. 1287) reporting "Ought Not to Pass"

Mr. Lowe from the Committee on Public Utilities on Bill "An Act to Prohibit the Minimum Charge on Unused Buildings by Electric Power Companies" (H. P. 1098) (L. D. 1346) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 22, and sent up for concurrence.

Leave to Withdraw

Mr. Brenerman from the Committee on Health and Institutional Services on Bill "An Act to Establish the Legal Rights of Hospital Patients Without Jeopardizing their Right to Care or Treatment" (H. P. 93) (L. D. 104) reporting "Leave to Withdraw"

Mr. McMahon from the Committee on Local and County Government on Bill "An Act to Eliminate the Office of York County Treasurer" (H. P. 1032) (L. D. 1281) reporting "Leave to Withdraw"

Mr. Lowe from the Committee on Aging, Retirement and Veterans on Bill "An Act to Allow a Maximum of 25 Years Service Prior to 1942 for Computation of Teachers Retirement Benefits" (H. P. 989) (L. D. 1226) reporting "Leave to Withdraw"

Mr. Wyman from the Committee on Labor on Bill "An Act to Provide for Service Fees for Nonmembers Represented by Collective Bargaining Agents" (H. P. 893) (L. D. 1115) reporting "Leave to Withdraw"

Mr. Wyman from the Committee on Labor on Bill "An Act to Permit the Negotiation of Union Security Clauses in Contracts between the State and Bargaining Agents of State Employees" (H. P. 468) (L. D. 597) reporting "Leave to Withdraw"

Mr. Fenlason from the Committee on Education on Bill "An Act Relating to Education in Nutrition" (H. P. 1267) (L. D. 1506) reporting "Leave to Withdraw"

Mr. Rolde from the Committee on Education on Bill "An Act to Provide for Reimbursement as School-related Costs for the Expenditures by Municipalities for Snow Removal Along Designated School Walking Routes for Pedestrian Students" (H. P. 1184) (L. D. 1457) reporting "Leave to Withdraw"

Mr. Leighton from the Committee on Education on Bill "An Act to Provide for Voting by Secret Ballot on School Budgets" (H. P. 1004) (L. D. 1238) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Brown of Mexico,
Recessed until the sound of the gong.

After Recess

11:00 A.M.

The House was called to order by the Speaker.

Divided Report

Majority Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-333) on Bill "An Act to Establish a Voluntary and Certification Program for Installers of Solar Energy Equipment in Maine" (H. P. 872) (L. D. 1077)

Report was signed by the following members:

Mr. McBREAIRTY of Aroostook
— of the Senate.
Messrs. DOUKAS of Portland
DEXTER of Kingfield

Mrs. HALL of Sangerville
 HUBER of Falmouth
 Messrs. KIESMAN of Fryeburg
 PELTIER of Houlton
 BLODGETT of Waldoboro
 MICHAEL of Auburn

— of the House.

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

Report was signed by the following members:

Mr. O'LEARY of Oxford

— of the Senate.

Mr. AUSTIN of Bingham

— of the House.

Reports were read.

On motion of Mr. Blodgett of Waldoboro, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-333) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" on Bill "An Act to Establish Minimum Warranties for the Sale and Installation of Solar Energy Equipment in Maine" (H. P. 871) (L. D. 1076)

Report was signed by the following members:

Mr. McBREAIRTY of Aroostook

— of the Senate.

Messrs. DEXTER of Kingfield

BLODGETT of Waldoboro

DOUKAS of Portland

HALL of Sangerville

KIESMAN of Fryeburg

MICHAEL of Auburn

Mrs. HUBER of Falmouth

Messrs. PELTIER of Houlton

AUSTIN of Bingham — of the House.

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

Report was signed by the following members:

Mr. O'LEARY of Oxford

— of the Senate.

Reports were read.

On motion of Mr. Blodgett of Waldoboro, the Majority "Ought to Pass" Report was accepted, and the Bill read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Protect the Right of Employees to Freely Decide whether to Support Labor Organizations" (H. P. 818) (L. D. 1020)

Report was signed by the following members:

Mr. PRAY of Penobscot

— of the Senate.

Mr. McHENRY of Madawaska

Mrs. BEAULIEU of Portland

MARTIN of Brunswick

Messrs. BAKER of Portland

WYMAN of Pittsfield

TUTTLE of Sanford

— of the House.

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

Report was signed by the following members:

Messrs. LOVELL of York

SUTTON of Oxford

— of the Senate.

Mr. CUNNINGHAM of New Gloucester

Mrs. LEWIS of Auburn

Messrs. FILLMORE of Freeport

DEXTER of Kingfield

— of the House.

Reports were read.

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

Mr. WYMAN: Mr. Speaker, I move that this Bill and all its accompanying papers be indefinitely postponed, and I ask that when the vote is taken, it be taken by the yeas and nays.

The SPEAKER: The gentleman from Pittsfield, Mr. Wyman, moves that this bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I feel very strongly about this bill. I hope you won't indefinitely postpone it. The real reason that I feel the politicians support people to pay tribute to the union is the great union influence on the State Governor and on the Legislature. The fact that unions have such great influence in state government in a state such as Maine is strange.

I have had lots of experience with unions, started in when I was 38 years old. I was working for a company, I worked a month and they told me I had to join the union. At 38 years old, I didn't have to do anything I didn't want to do, so I worked one other week and got fired. Then I went to work for a company where I didn't have to join the union. I worked there 7 months and I was dissatisfied with my shop steward, so I went up and joined the union and got elected shop steward, and then I found a lot of people who were dissatisfied with me. I continued to be a member of that union for 24 years. Sometimes I found things that I didn't like about it, one was a strike that we had. It was a strike that the union wanted, the union leaders wanted. I don't think the people who worked there wanted this strike. We struck for six weeks and I was told to go on the picket line, which I did not do. I went down in the woods and cut wood during that time with two of my sons who worked there.

I have numerous letters from people in my area who were for the right-to-work law. I believe in it very strongly. I was down here as a lobbyist in the sixties and I was able to convince one legislator that he should vote with me.

I hope you will not accept the motion to indefinitely postpone.

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

Mr. TUTTLE: Mr. Speaker, Ladies and Gentlemen of the House: Normally, as a member of the Labor Committee, in trying to be as objective as possible, I do not speak on labor bills before this body unless certain questions arise. But because of this and the present circumstances and severity of this particular piece of legislation, in all good conscience, I must speak on this issue.

Having been a member of both union and management, and having been involved with contracts with both management and labor, I feel that the radical approach of this type of legislation is a prime example of mismatching problem and solution. I feel that the next five years may very well be the most important years in the history of labor and management relations in this state, as well as in the country, but the right to work approach is not the answer.

Labor is a very tough subject to be objective about. It seems that either you are pro-labor or pro-management. Unfortunately, in most cases there is no compromise, but I feel that in the future both sides will have to give and take if any progress is to be made in this area.

I have some very strong feelings of my own about "right to work". First of all, the title is extremely misleading. I believe everyone, of course, wants to support a person's "right to work", but beneath the rhetoric, it historically has been proved that the "right to work" movement is a deliberate and extremely well-financed campaign to weaken or even destroy the effectiveness of labor unions.

Permit me to share with you some of my reasons for opposing this legislation. The right-to-work bill, I believe, has actually been misnamed and, therefore, many very sincere and honest people are being misled into believing that this proposal is something which it is not. Every willing and able individual in this country should have the opportunity to hold a decent and rewarding job—that is beyond dispute. Individual freedom has much to do with economic freedom, and economic freedom can only be obtained when our people not only have the full and rightful opportunity to work, but when that work yields an adequate, satisfactory and encouraging income. But right to work will only limit economic freedom.

As you may know, the question of a union shop or non-union shop in a particular industry is decided by an election of the workers, held under auspices of the National Labor Relations Board. If a majority of the workers vote for a union, then the plant is unionized. If not, the plant is not organized. Right-to-work says, in effect, that in cases where a majority voted for a union, the minority has a right to ignore the results of the election. This is similar to, in my mind, saying that when we pass a law in the legislature by majority vote, the minority has a right not to obey it.

Organized labor in this country is largely responsible for the United States enjoying the highest standard of living anywhere in the world. Certainly unions, especially large ones, have suffered from corruption, mismanagement and unresponsiveness, so have business and government, and no one is advocating that they be abolished or weakened.

Right-to-work legislation, if passed, will serve to undermine and eventually destroy democratic unionism and the protection it offers to working people of this state. If you believe, as I do, that the working men and women of this country are entitled to the right of organizing and associating together for their common welfare, then hopefully you will reconsider your support of this bill. Here are a few additional factors you may want to consider.

No union has ever been "forced" on any worker. Workers decide if they want to be represented by a union in a free election. Employees, under the present law, are permitted to vote the union out of existence at any time a majority so chooses.

Once a union has been officially elected under present law, it is bound to represent all employees whether or not they belong to that union. Employees who refuse to join the union and support the cost of collective bargaining through dues and still reap the benefits which the union secures, are not paying their fair share.

Since the overwhelming majority of contracts negotiated by unions in Maine all an employee to choose whether or not he or she wants to join the union, any right-to-work legislation would represent a totally inappropriate and unnecessary change in the law.

Let's take another question. Should labor unions be weakened or have their effectiveness destroyed? Have they grown too powerful, too corrupt, too insensitive to the needs of the general American public? My answer is no.

I will be happy to take our American unions, for all their problems, but dedicated to improving our American economic system, and if there are union abuses, I would prefer to work on them individually rather than to adopt the right-to-work approach, which is really an attempt to go back to the conditions that existed before the Great Depression and that which materially contributed to it.

Mr. Speaker, in closing, on a personal note, as a young boy my grandfather used to talk to me and tell me how it used to be before there was organized labor in this State. Back in the 1920's, before the first depression, he used to go down to the millgate in the morning never

knowing whether he would work that day. Having five children to support, it was quite difficult to survive in those early days. The boss used to say to him, you, you and you will work and the rest of you can go home.

As a man and as a legislator, I pledge this will never happen again, and I hope you concur with me and vote for the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Leighton.

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to speak of liberty. I speak not as a partisan; not as a conservative; not as a liberal; not as someone who is anti-union; not as someone who is pro union; I speak as someone who is concerned with the imperfect state of our liberty as it exists in those states which have not yet enacted right-to-work laws. In particular, I speak of Maine where our liberty will not be complete so long as one person's employment is conditioned upon his or her membership in a labor union.

I would like to be a friend of unions. I am not one of those who blame unions for all our woes. For example, I don't subscribe to the theory that the prime cause of inflation is union activity. Most responsible economists agree that salaries and wages lag behind other costs in an inflating economy, and that demands for increased wages and strikes are the legitimate and indeed the inevitable federal presses printing ever-increasing amounts of funny money to finance the federal deficit.

It is on the issue of compulsion that I part company with many union leaders, that is, forced unionism, the union or agency shop. So would have Samuel Gompers, the father of the American Labor Movement, who had these words to say at his last AFL convention, and I quote:

"I want to urge devotion of the fundamentals of human liberty, the principles of voluntarism, no lasting gain has ever come from compulsion. If we seek to force, we but tear apart that which united is invincible. I want to say to you, men and women of the American Labor Movement, do not reject the cornerstone upon which labor's structure has been building but base your all upon voluntary principles in illumining your every problem by consecrated devotion to that highest of all purposes, human well-being in the fullest, widest, deepest sense."

Another vocal proponent of the right-to-work concept is former U.S. Senator Sam Irving of North Carolina. He had this to say: "In the last analysis, compulsory unionism is based upon the startling proposition that the right-to-work is a right which the union may sell and which the individual must buy if he is to be permitted to earn daily bread for himself and his family."

There will be many issues raised in this debate, but they are all pale in significance to the overriding issue of individual liberty. The central question is whether we can allow dilution or compromise of our individual liberty in the interest of union security. After all, a union security agreement or agency shop is essentially a contract between an employer and a union that abrogates certain rights previously held by the employees, and very basic rights at that.

Indeed, I submit that the only reason the "right-to-work" was not included by the founding fathers in the original "Bill of Rights" was because they had no unions at the time at least as we know them today.

I quote U.S. Supreme Court Justice Robert Jackson when I say: "that the very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitude of political controversy to place them as legal principles to be applied by the courts. One's right to life, liberty and property, to free speech or free press, freedom of worship and assembly and other fundamental rights may not be submitted to vote. They depend upon the outcome of new

elections." Can we say less of the right to work?

Union bosses say that a union security agreement or agency shop that prevents free riders; that maintains discipline through compulsion; that insures sufficient dues income to finance union activities are the essential ingredients for a strong union. The fact is that unions have increased in numbers and in economic power in recent years as voluntary organizations, and under favoring national and state laws, they have no need to compel unwilling workers to join and pay them dues.

Indeed, there is reason to believe that the most successful unions are those unions that are most responsive to the needs, problems and aspirations of their members, and not necessarily the unions that have concluded iron-clad union security agreements with employers.

By way of example, here in Maine, which unions strikes you as the most successful in attracting members? Would you say the MTA would be one? It sure would; the MTA has signed up approximately 95 percent of the elementary and secondary teachers in Maine, and yet they have no union shop or agency shop, no significant "free rider" problem, and no compulsion, it's voluntary; let's keep it that way!

In the 20 states that have enacted right-to-work laws, over 3,000,000 voluntary union members are working side by side with over 3,000,000 non-union employees. They have created a greater level of economic prosperity for workers, employers, and consumers than is found in the other 30 states whether measured in terms of new jobs, unemployment, labor-management friction; real income for individuals or what have you?

In conclusion, I must return to the overriding issue; all else is secondary. We must not be diverted; liberty must be affirmed, we must give the people of Maine the right-to-work.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: In every industrial contest, there are two parties, management and labor. Because labor temporarily has been focused in our eyes as an all powerful and unreasonable force, we say—let us cripple labor, let us cripple one of the parties.

I say that we are here to promote industrial peace and I want to say further that the adoption of this bill, would be a further disruption of the labor management relations for two reasons.

I do not want to dwell further on the point of the adoption of this repressive legislation would be a slap in the face of Maine labor, which would tend to create resentment and further disrupt the relations between labor and management, but my second point is that this variation of the union shop promotes industrial peace in and of itself.

As I said before, there are two parties in any industrial contest. Let us look at management. Is there anyone here who would suggest that any corporation in this country is not a closed shop? In order to take part in the management of a business that is a corporation, we must pay our dues, we must buy stock. When we have bought stock, we then vote for our board of directors. The board of directors represents the majority. Has there at any time been a suggestion that there should be two boards of directors, one representing the majority and the other the minority?

The majority rules and the majority is represented by the board of directors which represents industry in the contest with labor. The stockholders would deplore and we would deplore on behalf of the stockholders any suggestion that management should be divided along majority and minority lines.

In the same way, labor has an economic interest in the position in industry. In any given

industry, labor in that industry has worked years to obtain for the men and women who work in that industry certain rights which are now considered indispensable. When a new man or woman comes onto that job, is he or she to be allowed to be irresponsible and say, I am going to take the benefits of union labor but I refuse to join the union which made those benefits possible? When he or she goes onto that job, he and she, too, should be required to purchase their interest in those benefits by paying their union dues. When that person has become a member of the union, like the stockholder, he or she can vote for the board of directors, the union or the management within that union, and that union representing the majority then is on an equal footing with the board of directors of the stockholders. I say, then, we have two equal contestants in the industrial community. Let us not now cripple one so that the other may gain the upper hand.

The words I have just spoken are not my own, they are the words taken from a speech made on this very same House floor on April 2, 1947, by the Honorable Edmund S. Muskie. Those very same words are as true today as they were over 30 years ago, so I urge all of you to follow the great tradition of our state and vote for the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Leighton just said that our forefathers did not enact a union in their laws. Well, some of them should have. The way they treated their servants and slaves, it was no better than the factories, mills and the bosses of years ago. Maybe if they had, today's world would be a better place for the laborers to work and we wouldn't be here fighting with each other.

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

A vote of the House was taken, and more that 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 Monmouth, Mr. Davis.

Mr. DAVIS: Mr. Speaker, I would like to pair my vote with the gentleman from York, Mr. Rolde. If he were here, he would be voting yes; I would be voting no.

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

ROLL CALL

YEA — Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Boudreau, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.C.; Call, Carrier, Carroll, Carter, D.; Chonko, Churchill, Cloutier, Conary, Connolly, Cox, Davies, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Gowen, Gwadosky, Hall, Hickey, Howe, Huber, Hughes, Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, Laffin, Lancaster, LaPlante, Lizotte, Lowe, MacEachern, Mahany, Marshall, Martin, A.; Matthews, Maxwell, McHenry, McKean, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Norris, Paradis, Paul, Pearson, Prescott, Reeves, P.; Simon, Small, Soulas, Stover, Strout, Tarbell, Theriault, Tierney, Tuttle, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Berry, Blodgett, Bordeaux, Brown, K.L.; Bunker, Carter, F.; Cunningham, Curtis, Damren, Dellert, Dexter, Drinkwater, Dudley, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gray, Hanson, Higgins, Hunter, Hutchings, Immonen, Jack-

son, Kiesman, Leighton, Leonard, Lewis, Locke, Lougee, Lund, MacBride, Masterman, Masterton, Nelson, A.; Nelson, N.; Payne, Peltier, Peterson, Post, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Smith, Sprowl, Stetson, Studley, Torrey, Tozier, Twitchell, Wentworth, Whittemore.

ABSENT — Bowden, Fowlie, Hobbins, Jacques, E.; McMahon.

PAIRED — Davis-Rolde.

Yes, 85; No, 59; Absent, 5; Paired, 2.

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

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

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

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, having voted on the prevailing side now moves that the House reconsider its action whereby the bill and all its accompanying papers were indefinitely postponed.

Mr. Kelleher of Bangor requested a roll call.

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

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

The SPEAKER: The pending question before the House is on reconsideration.

The Chair recognizes the gentleman from Monmouth, Mr. Davis.

Mr. DAVIS: Mr. Speaker, I would like to pair my vote with the gentleman from York, Mr. Rolde. If he were here, he would be voting yes; I would be voting no.

The SPEAKER: The pending question before the House is on the motion of the gentleman from East Millinocket, Mr. Birt, that the House reconsider its action whereby the bill and all its accompanying papers were indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

YEA—Aloupis, Berry, Blodgett, Bordeaux, Brown, K.L.; Bunker, Carroll, Carter, F.; Cunningham, Curtis, Damren, Dellert, Dexter, Drinkwater, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gray, Hanson, Hunter, Hutchings, Immonen, Jackson, Kiesman, Leighton, Leonard, Lewis, Locke, Lougee, Lund, MacBride, Masterman, Nelson, A.; Nelson, N.; Payne, Peltier, Peterson, Post, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Smith, Sprowl, Stetson, Studley, Torrey, Tozier, Twitchell, Wentworth, Whittemore.

NAY—Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Boudreau, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, D.; Brown, K.C.; Call, Carrier, Carter, D.; Chonko, Churchill, Cloutier, Conary, Connelly, Cox, Davies, Diamond, Doukas, Dow, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Gould, Gowen, Gwadosky, Hall, Hickey, Higgins, Howe, Huber, Hughes, Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, Laffin, Lancaster, LaPlante, Lizotte, Lowe, MacEachern, Mahany, Marshall, Martin, A.; Masterton, Matthews, Maxwell, McHenry, McKean, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Norris, Paradis, Paul, Pearson, Prescott, Reeves, P.; Simon, Small, Soulas, Stover, Strout, Tarbell, Theriault, Tierney, Tuttle, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT—Bowden, Hobbins, Jacques, E.; McMahon.

PAIRED—Davis-Rolde.

Yes, 55; No, 90; Absent, 4; Paired, 2.

The SPEAKER: Fifty-five having voted in the affirmative and ninety in the negative, with

our being absent and two paired, the motion does not prevail.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-332) on Bill "An Act to Establish a Marijuana Therapeutic Research Program" (H. P. 523) (L. D. 665)

Report was signed by the following members:

Mr. CARPENTER of Aroostook
— of the Senate.
Mr. CLOUTIER of South Portland
Mrs. PAYNE of Portland
Messrs. BRODEUR of Auburn
VINCENT of Portland
BRENERMAN of Portland
NORRIS of Brewer

— of the House.

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

Report was signed by the following members:

Mrs. GILL of Cumberland
Mr. HICHENS of York
— of the Senate.
Mrs. PRESCOTT of Hampden
Mr. MATTHEWS of Caribou
Mrs. CURTIS of Milbridge
MacBRIDE of Presque Isle
— of the House.

Reports were read.

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

Mrs. PRESCOTT: Mr. Speaker, I move acceptance of the Minority "Ought Not to Pass" Report and would like to speak to my motion.

The SPEAKER: The gentleman from Hampden, Mrs. Prescott, moves that the Minority "Ought Not to Pass" Report be accepted.

The gentlewoman may proceed.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I ask you today to support my motion on this bill, "ought not to pass". I would like you to take it out, this L. D. 665. I would like you to look at the title of the bill. It reads, "An Act to Establish a Marijuana Therapeutic Research Program." Somehow or other, the research has been left out of the bill. It is misleading, I think it is misnamed as far as the title is concerned, because any research program, as we all know, carefully looks at the facts after an investigation has been made, and there has been no investigative research done to determine the extent of the problems in Maine and to determine how many chemotherapy or glaucoma patients wish to have this legislation passed.

Marijuana treatment should first be used experimentally in research and then outside if it is warranted. It is too early to announce that we have a major breakthrough.

In any research program, we must have a place for the research participants to go. Maine has no research institute and we are not working with a teaching-type hospital anywhere in this proposed legislation. How, then, are we going to be calling it a research program?

The federal government now classifies marijuana as a Schedule 1 drug. Drugs in this category are severely restricted and are defined as having no currently accepted medical uses. These Scheduled 1 drugs are available for research only.

The bill, as you see it here before you today, would bypass those federal procedures and loosen the controls of what I term a very potent drug. Drugs are normally approved for clinical uses by the FDA. Only they have the expertise to be sure that this drug has been properly analyzed and is free of all impurities. The Department of Human Services does not have the ability to analyze this drug and, in some cases,

it could be and probably would be contraband to be assured that the patient is not going to be receiving an unsafe drug. The federal government would standardize the dosage; the Department of Human Services cannot do that.

I would like to tell you a little bit about what the bill will do. It will set up a program whereby we will recycle contraband—that is, marijuana that has been confiscated. That is only if they can't get it from the federal government. And the reason the bill is in is because they say they can't get it from the federal government, so we would be dealing with the drugs that have been confiscated.

Then it would allow the commissioner to obtain the contraband from the law enforcement agencies. Then, to go a little bit further, it would permit the commissioner to designate distribution centers whereby the drug could be dispensed. These distribution centers are supposed to be state pharmacies or private pharmacies. If you are talking about a state pharmacy, you would be talking about on the grounds of the state mental institutions or, perhaps, you are talking about the grounds of the prison. I am not sure where the state pharmacies are located; those are the only ones I am aware of.

One thing I am concerned about is the department's ability to look at the drug, to test the drug, and to be assured that this is the drug that the patient and the doctor should use. We all know that the quality is different, the ingredients are different.

We don't know under what conditions contraband is grown, we don't know what pesticides have been used, we don't know how much THC is enough or how much THC is too little for the patient. Then, to top it all off, we are going to be giving the patient and the doctor and the commission and the department and the participation review board all immunity from dispensing and dealing in any way with this drug. I cannot accept that blanket immunity.

We know that marijuana varies greatly in its potency, depending upon the part of the plant that is used and the conditions under which it was grown. The effect that is produced is different, it varies differently among person to person, and I don't know how the department is supposed to know what dosage each different type of individual would or should be using. I say that the use is too casual and it is unacceptable to me.

Now, the proponents of this bill will tell you that their intention is to use this drug only for chemotherapy or glaucoma patients, but I would like to call your attention to an amendment which is ready in case this bill does reach second reading, and the amendment is H-342, which, down at the bottom of the first page, adds "All other patients whose participation is warranted by medical evidence." This could be anyone the doctor could claim needs to use marijuana. It could be someone with a migraine headache, a backache, asthma, I don't know what. But do you know what? I am afraid we are being too casual.

Finally, I think you should look at the participation review board that is being established in this bill. It has three members, an eye doctor, a cancer doctor and a psychiatrist. There are no consumers serving on the board, no glaucoma or chemotherapy patients and no general practitioners.

What will happen is that the physician will come to the board, get his approval to obtain the contraband and the board may never see the doctor again. He doesn't even have to report back to the board and he doesn't have to be evaluated, and he has immunity from all of this.

I think that the bill is totally unnecessary, because right now, under current law, federal law, a physician can already apply for permission to use marijuana. All he has to do is go to the federal drug agencies, and there are three, and he can contract with the FDA for a quality

drug. This bill, I feel, can be summed up in one word, and then I will sit down—that word is "avoidance".

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Leighton.

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I hope you don't get bored with me today, but I am not responsible for the scheduling.

This is my bill and I hope you don't go along with my good friend Representative Prescott. I hope you vote against her motion so that you can accept the Majority "Ought to Pass" Report.

Shortly after my election last fall, I got a call from my predecessor in office, Gail Tarr, whose husband, Charlie, was suffering from cancer and undergoing chemotherapy. She told me how marijuana could relieve nausea and vomiting in chemotherapy. She told me how chemotherapy patients sometimes literally vomited their guts out for days with no ability to eat. She told me that a number of states had passed laws permitting prescription of marijuana for chemotherapy patients and also for glaucoma patients. She asked me to file a bill so that Maine could have such a law.

Now, I am kind of a square. I have never smoked pot; I don't know what it looks like; I don't even know what it smells like. If you handed me some of it, I wouldn't know whether to smoke it or stick it in my ear, and I don't want any part of promoting its social use.

However, I decided that just because a drug is stigmatized by abuse in social use is no reason to ignore the good uses that it might be put to. Fire can burn our fingers, but fire also cooks our food and keeps us warm.

We managed to obtain copies of the laws that were passed in New Mexico, Florida, Louisiana and Illinois, and, incidentally, this year similar laws have been enacted by legislatures in West Virginia, Washington and Virginia, and an additional 25 other states are considering marijuana therapeutic legislation at this time.

We wanted our law to be simple, to create no large bureaucracy and to be at no cost to the taxpayers. It is pretty much patterned after the New Mexico law, with some slight changes that reflect the New Mexico experience. One of the New Mexico experiences was a difficulty in obtaining marijuana from the federal government and, for that reason, was written in the provision that confiscated marijuana, after being rid of any impurities, could be used.

Essentially, the law would establish a participation review board consisting of three physicians, an ophthalmologist, an oncologist and a psychiatrist, who would review practitioners for participation in the program and designate state and private pharmacies to participate in the program. There would be a \$25 application fee for practitioners that would finance the program.

Let me try to explain why state legislation is necessary: Theoretically, marijuana for medical research purposes is available in two ways. The federal license approach requires the cooperation of a physician who must apply for an Investigational New Drug application from the Food and Drug Administration. The second alternative is the passage of state legislation which legalizes access to marijuana through state regulated programs of research and medical treatment.

Under existing regulations, federal marijuana can only be released to the holder of an Investigational New Drug application. The IND is granted by the Food and Drug Administration.

The original intention of the IND was to exempt pharmaceutical companies from legal liabilities in interstate shipment of drugs not yet approved for marketing. The Food, Drug and Cosmetic Act prohibits the sale or interstate shipment of new drugs which have not demonstrated safety and efficacy. Yet, in order to test new drugs in controlled human ex-

perimentation, interstate drug shipment is needed. Thus, the IND serves a regulatory purpose, permitting interstate shipments and allowing the FDA to monitor New Drug developments.

Ordinarily, when a new drug is developed by a pharmaceutical company, only one IND is issued. The pharmaceutical company then becomes the sponsor of the new drug and contracts with various researchers throughout the country. These researchers become co-investigators and need not apply for an IND themselves. The pharmaceutical company, as sponsor, compiles the information collected by the co-investigators and uses that data to prove the drug's safety and efficacy to FDA.

In the United States today, the pharmaceutical industry is a multi-billion dollar enterprise. For an industry of this size, the IND process is not necessarily unreasonable nor overly complex. In the case of marijuana, however, there are several factors which complicate the IND process and retard marijuana's therapeutic development.

Marijuana is a plant, a natural substance. According to U.S. patent regulations, plants and all their natural components are unpatentable materials. Without patent protection no pharmaceutical company will invest the necessary capital to complete the FDA safety and efficacy requirements. Marijuana thus has no sponsor, and without pharmaceutical backing, chances are slim that any drug can pass the rigorous demands of FDA.

Without a pharmaceutical sponsor, each researcher using marijuana must apply for an IND. This subjects the researcher to more liabilities and paperwork than most care to obligate themselves to. In truth, the IND process applied to marijuana is unrealistic and overly complex.

Obviously, Maine physicians are not going through this complex application process to legally get marijuana and, yet, I've discovered and I am sure you all realize that Maine physicians are suggesting to chemotherapy patients that marijuana might be helpful, and I know chemotherapy parties that are using marijuana. Where do you suppose they are getting it? They are getting it on the street at exorbitant prices and with all kinds of dangerous impurities, and that is just what this bill is all about, to simply allow a state agency to obtain pure marijuana from the federal government for approved doctors to prescribe to only those patients who are undergoing cancer therapy or suffering from glaucoma and are in a life threatening or sense threatening situation and who are not responding to conventional treatment or who are suffering severe side effects even though conventional treatment is proving effective.

I thank you and I hope you vote against the pending motion.

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

Mrs. PAYNE: Mr. Speaker, Ladies and Gentlemen of the House: About 15 years ago, I attended a PTA meeting at the Deering High School in Portland of which the then chief of police announced that he was scrapping his planned talk and instead would tell us that marijuana had come to Portland. Many of us felt physically ill and my feelings towards social pot smoking are still the same.

This bill before us gives me no problems. This bill asks to put marijuana to good use, under careful control by both quality and disbursement. Applicants, both the patient and their physician are carefully screened and only carefully selected pharmacies can dispense the drugs.

There are many people undergoing chemotherapy to whom this drug would spell blessed relief and give them the incentive to continue the treatment. They must now commit an illegal act and must deal with criminals in order to get this drug. Is it fair to put that choice to

them?

Some people argue that this bill will be a foot in the door for marijuana to become legalized and readily available. It is readily available now and we all know it. The foot in the door is nonsense. I will bet that there is hardly anyone in this room who has not, at some time in their life, taken paragonic. We all had tummy aches when we were little, we had earaches and our mothers gave us paragonic. We have had codeine in cough medicines, we have had morphine, and every single one of these is derived from a far more deadly drug, opium, but it is legally controlled for medicinal purposes.

Physicians applying now for marijuana for their patients sometimes have to wait many months and it may be too late, the patient may no longer be around.

Think this over carefully before you vote. Would you want it available for your family or for yourself if tragically you needed it? Wouldn't you want it to be legal for you to receive it, prescribed by your doctor and dispensed by the state? Please vote against the motion for "Ought Not to Pass".

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

Mr. JALBERT: Mr. Speaker and Members of the House: First, I would like to make a motion that this bill and all its accompanying papers be indefinitely postponed and when the vote is taken, I would request the yeas and nays.

I was hoping the day would never come when I would make myself somewhat of a guinea pig on the floor of this House concerning my sicknesses.

In the last 12 years, unfortunately, I have spent 437 nights in the hospital. I had lung cancer at the age of 57, believe it or not: appendectomy; Herpes Zoster, which is painful enough to drive you to suicide. One doctor visited me and told me he came to visit me only because he wanted to ask me some questions about my illness. He is an excellent doctor from Portland and he told me that a patient of his, two days previously, had committed suicide. No amount of drugs will stop the pain. I have arthritis and paralysis of the spine; I have had a coronary, which has led me to angina; I was given bone marrow, which started me off on the way to leukemia, where my whites were swallowing my reds, and since that time, my whites are not only swallowing my red corpuscles but my whites are malignant.

Since that time, I was operated on and I knew the moment I woke up in my room the result of the operation as compared to one or two that lasted 10, 11 and 12 hours when this one lasted only one hour and a half. I knew what the results were and I got the results. I do have leukemia. Let me tell you about leukemia. Leukemia means that for 12 to 13 days you grab two pillows, go into the bathroom, lie down and wait, and then it comes like a flood. All you do is use the right or left hand, lie down again and wait and it comes. I am going to stand here and have somebody tell me or you that I don't know anything about marijuana — if somebody gave me a cigarette or a butt, I wouldn't know whether or not to stick it in my ear — yet, he would ask us to vote for this bill.

Somebody else will say, talk about pure marijuana — who is to decide what pure marijuana is? Somebody will say that a good, selected pharmacy will decide to dole out the marijuana dosage.

As I understand it from the good lady, Mrs. Prescott, the three on the board would be a cancer doctor, a psychiatrist and an eye doctor. I would like to know just what a psychiatrist and an eye doctor has to do with cancer — I forgot to mention that I have a touch of glaucoma myself — that comes with old age and I am getting there fast. I am going to stick to the one issue, marijuana.

I want to tell you just how much research they have done on it and how far they are and

how backwards they are.

God has made it possible for me to have been able to avail myself of probably the best cancer men in the world. I have discussed this with them. I know better than anyone else, with the unhappy and bad winter that I have had. I know that I have stood here when I could well be somewhere else. I know that I haven't been here, but I said I would be here in 25 or 30 minutes if I was needed.

Some three weeks ago, I was on chemotherapy. I got home from a meeting of the Appropriations Committee and come to find out, I showed a fever of 99 — minor — went to bed and in an hour, 102; in a half hour, ambulance, hospital, with an infection in my bronchial tubes. If they had continued then with chemotherapy, it could have well killed me. What would have happened to me if I had been given a dosage of marijuana on top of that?

Who is to decide what pure marijuana is? Who knows what pure marijuana is? I would like to find that individual. It could very well be growing out in your backyard or else it could be on the high seas now waiting for a younger, smaller ship to lug it in here and whose hands it winds up into and through whose hands it goes, lord only knows.

I knew the former Representative from Bridgton, Mrs. Tarr. I talked to her husband, I talked to her, I have talked to other people in this House whose spouses have had cancer. I chase people who have cancer. It is like being an alcoholic. I call these people at night and people call me with their problems and I call them with mine. The word 'marijuana' makes me cringe anyway because it was only about ten years ago that I put a bill in that anyone caught selling marijuana would be thrown in the can where they belong.

I wasn't elected to the legislature to practice medicine and I have been told by experts to let them do their thing and for me to do mine.

This bill is not only a bad bill, this is the most dangerous piece of legislation that I have ever seen come across my desk since I have been a member of this legislature in 1945.

No one knows the various types of cancer, no one knows what they do but, believe me, the individual that is on chemotherapy knows. The horrible pain and suffering that you go through is indescribable and I want to tell you what I think of it. I had a consultation with my number one cancer specialist and others and my words were these: unless a different method is brought about to treat me as far as chemotherapy is concerned, I want no more of it. The very next morning at the hospital, the doctor that many of you have heard me mention here who first operated on me came to visit me and said, "Louie, if you ever make that statement again, I want to know about it before you do. If you stop chemotherapy, you are dead in 30 days." Those are the words of a man that I have known, to grow affectionately as God on earth, who saved my life on three distinct and separate occasions.

I can well remember when I first came back here a year ago, and I think probably I could have held all the hair I had in my head right in my hand. Then all at once my hair grew back, started to curl. I start to lose it and it came back again. I see my friend on my left laughing. I am not going to say that somebody here might have been the cause of it. Anybody whose hair that wouldn't drop off or wouldn't turn gray after spending the winter here, there is something wrong with them anyway.

I have respect for the gentleman from Harrison, Mr. Leighton. I have listened to him very intently. He is a man who says what he believes in. He is a man whom I know, and I have done a little checking, he is a man of great integrity. In this particular instance, I respectfully take issue with him and anybody else who signed this report. The fact that somebody signs a report or the fact that I agree or disagree with him, doesn't have anything at all to do with my

personal feelings.

I have got to protect myself here today, if my constituents will excuse me for a couple of minutes, that is what I am doing. I am on chemotherapy. I am going to be on chemotherapy. I want no part of lousy marijuana tangled up with me or anybody else. All at once, we come up with a deal like this which, in my opinion, truly and honestly and respectfully reeks to high heaven.

I never heard, until this bill came up about the uses of marijuana. I know that there are those that say it has done some good. I haven't had a person come up to me this morning and say you know, this is good because after you take it, when you are through with chemotherapy, then you don't have nausea. In the first place, when you are through with chemotherapy, you don't have nausea, you have a let down feeling for two or three days. This is one time when I think maybe I might know what I am talking about. I got hit with it right between the eyes and when I got it, I was stunned. I am going to do everything in God's world, on God's earth if this bill should pass to see that this bill never becomes a law.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman who spoke just before me, Mr. Jalbert of Lewiston, is a gentleman that all of us have a great deal of respect for in this body. I don't think there is one of us that doesn't realize the suffering, the torment that he has gone through and the courage that he has exhibited. But, Mr. Speaker and Ladies and Gentlemen, I think, throughout the course of his remarks, the old adage that one man's medicine is another man's poison came through very clearly. There are few of us who have not felt the personal sorrow that occurs when we have to watch a loved one go through the agonizing side effects of chemotherapy associated with cancer.

My own father-in-law, former Representative Carl Kelley, who some of you may remember, I am sure that the gentleman from Lewiston does remember, and Mr. Kelley spoke very fondly of the gentleman from Lewiston, but my father-in-law went through those agonizing side effects and it was a very sad kind of thing to watch. I know in his situation that any port in the storm, when one reaches that point in his life, would prevail.

I was extremely pleased to be a cosponsor of this bill with the gentleman from Harrison, Mr. Leighton. I am very pleased to sponsor or cosponsor any type of legislation which I feel to be progressive kind of legislation.

Just to reiterate, please note that this bill refers primarily to cancer chemotherapy patients and glaucoma patients who are in a life-threatening or sense-threatening situation.

I have listened carefully to the debate and am amazed at the arguments put forth by the opponents.

If these arguments were valid, they would apply to all drugs, most tranquilizers and other necessary prescription drugs. Contrary to what the opponents may tell you, passage of this bill will not increase the street usage of marijuana any more than legalized codeine finds its way to the street from your local doctor's office or from the hospital shelves. Ladies and gentlemen, this bill is one that shows reason and compassion. It is compassion for those who suffer from the dreaded disease of cancer and glaucoma. It is obviously not a major breakthrough or a cure-all. It is simply a method of greatly reducing the suffering of those who are affected.

I ask you to join together in a piece of legislation that serves to, indeed, help those who are in need. I urge you to vote no on the motion for indefinite postponement.

The SPEAKER: The Chair recognizes the gentlewoman from Presque Isle, Mrs. MacBride.

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I signed the "Ought Not to Pass" report on this bill for a number of reasons. Most of those reasons are based on a personal experience in my own family. From that experience, I would have done anything in the world that was constructive that would have given relief to that person involved. However, after listening to the hearing and the testimony that was presented on that day, I felt that there are too few facts known as yet. Before any drug is prescribed, we should know a little bit more about it. I feel that too little has been determined on the side effects of marijuana, and we all know the problems that can result from side effects.

I feel, too, that smoking of any kind is habit forming, as we all know. Could not a cancer patient have a remission from his cancer only to find that he was dependent on marijuana. I think that he has enough problems without having to worry about that. Furthermore, the level of intoxication from marijuana has not been determined yet. I don't believe there are any tests for that such as you would have with the breath test on alcohol. A cancer patient on chemotherapy, once the initial dreadful stages of that have passed, could be driving a car, what could he do to himself and what could he do to someone else?

Lastly, I do feel this is a further step in legalizing marijuana for everyone. Our youth today are having problems enough as it is without us further complicating. Ladies and Gentlemen, I do hope you vote for the indefinite postponement of this bill.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I think now we should look at this bill and see truly how it is. When I first read the bill, I said, it is fatal. There is no fiscal note on the bill, because in my way of reasoning, I felt there should be a fiscal note of \$150,000 for the sole purpose of buying those white canes, when everybody claims they have glaucoma, so they can get on the weed.

But today, instead of raising that issue, I love the State of Maine and you good people. I know, love the State of Maine. I want to take you today on a little journey. Let's take a trip up to Lynchville. Now, if you don't know where Lynchville is, it is down in Albany Township, over near Norway. Now I would like you to stop there because Maine's famous sign posts is in Lynchville, it is at the junction of 5 and 35. That is where we find the sign that will say Norway, 14 miles; Paris, 15 miles; Denmark, 23 miles; Naples, Sweden, Poland, Mexico, Peru and China. What a beautiful token for the State of Maine. I now am concerned that that sign might not survive with bills like the one that is before you now. I can vision here in Augusta or up near the valley or down in the Gold Coast of York County, I can vision that new sign put there by the Department of Transportation, how would that sign read? Let me tell you: Cannabis Cove, 14 miles; Pot Mountain, 34 miles; Euphoric Islands, 72 miles; Hashish Heights, 17 miles; Marijuana Lake, 37 miles; Acapulco Gold Coast, 41 miles; Mary Jane Lane, 8 miles.

Yes, over the last three sessions, my friends, the beloved apostles of pot, have tried and they are interested in this one, they are interested in making Maine the pot capital of the world. I said that three terms ago here and since then, you people know what happened. Those boats along the Maine coast, that money that was spread through here, it didn't take long, but we don't want that. What do we want for Maine? I think what our people, what you and I deserve for Maine, is what Andrew Wyeth gave to us. You recall that picture of the farmhouse on the hill and Christina, that cripple girl was crawling up the hill, yes, "Christina's World." Do we want, in a few years, to have that work redone by a local artist and between Christina and that

farmhouse, do we want that hill laden with pot, marijuana or anyone of the 254 names that marijuana is known by?

Yes, I read that amendment today and I am sure we have friends here who would volunteer to grow the stuff for them. Yes, we have them in front of me, in back of me and beside me. They want to recycle pot. Well, you know, I told you before, the most convincing looking substitute for marijuana is dried out horse manure when you put it in a plastic sandwich bag. They are going to recycle that. Hay — should be the Wizard of Oz.

Yes, I want for you people and for myself, for your people back home and for my people, I want a good State of Maine. I don't want someone to stop me on the street and ask me how many miles to Cannabis Cove. I urge that you vote to indefinitely postpone this bill and all its accompanying papers.

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

Mr. BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: We certainly appreciate, indeed, at times the humor that has just been given to us by my fellow representative from Portland. However, this is a very serious matter, as other members of this House have brought to us their own personal experiences and the experiences of others.

I was glad to be a cosponsor of this Bill. I, both in my prior capacity and in my present capacity in working in the area of mental health and working in the pastoral area, have been very involved with those who have been ill, those who have suffered both the loss of their sight and the loss of their physical functioning due to cancer. I also was someone who knew Gail Tarr well as a community leader where I worked in the past. For these reasons, I definitely wish to be a supporter of this bill as a cosponsor and as a speaker. I urge you, ladies and gentlemen, to take this bill very seriously and to assist those who are in the throes of terrible human suffering.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Leighton.

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I understand the concerns that have been expressed here; these were my same concerns.

Again, I don't want to promote the social use of marijuana. I have here in front of me a very lengthy report that had to be submitted by the Health and Environment Department of the State of New Mexico to the Governor in the 34th Legislature on the anniversary of their first year involved in their program. This is very revealing. First of all, it took them almost a year to get the necessary approvals from the federal government. At this point, the federal government has only approved the chemotherapy portion of the bill. The federal government has also laid down very strict reporting requirements so they can develop the statistics that we are talking about.

So far, there have been 12 applicants in the course of a year. 12 applicants of whom six have been accepted for the program. So, when you think in terms of hundreds and hundreds of people out on the street getting marijuana, let's take a look at New Mexico's experience. It is all summed up here. I would read it to you but it would take forever and the debate has probably already gone too long. Their experience has been very good, it has been very conservative and very constructive.

The idea of there being no nausea and vomiting associated with chemotherapy, my good Lord, I hope you don't believe that. There are people that go as long as two weeks continuously vomiting, with no way of eating.

In response to my good friend Representative MacBride's concerns about side effects, these are very proper concerns outside of the area that we are talking about. A chemotherapy patient isn't really too concerned with side effects that might develop 20 years down the

road, he is concerned about his horrible suffering.

Again, I urge your support of the bill.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Harrison, Mr. Leighton, talks about that, please don't think that you don't have any nausea with chemotherapy, of course you do. I said, and I didn't hear anybody else say anything any differently, that the nausea leaves you after you get through with the period of chemotherapy. When you get through with it, sometimes it is for two weeks or sometimes it is for three weeks, sometimes five weeks, sometimes four weeks, at the most six weeks. I am saying, after you get through with it, you don't need it.

I think the argument that Mrs. MacBride used is a very good one. You can seriously, very well have some very bad marijuana. I want to know that the side effects of that would be. When you go to a good hospital, and they are all good hospitals, they take a look at your name, your number and everything else before they give you any drugs. I am told to take four different tablets, I have two of them right here in my pocket that I use for certain types of pain that I have. I don't want to take them because they are a drug.

Now, so far as the gentleman from Livermore Falls, Mr. Brown, I knew Carl Kelley. I knew him as a close, personal friend. I felt the same way about him as he did about me. I will guarantee anyone one thing right now, I question whether or not he would have subjected himself to that. I have talked to him. I have known him probably as long or longer than the gentleman from Livermore Falls, Mr. Brown, knew him.

I am not particularly interested in getting myself tangled up with New Mexico. If you want to check the record of 60 Minutes a couple of weeks ago, you would find out what the traffic in marijuana is coming through New Mexico. I can guarantee you one thing right now—we could pass the Homestead Act and we could pass a lot of things if we had a little cut of that take.

We are talking about people getting up and saying "as one who works with patients." We are talking now about some of those who have this dreadful disease. If you tried it, you might not like it.

I repeat myself. I am not talking for my constituents now, I am speaking for myself. I am not going to get on my knees, but if I had to, I would to ask you to vote against this measure.

The SPEAKER: The Chair recognizes the gentleman from Milbridge, Mrs. Curtis.

Mrs. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: As a member of a committee and a signer of the "ought not to pass" report, I was torn two ways in deciding which way to sign and faced with a difficult decision. On the one hand, should I vote to deny those people who might possibly benefit from this drug or, on the other hand, should I vote for a dangerous substance that after all is said and done is still a drug with so many unanswered questions about it. After weighing all the evidence I heard, I decided to sign the "ought not to pass" report.

Several medical practitioners have expressed their concern about using marijuana in this way. There are other medications that are effective. I think that all too often we jump into situations and vote for things such as using this drug without thinking about the consequences or effects.

I urge you to vote to indefinitely postpone this bill.

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

Mr. HUGHES: Mr. Speaker and Members of the House: I am not going to talk much because we have had a long, and I think useful, debate

on this subject, but I simply recall to you the words of the gentleman from Lewiston, Mr. Jalbert, who said, "I wasn't elected to the legislature to practice medicine." I think that is what some of this debate has been talking about.

Is marijuana a good treatment for a specific patient? Well, for some it is and for some it isn't. The evidence has been clear that in some cases of cancer therapy patients and some cases of glaucoma, they do respond to marijuana treatment and, indeed, in some cases they respond to only marijuana treatment. That is a fact and it is an undisputed fact at this point that has caused two federal courts to order the government to provide marijuana for patients who were responding to no other treatment. The courts said in its basic decision that the government simply has no right to deny life and sight sustaining drugs to people who have a need for them. I think that is what is before us today.

I think if you have heard the very eloquent testimony of Mr. Jalbert and others about the terrible side effects of this cancer therapy, then I think you ought to consider that if there is one doctor out there who feels that he has one patient for whom this might be the only treatment either to save his sight in the case of glaucoma, or to allow him to keep meals down in the case of cancer therapy, this legislature ought not to practice medicine and deny to that person the chance to get that kind of treatment.

I ask you to vote indefinite postponement of this bill so we can then get to the motion to accept the Majority "Ought to Pass" Report on this legislation.

Mr. Jalbert of Lewiston was granted permission to speak a third time.

Mr. JALBERT: Mr. Speaker and Members of the House: I am sorry to get up, but when I hear the statement that if Mr. Jalbert had heard about the terrible side effects of chemotherapy, I might think differently—that in heck have I got to hear about it for—I have it. Can't you get that through your head?

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I will be as brief as I can. I heard the testimony on this bill and as you saw, I signed the "ought to pass" report. I had reservations because, frankly, to me this is like writing a prescription to buy beer. Marijuana is in our society and it is readily available. Unfortunately, there are some elderly people, some middle age people, who will not use it on the advice of their physicians, and there are physicians in this state that are prescribing it for these two uses. They will not do it as long as it is an illegal substance. So, given the fact that it is readily available to the people who want to use it illegally, I voted for this legislation.

As far as the impurities go, it is anything that would be prescribed would go to the state laboratory, and the chemist assured that they could make sure that it was free from any pesticides or poisons that might be transmitted that way.

I would close in reading, because we did try to type it up as tightly as we could so that there would be no question of it being available for any other use, and the prescription reads: "The practitioner approved for the participation in the program may prescribe marijuana to only these patients who are undergoing cancer, chemotherapy or suffering from glaucoma and are in a life-threatening or sense-threatening situation" and, I don't think anyone thought this one out, who are not responding to conventional treatment or who are suffering severe side effects even though conventional treatment is proving effective.

So if you want to give some of these older folks that do have serious side effects, and it was testified, we had one person who came all the way from Washington to testify that, indeed, there are cases where this does alleviate some of the nausea, so I would hope that

you would vote against indefinite postponement.

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

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

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

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

Mrs. PRESCOTT: Mr. Speaker, I request permission to pair my vote with the gentleman from York, Mr. Rolde. If he were here, he would be voting no; if I were voting, I would be voting yes.

ROLL CALL

YEA—Austin, Blodgett, Bordeaux, Brown, K. C.; Call, Carrier, Carroll, Carter, D.; Carter, F.; Curtis, Diamond, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Gillis, Gwadosky, Hickey, Hunter, Jalbert, Joyce, Kelleher, Laffin, LaPlante, Lougee, MacBride, Mahany, Martin, A.; Masterman, Matthews, Maxwell, McHenry, McSweeney, Nadeau, Nelson, A.; Nelson, N.; Paul, Pearson, Silsby, Simon, Smith, Sprowl, Stover, Strout, Theriault, Tierney, Torrey, Twitchell, Vose, Whittemore, Wood, Wyman.

NAY—Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Birt, Boudreau, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K. L.; Bunker, Chonko, Churchill, Cloutier, Conary, Connolly, Cox, Cunningham, Damren, Davies, Davis, Dellert, Dexter, Doukas, Dow, Drinkwater, Dudley, Fowlie, Garsoe, Gavett, Gould, Gowen, Gray, Hall, Hanson, Higgins, Hobbins, Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Jacques, P.; Kane, Kany, Kiesman, Leighton, Leonard, Lewis, Lizotte, Locke, Lowe, Lund, MacEachern, Marshall, Masterton, McKean, McPherson, Michael, Mitchell, Morton, Nelson, M.; Norris, Paradis, Payne, Peterson, Post, Reeves, J.; Reeves, P.; Rollins, Roope, Sewall, Sherburne, Small, Soulas, Stetson, Studley, Tarbell, Tozier, Vincent, Violette, Wentworth, The Speaker.

ABSENT—Bowden, Jacques, E.; Lancaster, McMahon, Peltier, Tuttle.

PAIRED—Prescott-Rolde.

Yes, 53; No, 90; Absent, 6; Paired, 2.

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

The question now before the House is on the motion of the gentlewoman from Hampden, Mrs. Prescott, that the minority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mrs. Prescott of Hampden 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 pending question is on the motion of the gentlewoman from Hampden, Mrs. Prescott, that the minority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Austin, Blodgett, Bordeaux, Brown, K. C.; Call, Carrier, Carroll, Carter, D.; Carter, F.; Curtis, Diamond, Dutremble, D.;

Dutremble, L.; Elias, Fenlason, Fillmore, Gillis, Gwadosky, Hickey, Hunter, Jalbert, Joyce, Kelleher, Laffin, LaPlante, Lougee, MacBride, Mahany, Martin, A.; Masterman, Matthews, Maxwell, McHenry, McSweeney, Nadeau, Nelson, A.; Nelson, N.; Paul, Pearson, Prescott, Silsby, Simon, Smith, Sprowl, Stover, Theriault, Tierney, Torrey, Tuttle, Twitchell, Vose, Whittemore, Wood, Wyman.

NAY—Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Birt, Boudreau, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K. L.; Bunker, Chonko, Churchill, Cloutier, Conary, Connolly, Cox, Cunningham, Davies, Davis, Dellert, Dexter, Doukas, Dow, Drinkwater, Dudley, Fowlie, Garsoe, Gavett, Gould, Gowen, Gray, Hall, Hanson, Higgins, Hobbins, Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Jacques, P.; Kane, Kany, Kiesman, Leighton, Leonard, Lewis, Lizotte, Locke, Lowe, Lund, MacEachern, Marshall, Masterton, McKean, McPherson, Michael, Mitchell, Morton, Nelson, M.; Norris, Paradis, Payne, Peterson, Post, Reeves, J.; Reeves, P.; Rollins, Roope, Sewall, Sherburne, Small, Soulas, Stetson, Strout, Studley, Tozier, Vincent, Violette, Wentworth, Mr. Speaker.

ABSENT—Bowden, Damren, Jacques, E.; Lancaster, McMahon, Peltier, Rolde, Tarbell. Yes, 54; No, 89; Absent, 8.

The SPEAKER: Fifty-four having voted in the affirmative and eighty-nine in the negative, with eight being absent, the motion does not prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-332) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Report "A" of the Committee on Election Laws reporting "Ought Not to Pass" on Bill "An Act to Make the Attorney General's Explanation of Proposed Constitutional Amendments and Statewide Referenda more Available to the Voters" (H. P. 183) (L. D. 235)

Report was signed by the following Members:

Mr. PIERCE of Kennebec — of the Senate.

Mr. GOULD of Old Town

Mrs. SEWALL of Newcastle

Messrs. BERRY of Buxton

STUDLEY of Berwick

Mrs. WENTWORTH of Wells

— of the House.

Report "B" of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-336) on same Bill.

Report was signed by the following members:

Mr. FARLEY of York

— of the Senate.

Ms. SMALL of Bath

Messrs. NADEAU of Lewiston

HALL of Sangerville

TIERNEY of Lisbon

Ms. BENOIT of South Portland

— of the House.

Reports were read.

On motion of Ms. Benoit of South Portland, Report B was accepted and the Bill read once. Committee Amendment "A" (H-336) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Consent Calendar

First Day

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

(H. P. 684) (L. D. 864) Bill "An Act Appropriating Funds for Promotion of Direct Marketing of Agricultural Commodities" Committee on Agriculture reporting "Ought to Pass"

(H. P. 157) (L. D. 185) Bill "An Act Relating

to Juvenile Clients of the Protective Care Division of the Department of Human Services" Committee on Health and Institutional Services reporting "Ought to Pass"

(H. P. 1017) (L. D. 1250) Bill "An Act to Prohibit the Licensing of Deceptively Similar Names for Firms or Corporations of Agents, Brokers, Adjusters or Consultants under the Insurance Law" Committee on Business Legislation reporting "Ought to Pass"

(H. P. 969) (L. D. 1207) Bill "An Act to Extend a Barber Shop License 60 days upon Death of the Barber to Allow Transitional Time for Getting a new License" Committee on Business Legislation reporting "Ought to Pass"

(H. P. 1243) (L. D. 1487) Bill "An Act to Regulate State Liquor Stores and Agencies" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-338)

(H. P. 545) (L. D. 676) Bill "An Act to Clarify Certain Provisions Relating to the Statistical Reporting of Abortions. Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-339)

(H. P. 1027) (L. D. 1258) Bill "An Act to Revise the Fees for Service of Civil Process" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-340)

(H. P. 668) (L. D. 828) Bill "An Act to Facilitate the Enforcement of Child Support Obligations and Make Statutory Changes Consistent with the Administrative Procedure Act" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-341)

(H. P. 1210) (L. D. 1542) Bill "An Act Enabling the State to Enter into an Interstate Compact on the Emotionally Disordered Offender" Committee on Judiciary reporting "Ought to Pass"

(H. P. 595) (L. D. 739) Bill "An Act to Require that Certain Notices of Termination of Tenancy Contain Minimum Information" Committee on Judiciary reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 8, under listing of Second Day.

(H. P. 577) (L. D. 725) Bill "An Act Relating to Permits for Contract Carriers" Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-347)

On the objection of Mr. Davies of Orono, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-347) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 811) (L. D. 1067) Bill "An Act to Amend the Judicial Retirement System" Committee on Aging, Retirement and Veterans reporting "Ought to Pass"

(H. P. 1077) (L. D. 1330) Bill "An Act to Improve Private Remedies for Violation of the Antitrust Laws" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-343)

(H. P. 1252) (L. D. 1522) Bill "An Act to Protect the Retirement Benefits of Employees and Former Employees of the Greater Portland Public Development Commission" Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (H-348)

(S. P. 272) (L. D. 842) Bill "An Act to Amend the Form of Election Ballots to Omit the Secretary of State's Name under Certain Conditions" Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (S-133)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 8, under listing of Second Day.

Consent Calendar Second Day

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

(H. P. 1253) (L. D. 1508) Bill "An Act to Consolidate Aquatic Pesticide Permits into One Agency"

No objections being noted, the Bill was passed to be engrossed and sent up for concurrence.

(S. P. 405) (L. D. 1276) Bill "An Act Concerning Reserve Officer Standards for Professional Law Enforcement Personnel"

On the objection of Mr. Violette of Van Buren, was removed from the Consent Calendar.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading to-morrow.

(H. P. 898) (L. D. 1136) Bill "An Act to Improve Election Laws and to Make Equal Application of Legal Requirements for Independents, Democrats and Republicans in all Respects"

On the objection of Mr. Tarbell of Bangor, was removed from the Consent Calendar.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: If you would take a look at this item, it is an Election Laws bill, a bill that I introduced earlier in the session and it came out with a unanimous "ought to pass" report. I simply pulled it off the calendar and I would like to briefly explain it to you for consideration while it is working its way through first and second reading.

The bill would do two things, essentially. The first thing it would do, if someone was not running on either one of the two political parties in one of our elections, they would have to file their nomination petition signatures on April 1, like Republicans and Democrats have to do running in their party. Currently, they don't have to file the petition signatures until June, which is the primary date for party candidates. So, it would move the June date up to April 1 for the signature filing date.

The second thing that the bill would do that I would like you to give some consideration to is, under current law now, election laws, if you wanted to move from one party to the other party, from Republican party to Democratic party, from the Democratic party to the Republican party, and run in a different party, you have to have made that transition 90 days before the April 1 filing date of your nomination petition signatures. What this bill would do is require that if you wanted to move from either one of the parties to an unenrolled status, you would also have to do that 90 days before the filing of your petition signatures on April 1.

Currently, if you want to shift out of one of the parties and run as an unenrolled candidate, there is no time restriction for doing that. You could do it at any point.

It would do those two things, and I raise that for your consideration because I do think it merits some thought and consideration by this body.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading to-morrow.

(H. P. 49) (L. D. 58) Bill "An Act to Clarify the Filing Deadline for Candidates' Reports to the Commission on Governmental Ethics and Election Practices"

No objections having been noted, the Bill was passed to be engrossed and sent up for concurrence.

(H. P. 519) (L. D. 662) Bill "An Act Concerning Nomination Procedure for Nonparty Candidates"

On the objection of Mr. Connolly of Portland,

was removed from the Consent Calendar.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading to-morrow.

(H. P. 1023) (L. D. 1256) Bill "An Act to Allow the Board of Environmental Protection to Exempt Snow Dumps from the Waste Discharge Licensing Provisions of the Statutes"

(H. P. 1120) (L. D. 1392) Bill "An Act Relating to Municipal Recreation Grants"

(S. P. 95) (L. D. 181) Bill "An Act to Provide Accessible Polling Places for the Physically Handicapped and the Elderly" (Emergency) (C. "A" S-134)

(S. P. 352) (L. D. 1100) Bill "An Act to Partially Exempt Musicians from Coverage for Unemployment Insurance" (C. "A" S-132)

(H. P. 474) (L. D. 591) Bill "An Act to Provide County Commissioner Districts in Washington County" (C. "A" H-334)

(H. P. 979) (L. D. 1192) Bill "An Act to Enable Town Meetings to be Held Outside the Corporate Limits Subject to Certain Limitations" (C. "A" H-335)

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

Passed to be Engrossed

Bill "An Act to Require Certain Out-of-state Sellers to Register Under the Maine Sales and Use Tax Law" (S. P. 448) (L. D. 1363)

Bill "An Act Relating to Registration of Commercial and Custom Establishments under the Maine Meat Inspection Act" (H. P. 991) (L. D. 1228)

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

Amended Bills

Bill "An Act to Establish Maine Cultural Heritage Week" (H. P. 677) (L. D. 836) (C. "A" H-316)

Bill "An Act Concerning Benefits for Fire Fighters under the State Retirement System for Heart or Lung Injuries" (H. P. 583) (L. D. 733) (C. "A" H-324)

Bill "An Act to Establish Assessments Upon Certain Public Utilities and to Authorize Use of the Funds Generated by Those Assessments to Pay Certain Expenses of the Public Utilities Commission" (H. P. 380) (L. D. 487) (C. "B" H-322)

Bill "An Act to Clarify Inconsistencies in the Liquor Laws" (S. P. 436) (L. D. 1367) (S. "A" S-138)

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

Finally Passed

Emergency Measure

RESOLVE, Authorizing an Appropriation of \$165,000 to Provide Administrative and Other Initial Operating Expenses Incidental to the Construction and Operation of the Maine Veterans Home (H. P. 1014) (L. D. 1248) (C. "A" H-282)

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. 120 voted in favor of same and 3 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to be Enacted

An Act Relating to the Plumbing and Subsurface Disposal Laws (S. P. 376) (L. D. 1156) (C.

"A" S-122)

An Act to Permit the Inhabitants of Garland and Bradford to Withdraw from the Maine State Retirement System (H. P. 76) (L. D. 84) (C. "A" H-280)

An Act Concerning Licensing of Head and Hide Dealers by the Department of Inland Fisheries and Wildlife (H. P. 275) (L. D. 357) (H. "A" H-288 to C. "A" H-272)

An Act to Establish a Solar Water Heater Demonstration Program for Maine Small Businesses (H. P. 296) (L. D. 386) (C. "A" H-281)

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.

Tabled and Assigned

An Act Concerning Fire Permits for Registered Guides (H. P. 431) (L. D. 548) (C. "A" H-286)

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

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

Mr. DOW: Mr. Speaker, I move this be tabled for two days.

Mr. MacEachern of Lincoln requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from West Gardiner, Mr. Dow, that this matter be tabled pending passage to be enacted and specially assigned for Wednesday, May 9. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

106 having voted in the affirmative and 12 having voted in the negative, the motion did prevail.

Tabled and Assigned

An Act to Establish the Beer and Wine Franchising Act (H. P. 608) (L. D. 776) (C. "A" H-285)

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

On motion of Mr. Violette of Van Buren, tabled pending passage to be enacted and specially assigned for Wednesday, May 9.

An Act Relating to the Administration of School Dental Health Programs (H. P. 733) (L. D. 920) (C. "A" H-273)

An Act Relating to the State Apprenticeship Council (H. P. 844) (L. D. 1046) (C. "A" H-275)

An Act to Extend World War Assistance to Single Veterans (H. P. 942) (L. D. 1176)

An Act to Authorize the State to Provide Technical Assistance and Legal Assistance to Recipients of Wastewater Planning and Construction Grants (H. P. 1186) (L. D. 1459) (C. "A" H-284)

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.

Mr. Fowlie of Rockland was granted unanimous consent to address the House.

Mr. FOWLIE: Mr. Speaker, when the vote was taken on L. D. 1020, I was in the committee office making a phone call and was not recorded because the debate was much shorter than I anticipated. On the motion to indefinitely postpone L. D. 1020, Roll Call #187, I would like to be recorded in the negative.

(Off Record Remarks)

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

Mr. WOOD: Mr. Speaker, is the House in possession of Bill, "An Act to Provide that a Person's Picture shall Appear on His Driver's License and to Provide for a Photographic Identification for Nondrivers" (H. P. 940) (L. D. 1164)

The SPEAKER: The Chair would answer in

the affirmative.

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

Mr. WOOD: Mr. Speaker, having voted on the prevailing side, I now move that we reconsider our action whereby the House voted to indefinitely postponed L. D. 1164.

On motion of Mr. Birt of East Millinocket, tabled pending the motion to reconsider and tomorrow assigned.

Reference was made to (H. P. 816) (L. D. 1018) Bill "An Act to Require that Persons Convicted of Habitually Sexually Molesting a Child under the Age of 14 May be Asexualized"

In reference to the action of the House on Tuesday, May 1, 1979 whereby it Insisted and asked for a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Mr. HUGHES of Auburn

Mr. JOYCE of Portland

Mr. NORRIS of Brewer

On motion of Mr. Jalbert of Lewiston, adjourned until nine o'clock tomorrow morning.