

# 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**

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STATE OF MAINE  
One Hundred and Ninth Legislature  
JOURNAL OF THE SENATE

May 11, 1979

Senate called to Order by the President.

Prayer by the Honorable Donald R. O'Leary of Mexico.

Senator O'LEARY: Lead us O'God into another new day in this Senate, with our vision made clean from self-seeking, that we may look beyond ourselves to our fellow humans, through the eyes of Thy Truth and Compassion. Amen.

Reading of the Journal of yesterday.

**Papers From The House**  
**Non-concurrent Matter**

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

In the Senate May 2, Passed to be Engrossed. Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-380), in non-concurrence.

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

Senator MINKOWSKY: I move the Senate Recede and Concur.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, now moves that the Senate Recede and Concur, with the House.

Is this the pleasure of the Senate?  
The Motion prevailed.

**Non-concurrent Matter**

Bill, "An Act to Base Adjustments of Retirement Allowances on Cost of Living." (S. P. 130) (L. D. 307)

In the Senate, May 8, Bill and Papers Indefinitely Postponed.

Comes from the House, Minority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-147), in non-concurrence.

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

Senator LOVELL: Mr. President, we had 55 bills in the Committee on Aging, Retirement and Veterans. I think I was for all of them, or just about.

When I would see some of those people come in and talk, my heart broke when I had to vote against the bill. We've got \$9,000,000 worth of bills now on the Table from our Committee.

This bill only increases it from 4 to 4½%, on the base. It's going to cost \$3,000,000 a year for the next 2 years. So I'd have to move to Adhere.

The PRESIDENT: The Senator from York, Senator Lovell, moves the Senate Adhere.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, and Members of the Senate: We debated this bill the other day briefly, and the Senator from York, Senator Lovell, at that time expressed his concerns as to the condition of the Retirement System.

I also have a grave concern for the condition of those individuals who are drawing from the Retirement System as well. As pointed out, and I'd just like to re-emphasize, is the fact that the bill from its original intent and sponsorship has been drastically changed.

It presently, as amended, the version that was approved in the other Body, was that it would lift the Consumer Price Index whenever it exceeded 4½%, that a 4½% increase would be reflected on what the retirees would receive. In the spiraling rate of inflation today, I think these individuals, more so than the remaining parts of our Society, those who are working, are most affected.

I think we should take grave concern in consideration to these people. I noticed last night

on the news that State Revenues are on the increase again. I think perhaps it would be a little bit premature to kill this bill at this time, I would ask for a Division.

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

Senator LOVELL: The good Senator from Knox, Senator Collins, was Chairman of this Committee 2 years ago, when we set the rate at 4%. We had the understanding and agreement that whatever the inflation was that year, that the next session of the Legislature would try to meet it.

We did this year, we passed the bill. The rising of the inflation rate was 7.3% according to the Federal Government. So we voted for 3.3% more for those people payable September 1. To make it a base of 4½%, I'm all for it but I don't think we should jeopardize the Fund. I don't think that at this time, the State is in condition for extra taxes, and to put this on the table it would only be killed by our Appropriations Committee, anyway.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I would request a Roll Call on the pending motion. Again, I appreciate the remarks made by the good Senator from York, Senator Lovell. But I do think it is a very worthwhile measure, to be kept alive at this time, and it could obviously be put on the Appropriations Table later on and we could make a final decision with respect to this bill at that time.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously, more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is the motion by the Senator from York, Senator Lovell, that the Senate Adhere, on L. D. 307.

A Yes vote will be in favor of the motion to Adhere.

A No vote will be opposed.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

**ROLL CALL**

YEA — Collins, Devoe, Emerson, Gill, Hichens, Huber, Katz, Lovell, McBreairey, Perkins, Pierce, Silverman, Sutton, Teague, Trotzky

NAY — Ault, Carpenter, Chapman, Clark, Conley, Cote, Danton, Farley, Martin, Minkowsky, O'Leary, Pray, Shute, Trafton, Usher

ABSENT — Najarian, Redmond

A Roll Call was had. Senator Clark of Cumberland was granted permission to change her vote from Nay to Yea.

16 Senators having voted in the affirmative, and 14 Senators in the negative, with 2 Senators being absent, the motion to Adhere does prevail.

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

Senator KATZ: I move reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves the Senate reconsider its action whereby it voted to Adhere on L. D. 307.

Will all those Senators in favor of the motion to reconsider, please say yes.

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion to Reconsider does not prevail. Sent down for concurrence.

**Non-concurrent Matter**

Bill, "An Act to Assist Handicapped Workers

in Returning to Employment by Transfer to Suitable Work." (S. P. 322) (L. D. 952)

In the Senate, May 8, Minority "Ought Not to Pass" Report, Read and Accepted.

Comes from the House, Majority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-145), in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, I move the Senate Adhere.

The PRESIDENT: The Senator from Oxford, Senator Sutton, moves that the Senate Adhere. Is this the pleasure of the Senate?

The Motion Prevailed.

**Joint Orders**

Expressions of Legislative Sentiment recognizing that:

Tracey Kimball, a Poland seventh grade student has won the Maine solo grand championship in baton twirling. . . (H. P. 1382)

The Lawrence High School Key Club has installed Kevin Huber as Lieutenant-Governor and Bruce Roderick as President for 1979 . . . (H. P. 1383)

Come from the House, Read and Passed. Which were Read and Passed, in concurrence.

**Communication**

**HOUSE OF REPRESENTATIVES**

May 10, 1979

Honorable May M. Ross  
Secretary of the Senate  
109th Legislature  
Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to Adhere to its action whereby it Indefinitely Postponed Bill, "An Act to Clarify the Application of Military Service Credits to Retirement Benefits for Policemen, Firemen, Local District Employees, Sheriffs and Full-time Deputy Sheriffs" (S. P. 147) (L. D. 324)

Respectfully,

EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on file.

**COMMITTEE ON AGRICULTURE**

May 10, 1979

The Honorable Joseph Sewall  
President of the Senate of Maine  
State House  
Augusta, Maine, 04333

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38, of the 109th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Stewart N. Smith to the position of Commissioner of Agriculture.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 109th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

Yeas:	Senators 3
	Representatives 10
Nays:	Senators 0
	Representatives 0

Absent: 0

13 members of the Committee having voted in the affirmative and 0 in the negative, it was the vote of the Committee that the nomination of Stewart N. Smith to the position of Commissioner of Agriculture be confirmed.

Sincerely

WALTER W. HICHENS  
Senate Chairman  
LUMAN P. MAHANY  
House Chairman

Which was Read and Ordered Placed on file.

The PRESIDENT: The Joint Standing Committee on Agriculture has recommended that the nomination of Stewart N. Smith be confirmed.

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

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: As you'll notice this is a unanimous Committee Report.

I'd just briefly like to say something about Stewart Smith, who is a Maine boy. I guess the first real question that came up yesterday at the hearing, was to why he would give up a higher paying job in Washington, to come back to the State of Maine. I think all of us were a little surprised, when he did accept the position of Commissioner of Agriculture.

Stewart told us yesterday as to just exactly how deep his Maine roots ran. He has accepted, this nomination, with the knowledge that there are some problems in Agriculture in the State of Maine. I think that we're at a point now in the State of Maine where we need some very strong leadership in the Department of Agriculture. I believe that Stewart Smith with all his qualifications, and I believe all of you had a copy of his resume yesterday placed on your desk, I think with all of his qualifications Stewart will provide us with this leadership. I, for one, and I think I speak for the Agriculture Committee and those who served with Stewart here in the Legislature, and those that know him, are just extremely delighted that he would step down from his position of some importance in Washington to come back here and take over the reins of Maine Agriculture. I don't personally feel we could do any better than Stewart Smith. Thank you.

The PRESIDENT: The pending question before the Senate is:

Shall recommendation of the Committee on Agriculture be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th Legislature, the vote will be taken by the yeas and nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question?

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

#### ROLL CALL

YEA — None

NAY — Ault, Carpenter, Chapman, Clark, Collins, Conley, Cote, Danton, Devoe, Emerson, Farley, Gill, Hichens, Huber, Katz, Lovell, Martin, McBreairty, Minkowsky, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Trotzky, Usher, Sewall.

ABSENT — Najarian.

A Roll Call was had.

No Senators having voted in the affirmative and 32 Senators in the negative, with 1 Senator being absent and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Stewart N. Smith is confirmed.

(Off Record Remarks)

#### Committee Reports

##### House

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rules 22 of the Joint Rules:

Bill, "An Act to Exempt Military Retirement Benefits from the State Income Tax." (H. P. 1170) (L. D. 1455)

##### Leave to Withdraw

The Committee on Business Legislation on, Bill, "An Act to Require Annual Cost Containment Plans from Health Insurers" (H. P. 727) (L. D. 914)

Reported that the same be granted Leave to

Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act Exempting the Sale of Insurance from the Application of the Maine Consumer Credit Code, Part 1. (H. P. 691) (L. D. 869)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Health and Institutional Services on, Bill, "An Act to Authorize the Provision of Services to Developmentally Disabled Children." (H. P. 807) (L. D. 1010)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act to Provide a Waiver of Court Costs and Fees." (H. P. 600) (L. D. 744)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act Concerning Maine Rules of Civil Procedure before the Workers' Compensation Commission." (H. P. 747) (L. D. 933)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act Concerning Proof of Eligibility for Rebate Programs Under the Taxation Statutes." (H. P. 914) (L. D. 1224))

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Expand Eligibility for Elderly Tax and Rent Relief." (H. P. 404) (L. D. 524)

Reported that the Same be granted Leave to Withdraw. Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Provide a Tuition Tax Credit for Maine Citizens." (H. P. 1152) (L. D. 1422)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Exempt Maine State Retirement Pensions from the State Income Tax." (H. P. 1105) (L. D. 1359)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

#### Ought to Pass

The Committee on Transportation on, Bill, "An Act Concerning State Highways and Parking on State Controlled Property." (H. P. 1109) (L. D. 1372)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

Which Report was Read and Accepted in concurrence. and the Bill Read Once and Tomorrow Assigned for Second Reading.

#### Ought to Pass — As Amended

The Committee on Agriculture on, Bill, "An Act Authorizing the Issuing of Ex parte Orders by the Courts and Complaint Justices to Allow Human Agents and other Authorized Officers to take Possession of Neglected, Mistreated or Injured Animals." (H. P. 292) (L. D. 389)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-362)

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Agriculture on, Bill, "An Act to Amend the Maine Veterinary Practice Act of 1975." (H. P. 291) (L. D. 388)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-361).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Energy and Natural Resources on, Bill, "An Act to Allow the Board of Environmental Protection to Regulate Activities Affecting Sand Dunes under the Alteration of Coastal Wetlands Program." (H. P. 1163) (L. D. 1468)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-360)

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Health and Institutional Services on, Bill, "An Act to Permit Juveniles in the Custody of the Department of Mental Health and Corrections to Receive Services from the Department of Human Services." (H. P. 560) (L. D. 707)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-365).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Taxation on, Bill, "An Act to Require Payment of Taxes on Timberland Repossessed by the Maine Guarantee Authority." (H. P. 1104) (L. D. 1319)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-358)

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A". The Committee on Taxation on, Bill, "An Act Relating to Gifts in Contemplation of Death." (H. P. 1145) (L. D. 1407)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-363).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Reports were Read and Accepted in concurrence, and the Bills Read Once. Committee Amendments "A" were Read and Adopted in concurrence, and the Bills, as amended, tomorrow assigned for Second Reading.

#### Ought to Pass in New Draft

The Committee on Business Legislation on, Bill, "An Act Providing for Interest and Receipts for Security Deposits." (H. P. 507) (L. D. 624)

Reported that the same Ought to Pass in New Draft under New Title, Bill, "An Act Protecting Security Deposits." (H. P. 1378) (L. D. 1603)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed.

Which Reports were Read and Accepted, Read Once and Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Aging, Retirement and Veterans on, Bill, "An Act to Include Teachers in the Hope Training School for Retarded Children in Mexico in the Maine State Retirement System." (H. P. 1177) (L. D. 1442)

Reported that the same Ought Not to Pass.

Signed:

Senators:  
LOVELL of York  
SILVERMAN of Washington

TEAGUE of Somerset  
Representatives:  
REEVES of Newport  
NELSON of Portland  
HANSON of Kennebunkport  
HICKEY of Augusta

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "A" (H-354)

Signed:  
Representatives:  
DELLERT of Gardiner  
CHURCHILL of Orland  
PAUL of Sanford  
THERIAULT of Rumford  
LOWE of Winterport  
STUDLEY of Berwick

Comes from the House, the Minority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Reports were Read.  
On motion by Senator Pierce, of Kennebec, Tabled for 1 Legislative Day, pending Acceptance of Either Committee Report.

#### Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Increase Job Security for Employment for Employees Elected to the Legislature, excluding Employees Covered under Provisions Dealing with Teachers." (H. P. 760) (L. D. 940)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-345)

Signed:  
Senators:  
SUTTON of Oxford  
PRAY of Penobscot  
LOVELL of York

Representatives:  
TUTTLE of Sanford  
BAKER of Portland  
BEAULIEU of Portland  
FILLMORE of Freeport  
MARTIN of Brunswick  
DEXTER of Kingfield  
WYMAN of Pittsfield  
CUNNINGHAM of New Gloucester

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

Signed:  
Representatives:  
LEWIS of Auburn

Comes from the House, Bill and Papers, Indefinitely Postponed.

Which Reports were Read.  
The Majority Ought to Pass, as amended, Report of the Committee, Accepted, in non-concurrence, and the Bill Read Once. Committee Amendment "A" Read.

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

Senator PIERCE: Mr. President and Members of the Senate: I wonder if someone on this Committee might explain exactly what this bill does, as presently drafted.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, has posed a question through the Chair.

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President and Ladies and Gentlemen of the Senate: What this bill does is allow someone to run for the legislature after notifying his employer for one term and then return to his job and receive the same or a similar type job without losing his seniority and back at his same pay or any of his other benefits. It does not require that the employer pay him while he's gone, but that is optional.

It's similar to the type thing that was granted returning veterans during the war. The original bill did not have any time limit on it. The version that was Indefinitely Postponed in the

House, took off the time limit that some of us on the committee report, that all of us but I signed.

Our intention is to encourage people to run for the Legislature without fear of losing their jobs, but only under a limited circumstance. That's why we limited it to one term, if after 1 term he decides to become a professional part-time politician then at that time, he's going to have to wave these rights.

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

Senator TROTZKY: Mr. President, I have a feeling this bill is very discriminatory, because it allows people in certain businesses to be guaranteed one term and yet teachers can run indefinitely and still retain their jobs.

The other thing that I would question about the bill is, what about a small business, isn't this going to create a hardship on a small business, where a person leaves that business, and then comes back 2 years later?

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

Senator LOVELL: Quite often I make mistakes, Mr. President and Members of the Senate. This bill was put in by a Representative from Sanford, from the other party, I felt sorry for him, because he was fired from his job. Since then, as the good Senator from Penobscot, Senator Trotzky, has stated, since then people have come to me and said that stores like papa and mama stores or whatever you want to call them with 2 or 3 employees or 4 employees. They run for the Legislature and everybody is going to be running for the Legislature. So if they run for the Legislature, they get their job back. My personal feeling is that I made a mistake and I think the Senate as a whole made a mistake in okaying this bill.

Committee Amendment "A" Adopted, in non-concurrence.

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

Senator TROTZKY: Mr. President, I now move this bill and it's accompanying papers be Indefinitely Postponed.

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

Senator DANTON: Mr. President and Members of the Senate: I'm happy to see that for once we have a labor bill here that isn't a partisan battle. I don't see anything wrong with this bill. I'm a small business man, and if there's anything I do it encourages my waitresses, waiters, bartenders, dishwashers, cooks, chefs, to run for the Legislature. In fact, my boss encourages me when I was a dishwasher, and today I find myself as a Senator.

I think this is a good bill. I know many times, when I go and people want to take a chance and invite me to speak to them. I always tell them to get involved. I see nothing wrong with this bill. I think the amendment does a good job in cleaning up some of the difficulties that I might have had with the bill where someone could come up here and stay for 10 years, it says for 1 term. Once you come up here for the second term, I consider you a professional politician, and you have no business in a restaurant, or a Jewelry Store, or a Mama and Papa Store. I think this is a good bill.

It's hard for me to believe that this bill came from the other Body, the Body that's supposedly close to the people, then this Body, Indefinitely Postponed. I would hope that this Body would accept this Report, pass this Bill, and get the other Body to reconsider it. So I oppose the motion to Indefinitely Postpone it.

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

Senator USHER: Mr. President, I'd like to pose a question to anybody on the committee. Does this in any way affect the negotiated Leave of Absence that some people have now?

The PRESIDENT: The Senator from Cumberland, Senator Usher, has posed a question through the Chair to any Senator who may care

to answer.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Thank you, Mr. President, very briefly the answer would be in the negative.

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

Senator REDMOND: Mr. President and Members of the Senate: I rise to support the motion by the Senator from Penobscot, Senator Trotzky, to Indefinitely Postpone this bill because I believe it is discriminatory to the small Businessman.

I think that freedom of choice is very close to our hearts in this Body. I think that we should respect it with the small businessman as well as the working man, everyone in the State of Maine.

Many of our small businesses have an office with 1 or 2 persons, and sometimes it took the small businessman a few years to build a certain confidence needed in his employees. The only way he can function is by a good understanding with his employees. They have to have a meeting of the mind all the time, in order to operate a small business successfully.

I don't think that the State should mandate to the small businessman something like that, because he has to replace that employee if he goes to the Legislature. Then how does he replace that employee if the future one coming in knows that he's going to be bumped off in 2 years.

I can appreciate the philosophy. I think generally speaking perhaps this is a very good bill. I too, like to encourage my help to run for the Legislature, but I think it should be mutually agreed upon and done like every other thing. Thank you.

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

Senator LOVELL: Just very briefly, I would like to answer the good Senator from York, Senator Danton. By the way he measured off employees, I wouldn't say he was a small business, I'd say he was a big business. I would like to ask him a question. Out of all his employees, that he has, how many of them have run for the Legislature?

The PRESIDENT: The Senator from York, Senator Lovell, has posed a question to the good Senator from York, Senator Danton, who may answer if he so desires.

The Chair recognizes that Senator.

Senator DANTON: Mr. President, and Members of the Senate: The only employee from my enterprise that ever ran for the Legislature was Pete Danton. That isn't because I haven't encouraged them, and it's true I have.

Now I hate to have difficulties with my seat-mate here, one he's bigger than I am, two, I love him very much. But the truth of the matter is, I see absolutely nothing wrong with this bill.

Now we're talking about 10 employees or more. Now you know anything less than that, arrangements can be made. After all we're only here for 100 days now. With the Majority Party running the Legislature the way I've always wanted my Party to run it when we're the Majority Party, getting out of here early, and I hope my Leadership doesn't get mad at me, but that's true. We're getting out of here June 8, not July 25. They can make arrangements for people to go back and work during the summer months and what have you.

Now let's look around this Senate Chamber. We have Senator Minkowsky, from Androscoggin County, he's a working man. Senator Trotzky is self-employed all by himself, he's a realtor. Senator Farley from York County, he's a student, and he's up here. This is from memory, Mr. President, so if I make a mistake I want the Senate to forgive me. Senator Conley is a railroad employee. Senator Clark from Cumberland is a school teacher. Senator Usher makes newspaper paper or whatever in

Warren Mills in Westbrook. Senator O'Leary is a working man, he's a papermaker. Senator Carpenter from Aroostook is a car salesman or insurance salesman, he's some kind of a salesman. Anyway I know he sold the people something when they sent him down here a few years ago.

So as we look around this Senate Chamber, Mr. President, I don't want to make this a humorous bill. It's a very serious bill. I think we should pass this bill. I think we should show the other Body especially, that we are sympathetic because, you know, they call us the House of Bankers, right, the House of Bankers. You know there are some nice refined terms that they use and titles that they give us here in this Chamber, I think we should pass this bill and send it down to them and maybe we can get them to agree with us.

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

Senator PRAY: Thank you, Mr. President, Mr. President, and Members of the Senate. Many of you have known the Senator from Oxford, Senator Sutton and I have risen on many labor bills. I think this is the first one we've risen together on the same side. So that I would hope that his colleagues and his Party and my colleague and my Party would remember this day and go along with the both of us on this report.

To look at the bill a little bit more realistically we have 184 seats in the Legislature so we're talking about a limited number of employers when we're talking about the issue. Then of course, we're only talking about the Leave of Absence for those who are successful after their peers have elected them. So I think even then the number gets smaller.

As an employer myself, and the Senator from Oxford, Senator Sutton is an employer, we both considered our businesses, I guess we'd both be classified as small, he is many, many, times larger than I. It was something I wrestled with if one of my employees wanted to run and if he wanted to run for the House, I wouldn't object.

But I think that the amendment was a compromise on our part. That we thought these individuals should have an opportunity, not only to run, but if they were successful in running for the seat, and their peers had chosen them, that they be given one term try at it and then make a decision as to whether or not they wanted to go back working for a living or continue in the Legislature.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the motion to Indefinitely Postpone L. D. 940, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

17 Senators having voted in the affirmative, and 12 Senators in the negative, the motion to Indefinitely Postpone does prevail.

The Chair recognizes the Senator from Washington, Senator Silverman.

Senator SILVERMAN: I'd now move for reconsideration and ask you to vote against me.

The PRESIDENT: The Senator from Washington, Senator Silverman, moves the Senate reconsider it's action whereby L. D. 940 was Indefinitely Postponed.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Thank you, Mr. President, I'd just like to make one comment that I'm really, really concerned about the creditability of the Labor Committee.

The PRESIDENT: Will all those Senators in favor of reconsideration, please say Yes.

Will all those opposed, please say No.

A Viva Voce Vote being had.

The motion does not prevail.

#### Committee of Conference

The Committee of Conference on the dis-

agreeing action of the two branches of the Legislature on, Bill, "An Act Relating to Occupational Loss of Hearing" (S. P. 199) (L. D. 495) have had the same under consideration, and ask leave to report: that the House recede from enactment, recede from passage to be engrossed, indefinitely postpone Committee Amendment "B" (S-59), read and adopt Committee of Conference Amendment "A" (H-369), and pass the Bill to be engrossed as amended by Committee of Conference Amendment "A" (H-369) in non-concurrence.

That the Senate recede from indefinite postponement, recede from engrossment as amended by Committee Amendment "B" (S-59) indefinitely postpone Committee Amendment "B", read and adopt Committee of Conference Amendment "A" (H-369) and pass the Bill to be engrossed as amended by Committee of Conference Amendment "A" in concurrence.

On the Part of the House:  
BEAULIEU of Portland  
SOULAS of Bangor  
BAKER of Portland

On the Part of the Senate:  
SUTTON of Oxford  
LOVELL of York

Comes from the House, the Report Read and Accepted.

Which was Read and Accepted in concurrence.

#### Senate

The following "Ought Not to Pass" report shall be placed in the legislative files without further action pursuant to Rule 22 of the Joint Rules:

Bill, "An Act to Prevent Tax Assessors from Assessing Taxes on Their Own Property." (S. P. 387) (L. D. 1195)

#### Leave to Withdraw

Senator Huber for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Carry Forward to June 30, 1983 Appropriated Park Development of Funds." (Emergency) (S. P. 380) (L. D. 1160)

Reported that the same be granted Leave to Withdraw.

Senator Devoe for the Committee on Public Utilities on, Bill, "An Act to Assure the Appropriate Development of the Hydro Power Potential of Maine Rivers." (S. P. 467) (L. D. 1531)

Reported that the same be granted Leave to Withdraw.

Senator Sutton for the Committee on State Government on, RESOLVE, Authorizing the Transfer of 10 Acres of State-owned Land on Cony Road to Kennebec County for a New Correctional Facility." (S. P. 218) (L. D. 603)

Reported that the same be granted Leave to Withdraw.

Senator Sutton for the Committee on State Government on, Bill, "An Act to Authorize a Bond Issue for Kennebec County for the Construction of a New Correctional Facility or Reconstruction of an Existing Facility." (S. P. 379) (L. D. 1159)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted.

Sent down for concurrence.

#### Ought to Pass

Senator Huber for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Making Additional Appropriations from the General Fund for the Current Fiscal Year Ending June 30, 1979, Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government and Amending the Effective Date of Abolishing the Mental Health and Mental Retardation Fund." (Emergency) (S. P. 500) (L. D. 1562)

Reported that the same Ought to Pass.

Senator Ault for the Committee on State Government on, Bill, "An Act to Amend the Maine

Sunset Law." (S. P. 512) (L. D. 1577)

Reported that the same Ought to Pass.

Which Reports were Read and Accepted and the Bills Read Once, and tomorrow assigned for Second Reading.

#### Ought to Pass — As Amended

Senator Chapman for the Committee on Business Legislation on, Bill, "An Act to Establish a Special License for Retired or Inactive Pharmacists." (S. P. 331) (L. D. 965)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-168).

Senator Ault for the Committee on State Government on, Bill, "An Act to Provide for the Codification and Indexing of State Agency Rules by the Secretary of State." (Emergency) (S. P. 510) (L. D. 1576)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-170)

Which Reports were Read and Accepted and the Bills Read Once. Committee Amendments "A" were Read and Adopted and the Bills, as amended, tomorrow assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Education on, Bill, "An Act to Assist School Administrative Units in Addressing Problems Associated with Alcohol, Tobacco and Drug Use and Abuse." (S. P. 209) (L. D. 582)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-172).

Signed:

Sensors:

TROTZKY of Penobscot  
GILL of Cumberland

Representatives:

LOCKE of Sebec  
FENLASON of Danforth  
GOWEN of Standish  
CONNOLLY of Portland  
BIRT of E. Millinocket  
BEAULIEU of Portland

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

Signed:

Sensor:

MINKOWSKY of Androscoggin

Representatives:

LEWIS of Auburn  
ROLDE of York  
LEIGHTON of Harrison  
DAVIS of Monmouth

Which Reports were Read.

The Majority Ought to Pass, as amended, Report of the Committee, Accepted, and the Bill Read Once. Committee Amendment "A" Read and Adopted, the bill, as amended, tomorrow assigned for Second Reading.

#### Divided Report

The Majority of the Committee on State Government on, Bill, "An Act to Assess a Surcharge on Fines and Penalties for the Operation of the Maine Criminal Justice Academy." (S. P. 250) (L. D. 714)

Reported that the same Ought to Pass in New Draft under new title Bill, "An Act to Assess a Surcharge on Fines for the Operation of the Maine Criminal Justice Academy," (S. P. 545) (L. D. 1608)

Signed:

Sensors:

AULT of Kennebec  
MARTIN of Aroostook  
SUTTON of Oxford

Representatives:

BARRY of Fort Kent  
CONARY of Oakland  
LANCASTER of Kittery  
PARADIS of Augusta  
REEVES of Pittston

MASTERTON of Cape Elizabeth  
DAMREN of Belgrade

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

Signed:

Representatives:

KANY of Waterville  
BACHRACH of Brunswick  
LUND of Augusta

Which Reports were Read.

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

Senator AULT: Mr. President, I move Acceptance of the Ought to Pass Report.

The PRESIDENT: The Senator from Kennebec, Senator Ault, moves the Senate Accept the Majority Ought to Pass, in New Draft, Report of the Committee.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, I'd like to pose a question through the Chair to the Chairman of the State Government to give us a brief explanation if this means putting a fine on top of a fine, for people who are in violation?

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, has posed a question through the Chair.

The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: In reply to the Senator from Androscoggin, yes it does. It puts a 10% surcharge on any fine, and provides for the financial support of the Academy.

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

Senator CONLEY: Mr. President, I'd pose a question through the Chair to the good Senator from Kennebec, Senator Ault, as to how is the Academy presently funded?

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, in response to the good Senator, I would say that the academy is presently not funded. Unfortunately the Academy is grossly underfunded. I know how much the good Senator is concerned with law enforcement in the State, and properly training the people so that we don't put people out on the street who are unqualified, people who might go astray. What we want is the best qualified, the best trained law enforcement personnel we can have in the State. This bill is going to go a long way toward doing that, and I'm very happy to see that the Senator is supporting it with us this morning.

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

Senator CONLEY: I'd pose a question through the Chair to the good Senator from Kennebec, as to how is the Academy presently funded.

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

Senator KATZ: Mr. President, I am the good Senator from Kennebec, and I don't know the answer.

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

Senator PIERCE: Mr. President and Members of the Senate: In answer to the question of the Senator, the Academy is presently funded through the Department of Public Safety. They go before the Appropriations Committee for funding, unfortunately it has been diminished.

One of the first things that seemed to be cut out in law enforcement aren't cars or aren't personnel or things like that, it's training. I think basically that's one of the most important things any law enforcement person can have. I might add that under this bill they will still go before the Appropriations Committee, and the Committee instead of taking the funds from the

General Fund would now make those funds free for other programs or whatever they wanted to use. The Appropriations Committee would take the funds from the General Training Fund to which these surcharges would go into. So the Academy would only get what the Appropriations Committee and the process would allow.

The PRESIDENT: Is the Senate ready for the question?

The Majority Ought to Pass, in New Draft, Report of the Committee Accepted, the Bill in New Draft, Read Once, and tomorrow assigned for Second Reading.

#### Divided Report

Six members of the Committee on State Government on, Bill, "An Act Pertaining to Employment Status of Unclassified Policy-Making Positions." (S. P. 371) (L. D. 1151)

Reported in Report "A" that the same Ought Not to Pass.

Signed:

Senators

AULT of Kennebec  
SUTTON of Oxford

Representatives:

CONARY of Oakland  
LANCASTER of Kittery  
DAMREN of Belgrade  
LUND of Augusta

Six members of the same Committee on the same subject matter Reported in Report B that the same Ought to Pass as amended by Committee Amendment "B" (S-173)

Signed:

Senator:

MARTIN of Aroostook

Representatives:

REEVES of Pittston  
KANY of Waterville  
BACHRACH of Brunswick  
MASTERTON of Cape Elizabeth  
PARADIS of Augusta

One member of the same Committee on the same subject matter Reported in Report "C" that the same Ought to Pass as amended by Committee Amendment "A" (S-174)

Signed:

Representative:

BARRY of Fort Kent

Which Reports were Read.

On Motion by Senator Katz of Kennebec, Tabled for 1 Legislative Day, pending the Acceptance of the Committee Report.

#### Second Readers

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

##### House

Bill, "An Act Relating to Arbitration under the State Employees Labor Relations Act." (H. P. 142) (L. D. 162)

Which was Read a Second Time.

On Motion by Senator Katz, of Kennebec, Tabled for 1 Legislative Day, Pending Passage to be Engrossed.

##### House — As Amended

Bill, An Act Creating a Statehouse and Blaine House Commission. (H. P. 613) (L. D. 777)

Bill, "An Act to Refine the State's Accounting System." (H. P. 1034) (L. D. 1282)

Bill, "An Act Concerning Training of Ambulance Personnel and Providing for Review of Ambulance Funding by the Governor's Advisory Board on Ambulance Services." (H. P. 1024) (L. D. 1257)

Which were Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

Bill, "An Act to Amend the Labor Law in Relation to Items to be Furnished Employees by Railroad Corporations with Every Payment of Wages." (H. P. 344) (L. D. 443)

Which was Read a Second Time.

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

Senator KATZ: I move Indefinite Postpone-

ment.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves LD443 be Indefinitely Postponed.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I'd Ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Indefinite Postponement of LD443, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

11 Senators having voted in the affirmative, and 16 Senators in the negative, the Motion to Indefinitely Postpone does not prevail.

The Bill, as amended, Passed to Be Engrossed, in concurrence.

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

Senator PIERCE: Mr. President, I move reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, having voted on the prevailing side moves the Senate reconsider it's action whereby LD443 was Passed to be Engrossed.

Will all those Senators in favor of the Motion to Reconsider, please say Yes.

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion does not Prevail.

#### Senate

Bill, "An Act Prohibiting a Bank Holding Company from Owning More than One Type of Financial Institution." (S. P. 91) (L. D. 177)

Bill, "An Act to Amend the Rate Filing Disapproval Requirements Pertaining to Nonprofit Hospital and Medical Service Organizations and Health Insurance Carriers". (S. P. 505) (L. D. 1566)

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

Sent down for concurrence.

Bill, "An Act to Improve Local Government Investment Opportunities." (S. P. 449) (L. D. 1364)

Which was read a Second time.

On Motion by Senator Katz, of Kennebec, tabled for 2 Legislative days, pending Passage to be Engrossed.

#### Senate — As Amended

Bill, "An Act to Prohibit the Practice of a Mandatory Retirement Age." (S. P. 260) (L. D. 790)

Bill, "An Act to Clarify the Publication of School Records." (S. P. 123) (L. D. 249)

Bill, "An Act to Eliminate the Termination Provisions of the "Food Products" Sales Tax Exemption". (S. P. 462) (L. D. 1428)

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

Sent down for concurrence.

Bill, "An Act to Authorize the Provision of Services to Developmentally Disabled Children." (S. P. 377) (L. D. 1157)

Which was Read a Second Time.

On Motion by Senator Gill of Cumberland, Tabled for 2 Legislative Days, Pending Passage to be Engrossed.

Bill, "An Act to Include Services Performed by Chiropractors under Health Insurance Policies and Health Care Contracts which Pay Benefits for those Procedures if Performed by a Physician." (S. P. 131) (L. D. 308)

Which was Read a Second Time.

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

Senator AULT: Mr. President and Members of the Senate: It's my understanding that this



Committee Report that you accepted yesterday provides that groups of 50 or more people can request insurance coverage for treatment by Chiropractors. Since I believe they can already do that, I move Indefinite Postponement of this bill and all its accompanying papers.

The PRESIDENT: The Senator from Kennebec, Senator Ault, moves that L. D. 308 be Indefinitely Postponed.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President and Members of the Senate: I would oppose that motion.

May people who have health coverage now, which will pay for medical bills that are incurred have made the decision one time or another to seek the services of a Chiropractor in solving their health problems. In many instances they're finding out that the health policy that they purchased does not respond to charges made for chiropractic treatment.

It was felt by the Majority of the Committee that regardless of anyone's concerns about the fruitfulness of chiropractic treatment that it was a form of care that many people do turn to. If they have purchased a policy to reimburse for health care costs that it was only right that this sort of cost should be included.

Many companies already do respond on a voluntary basis to charges—chiropractic treatment. This was debated at some length in Committee. It was felt that a reasonable step would be to make available, to require all group health care providers, group insurance providers, providing coverage for groups of 50 or more people to make available as an option of consideration for coverage reimbursement for chiropractic expenses. So what this bill does is if any group of people of 50 or more, wish to have included within that negotiated group for the insurance company, reimbursement provisions for chiropractic services, they shall be made available for inclusion within that group. I would urge the Senate defeat the Indefinite Postponement.

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

Senator CLARK: Thank you, Mr. President. Mr. President and Members of the Senate: You may remember that on yesterday's Advance Journal and Calendar that the report from the Committee on Business Legislation on this bill reflected a 3 way split.

I signed solely as a supporter of the bill, in its original version, for my sentiments are reflective of my constituents in that if they so chose the services of a chiropractor, then I believe that those who have individual health insurance policies as well as those who are members of groups of 50 or more should have those services reimbursed by their health insurer.

However, today I stand in support of the remarks by the good gentleman from Sagadahoc, Senator Chapman. This measure before you represents a freedom of choice. It provides that those citizens of this State who seek out the services of a chiropractor should, if they find themselves within a group of 50 or more, that the services that normally would be reimbursed by a physician if they were performed by a physician would then be reimbursed to a chiropractor.

I think it is appropriate as well as fitting, and I would oppose the pending motion of Indefinite Postponement.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the motion to Indefinitely Postpone L. D. 308, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

9 Senators having voted in the affirmative, and 17 Senators in the negative, the Motion to

Indefinitely Postpone does not prevail.

The bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

#### Enactors

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

An Act to Appropriate Funds for Emergency Shelters and Services for Victims of Domestic Violence. (S. P. 316) (L. D. 946)

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

An Act Relating to Action by the Public Utilities Commission on Petitions by Electrical Companies for Certificates of Public Convenience and Necessity." (H. P. 164) (L. D. 196)

An Act Relating to the Maine Criminal Justice Academy. (H. P. 1135) (L. D. 1389)

An Act to Require Insurance Policy Language Simplification. (H. P. 487) (L. D. 636)

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)

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

An Act to Establish the Beer and Wine Franchising Act. (H. P. 608) (L. D. 776)

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

Senator FARLEY: Mr. President and Members of the Senate:

The hearing on this bill was before the Committee on Legal Affairs and it was passed out with a unanimous Ought-to-Pass report. Before it is enacted, I thought maybe the Senate should understand some of the reasons why we feel this bill was so important to some of Maine's small businessmen.

The purpose and the policies of this bill are:

To regulate agreements between brewers, wineries and their wholesalers to benefit the economy and enhance competition in this state and to promote moderation and obedience to the laws of this state and the United States controlling the distribution and sale of beer;

To protect Maine wholesalers' substantial initial and continuing investments of money, time and effort in their distributorships and to stimulate greater investment of such resources in these small businesses by assuring their continuation on a fair, equitable and nondiscriminatory basis;

To address the economic imbalance which exists between wholesalers, their brewers and wineries who inherently have superior economic and bargaining power in the negotiation and enforcement of agreements;

To promote the compelling interest of the public in fair business relations between wholesalers, their brewers and wineries and in enhancing competition in the beer industry by: assuring that the beer wholesaler is free to manage his business enterprise in the manner the wholesaler deems best, including the wholesaler's right independently to establish its selling prices, to select the brands of beer it wishes to handle and to determine the efforts and resources which the wholesaler will exert to promote and develop the sale of all brewer and winery products marketed in this state and maintain satisfactory sales levels.

To govern all relations between brewers, wineries and their wholesalers, including any renewals or amendments to agreements between them, to the full extent consistent with the constitutions of this state and the United States.

Thank you for your attention and I now move the pending question.

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

An Act to Provide for Consistent Hours of Operation by State Retail and Agency Liquor Stores. (S. P. 293) (L. D. 854)

Comes from the House, Failed of Passage to be Enacted.

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

Senator HICHENS: I move that this Bill be Indefinitely Postponed.

The PRESIDENT: The Senator from York, Senator Hichens moves that L. D. 854 be Indefinitely Postponed.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from York, Senator Danton.

Senator DANTON: Mr. President I really do not want to oppose the good Senator from York, Senator Hichens, I feel that where I sponsored this Bill I should get up and oppose him and the Senate can vote to kill the bill as far as I am concerned. I just want to say this, it came from the other body, the Bill has been killed.

What happens now at 6 o'clock in the morning you can go to an agency store, you can buy 19 cases of wine, 26 cases of beer, but if you want a pint of whiskey, you cannot get it. The guy tells you to come back at 9 o'clock and you can buy all you want.

That was the reason Liquor Enforcement wanted the Bill in, but I think it's well that the good Senator got up and killed it.

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

Senator HICHENS: Mr. President just in answer to the good Senator from York, I realize that that is a tremendous hardship for someone to go in a store between 6 and 9 and not be able to buy hard liquors, but I remind them that they can go into a store on Sunday's up to 12 o'clock, and they can not even buy Beer and Wine and I am sure they go back after those hours and buy all they want.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the Motion by the Senator from York, Senator Hichens, to Indefinitely Postpone L. D. 854, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

13 Senators having voted in the affirmative and 9 Senators in the negative the Motion to Indefinitely Postpone does prevail.

#### Emergency

An Act to Provide Funds to Subsidize Adoption of Handicapped Children (H. P. 278) (L. D. 387)

On Motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

#### Emergency

An Act to Provide Compensation and Benefits Agreed to by the State and the Maine Teachers' Association for Employees in the Bargaining Unit of Administrators at the Vocational-technical Institutes and the School of Practical Nursing. (H. P. 1302) (L. D. 1561)

#### Emergency

An Act to Provide Accessible Polling Places for the Physically Handicapped and the Elderly. (S. P. 95) (L. D. 181)

These being emergency measures and having received the affirmative votes of 24 members of the Senate, were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

(Off Record Remarks)

#### Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1979. (H. P. 1354) (L. D. 1593)



This being an emergency measure and having received the affirmative votes of 28 members of the Senate, was Finally Passed and having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Orders of the Day

The President laid before the Senate the First tabled and specially assigned matter:

HOUSE REPORT — from the Committee on Health and Institutional Services — Bill, "An Act to Establish a Therapeutic Research Program." (H. P. 523) (L. D. 665) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-332); Minority Report — Ought Not to Pass.

Tabled—May 9, 1979 by Senator Pierce of Kennebec.

Pending—Acceptance of Either Report.

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

Senator GILL: Mr. President, I would like to urge adoption of the Minority Report, I would like to speak to my motion.

The PRESIDENT: The Senator from Cumberland, Senator Gill, moves that the Senate Accept the Minority Ought Not to Pass Report.

The Senator has the floor.

Senator GILL: Thank you, this bill that came before the Health and Institutional Services Committee, is an attempt to approve the drug Marijuana by establishing a Marijuana Therapeutic Research Program, by circumventing the usual scientific requirements, and the protections that are afforded the public by federal regulatory boards.

These decisions should be made by public health officials on the basis of safety. The research with Scheduled 1 drugs should proceed, but the clinical research and treatment with approved drugs should remain distinct from this.

Other schedule one drugs are Heroin and LSD, and these are recognized as having no medical value, and a high potential for abuse. The American Cancer Society's official position as quoted in the New York Times April 6th of this year, said, "Marijuana warrants more controlled clinical trials."

In this Bill, it is proposed that the State of Maine set up a research project, but Maine has no research institute, where would our research participants go?

This Bill calls for distribution by the Commissioner of Human Services, of this Marijuana in the Therapeutic Research Program. Is the Commissioner or his agents now expected to become experts in the field of obtaining and analyzing confiscated marijuana? Will he be able to control it, so that the proper pesticides will be used in spraying the plants to keep them healthy? Other countries do not have the same standards that we do of pesticide control and most of the confiscated marijuana does come from other countries.

We hear about quality control and drugs purchased, for filling prescriptions. I understand that there is quite a variable in the potency of marijuana depending on the condition under which it is grown and the part of the plant which is used. How will a standard of potency be maintained with confiscated marijuana? Will a patient perhaps need twice as many marijuana cigarettes to effect the same results that he or she had two weeks ago or a month ago?

If it indeed does stop vomiting after chemotherapy, what about the other side effects of marijuana, the highs, the possible visual hallucinations or visual distortions, the sleepiness involved, the depression?

I happen to have lost 4 members of my immediate family to cancer, and they all underwent chemotherapy. The latest was my mother who died this past June, and her chemotherapy continued right up until the time of half death. She was very mobile, she was not a driver, and

therefore I had to drive her to the doctors to get her chemotherapy, but in the doctor's office, if many of you have spent any time in an Oncologists office you find people who are very mobile and who do drive themselves.

I just am concerned about people driving under the influence of marijuana, and what tests there are available to decide whether they are on a high? What the level of tolerance that they have is? There are a lot of questions that I have about that.

We limit and we have statutes on the books dealing with people who are driving under the influence of liquor and that pretty much has been a known factor and we are dealing with marijuana which is really an unknown factor.

I question the interaction of marijuana and other drugs that are involved in the chemotherapy process.

I heard the Commissioner of Human Services state the other day that he needed 55 additional staff to straighten out the Medicaid problem. I am just wondering how many more people he will have to hire in the department to administer, distribute and test marijuana?

Some of those same people have complained about the escalating costs of medical care. What do you think that the cost of a research program like this may be for a proper research program.

The Bill does not get into the specifics of a research program and I know that there are many research institutes throughout the country. One of them is a very good one in Boston, it was the Sidney Farber Clinic. They carry on a large scale research project with many doctors and the New England States. I know that in the Portland Area that we have doctors who are involved in some of the research collection, with the Sidney Farber Clinic. That is a very costly operation to run, they are always looking for additional funds, to look into the research of what different drugs can do in the treatment of cancer. I cannot see the State of Maine getting involved in such a large scale project.

The other option is if we just want to hand out cigarettes, "joints," to try to make people comfortable. I am concerned in that respect, because if we do put something on the books, at this time, will we want to expand it at some later point in time because we have arthritis, who are very uncomfortable with their problem. We have people who have migraine headaches that need some sort of therapy. A back might ache and someone might want to include this in the statutes. I think that what we must remember is, that marijuana is no cure, and this is not true research project.

Physicians now can enter into agreement with the Federal Drug Administration to procure marijuana for a patient on a research project of their own if they wish. I think that we have allowed them this freedom to do this now. There has been no investigative research to determine the extent of the problems of chemotherapy or glaucoma in Maine. There have been needs assessment done. We do not know how many people need and want this legislation, and I would urge this Body to vote against the bill.

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

Senator LOVELL: Ladies and Gentlemen of the Senate, and Mr. President, I am an old retired druggist and I sold marijuana back in the tincture when it was legal as an aphrodisiac and I have sold Heroin, Morphine, Cocaine and what not. In my opinion 99% of the druggists in the State of Maine are honest, and 99% of the doctors in the State of Maine are honest, but I will admit that even in the little town of Sanford, in 10 minutes a youngster can go out and buy half a dozen joints, black market, to smoke.

Now people with cancer and glaucoma both of those diseases are incurable. If I told you that you had cancer and you were going to die in 2 or 3 years, and you had some drug that

hadn't maybe been proven, but you had some drug that they said might do some good, I am sure that you would want to take it, hoping that you would not die.

Now I am getting along in years, but if I had something like that I would want to try it, if I had contracted cancer. I would want to try it, God help me, it might save my life. Now I do not know, but it is going to be handled by a pharmacist, prescriptions are going to be written by doctors. What safer method in handling medicine, whether it be codeine, morphine or any kind of number one drug, A drugs or LSD and so forth. They cannot be sold in a drug stores, they are only used in research work. But Number 2, codeine 3, 4 and 5 can be sold on prescription. So consequently my feeling is that this will not make more smoking of marijuana in Maine than there is already, because we already have plenty of it. The police cannot stop it. Oh, they catch a few dozen we pick up ½ a million tons or something or other off the coast once, in a while but that's not counting what gets in, and that is all sold black market.

They roll their own joints in the ghettos. Kids', from 10 to 12 years old smoke them. Now this bill is not going to help them any they are going to get just the same. But this bill might help a cancer patient, or a person suffering from glaucoma, which causes blindness, and cancer which causes death.

So I would say that I think we should give this Bill a chance, and is there a motion on the floor Mr. President?

The PRESIDENT: The Chair would answer the Senator in the affirmative, the Motion is the Motion by the Senator from Cumberland Senator Gill, that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

Senator HICHENS: I would oppose that Motion and request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate. I would be as brief as possible I do have a great deal of information here. I would also, like the good Senator from York, Senator Lovell, oppose the pending motion to put this bill to rest.

A little bit of background for those of you who were in the 107th Legislature, just so that you will understand where I am coming from, will probably remember as I am sure the Senator from Knox, Senator Collins, remembers House Amendment 314. I think it was of the Maine Criminal Code which was my amendment which if it had passed, would have blocked decriminalization of marijuana.

I have very strong feelings on marijuana, always have had. I have not changed one iota. I was against the decriminalization, today I still am, a few little attempts have been made, and I have testified in all those bills that have been here since the 107th.

This is a controlled clinical approach to alleviating just a little bit of suffering, not very much, there are 4 million people that are going to contract cancer in this county next year, according to the latest statistics. The question some way, alleviate just maybe a little bit of terrible human suffering.

I have had dealings with people who were suffering from cancer and being treated by chemotherapy, which appears to be one about two or three accepted methods of treating cancer. Not all of them, but some of them, are terribly, terribly terribly, sick for three and four days after the chemotherapy. There has been no claim made by anybody that the use of marijuana will help the cancer one iota, but it is a proven fact supported by the National Cancer Institute, supported by the Sidney Farber Research Foundation, it is a proven fact that the use of marijuana does elevate in many cases the terrible, terrible sickness asso-

ciated with chemotherapy.

As far as glaucoma it does relieve the pressure on the eye, and it is prescribed in some cases now, by the Federal Government, by the Food and Drug Administration for use by glaucoma victims.

If you look at Committee Amendment "A" under filing of 332, this is the bill, the controls are very very, strict. It is not a foot in the door, it is not a loosening of our marijuana laws. It is a most humanitarian bill that I have seen before the legislature this year.

Now I am sure that most of you and the comments that have been around the hall in the last week know where this Bill is coming from, it is coming from a friend of ours who's husband just recently passed away, that is where it is coming from.

The question is the legality of it, the question is not whether there is going to be, cancer chemotherapy patients or glaucoma patients smoking marijuana, that is happening that is a fact of life. They are becoming criminals in order to do it. You also have some people especially I think older people and I have a case in point right now in my mind of a relative of mine who started chemotherapy 10 days ago. Who would not touch marijuana with a ten foot pole regardless probably of what he might be going through. But some of these people if the State says that we are going to help you, we are going to make this legal for you, they may try it and they may get relief.

I have 3 fairly lengthy studies here in front of me, by Nationally recognized research foundations, which point out the therapeutic benefits of marijuana, in these two cases. I would ask you to read, House Amendment 332 "Marijuana could be prescribed to people in these categories who are undergoing cancer chemotherapy or suffering from glaucoma" and it goes on it is further qualified "they must be in a life threatened situation or a sense threatening situation and they must not be responding to conventional treatment" or here are the side effects as far as the sickness "or who are suffering severe side effects, even though conventional treatment is proving effective."

I want you to ask yourself one question when we vote on this Bill. How do I go to a person who is dying of cancer and tell him that marijuana is legal because it is bad for them? That seems to me the most ludicrous question that probably could be asked.

Now I know that the arguments were made in the other body that chemotherapy patients don't become ill and that this would not help them any. I would not even grace those remarks with an answer, because I have personal experience. I do not happen to have personal experience with any person that I am certain of who has used marijuana.

Perhaps this bill is misnamed, it calls it a therapeutic program. This particular committee amendment which as I said is the Bill, said that the Administrator and the Board shall annually report their findings and recommendations regarding this program to the governor and the legislature, that is all the researchers were qualified to do.

We have the laboratory facilities available, to analyze. The Bill requires that the marijuana be analyzed and made free of impurities. The pharmacists is given immunity except in cases of gross negligence, and I would also point out that if you are getting a reaction from your doctors or your pharmacist on this that this Bill would not mandate that any doctors or any pharmacist be licensed to handle this program. This would be a purely voluntary program and any doctor or any pharmacists who handled this program would do it right up front with their eyes wide open. I am sure that they also have a copy of this in front of them.

I sympathize very much with the Senator from Cumberland, Senator Gill, when she was relating the facts dealing with her mother, I also lost my father to cancer last summer. She

mentioned though that her mother was very mobile, and she was concerned about the side effects the so called "high". I would challenge anyone to show me people who are suffering these nauseous side effects and keep in mind that they would have to be suffering these to be eligible, that these people are not very mobile. These people are not driving vehicles around the State of Maine, these people are taken home from the doctors office or the hospital and they are lying in bed for 3 and 4 days at a time.

I heard a comment about visual hallucinations, I do not think that there is any clinical evidence that marijuana does produce hallucinations, LSD and some of the other scheduled 1 drugs do, obviously.

This is a controlled clinical approach to alleviating just a little bit of suffering, not very much, there are 4 million people that are going to contract cancer in this county next year, according to the latest statistics. The question was raised as to whether the doctor could do it now, theoretically yes, realistically no. The Federal Regulations and the Red tape that you must go through is going to discourage any doctor from getting involved on the program, now.

This Bill would set up a panel of three expertize one an Oncologist, two doctors specializing in cancer treatment, and a Psychologist. This panel would review and would license the doctors and the pharmacy. They would not see the individual patients, there again as the good Senator from York, Senator Lovell said we would have to trust that to integrity and the honesty of the doctors and the pharmacie.

If this bill would help just one person wouldn't it be worth it? The question was asked how many people in Maine would this help? The Senator from York, Senator Lovell very very adequately pointed out, that right now if a person is willing to become a criminal they can walk down here, I can walk down here in Augusta. I am sure and in 10 minutes have enough marijuana to take care of anybody suffering from these sickness side effects of chemotherapy.

Would there be more smoking, there might be. I'll accept that fact because some of the people who right now will not do it because it is illegal, might take it.

I would be glad to share with anybody some of the facts and figures that I have and some of the case histories of people who were contemplating suicide because they couldn't stand the sickness any longer, who went on this program in one case a young man who was cured. I know of a case right now of a girl in Brunswick, who is suffering, she knows that she has no hope whatsoever of living. Why do her last days have to be so horrible? Why do they have to be so horrible?

I have heard people stand here on the floor of this legislature, this Senate, Ladies and Gentlemen and ask and argue and try to convince people of something. I am sitting here this afternoon and I am very sincerely begging you to read this bill, look at the controls that are placed on this, more strict controls at the State Level than are placed on codeine, morphine, and other prescriptions drugs today.

Look at this program and please consider what you might be helping to do. I am not saying that 5 years down the road somebody might not have some research similar to this and the other that I have seen that might prove that marijuana was good in some other areas. What I am saying is do not be misled by all the arguments about the foot in the door, and the other things that this will be used for. The Bill very specifically narrows it to glaucoma victims and chemotherapy people who are suffering the side effects. If you are taking chemotherapy and you are not suffering the side effect you would not even be eligible under this program. Thank you.

The PRESIDENT: The Chair recognizes the

Senator from York, Senator Farley.

Senator FARLEY: Mr. President and Members of the Senate: I'd like to relate a little story that, something that happened to me about a year and one half ago. I went to work one morning, got there about 6:30, quarter to 7, started getting cramps in my side, except for a problem of accidents, I've never been to the hospital for any sickness or anything. I don't know what it was, it got worse and worse, about half an hour or 45 minutes, and finally I told my supervisor, I got to go home, got to do something here, got to go to the hospital to the outpatient.

So I drove home about 30 miles, about every 10 seconds trying to move my body into a position that was comfortable, just was totally uncomfortable. Got out to the out-patient, Webber Hospital in Biddeford, and diagnosed as having stones.

Well, by the time they took X-rays, and everything else about an hour, it's really, really hurting then, I know a few people who have had stones, but boy I'll tell you, I never had anything like it in my life. So we got out of the X-rays and I'm on the table there, and I tell the doctor. Look, can you do something to get rid of the pain. Sure, I don't know whether he gives me 200 cc's of Demerol, waits about 20 minutes, and the pain hadn't gone away. I told him, I said, Doc, I don't know what you did, but it didn't do any good, and I'm telling you it still hurts. Okay, we'll give you 200 more. In about 10 minutes I was higher than a kite, and between my doctor being out of town and Doctor Clark in Portland scheduled this was a Monday morning. I wasn't operated on until Friday. That was 5½ days, and I'll tell you that was quite a trip.

They peddled out demoral, codeine, like the nurse said, a little discomfort? Yes. Here pop a couple of these.

Now let's not get scared with the term marijuana. I was hoping that this body would give a little more thought than be scared of that term marijuana. If it's going to relieve somebody of some discomfort. It's not going to have any medicinal aid at all, you know that, just like demerol or codeine done here. Merely for pain.

If the bill had said demerol or codeine here we probably wouldn't be debating this. I would ask the body to defeat the pending motion and sent this bill on to Second Reading.

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

Senator DANTON: Mr. President and Members of the Senate: If there was ever one time that I wished we had a doctor in the House, it's this point and time.

You know it's difficult for me to vote for this bill, simply because I see the news media is in this Chamber. We're discussing a form of legalizing marijuana, no matter how much it's going to be checked. I know that the good Senator from Aroostook, Senator Carpenter, 2 or 3 years ago was hard against marijuana and it's usage. I know that his heart is in the right place today and he's trying to do something to help people, but still we have young people that are out there today that are going to say: "The State Senate voted today because marijuana is good for you."

Now if they get into the details of it, that's one thing, and if they do get into the details of marijuana, whose going to read the whole article? Now if the caption is good and large, marijuana legalized, good for you, fine, that's what they're going to read and they're going to stop right there.

I can't support this Legislation, just on that reason. The next thing we'll be talking about is I don't know if these are good for you. I haven't had chemo treatments, I haven't had cancer. I don't know. No one in my family has had it. I can't speak, and I can't take Senator Farley's comments from York, as being fact or non-fact. I'm not saying he isn't telling me the truth about his pains and what have you, but you

know the truth of the matter is, we have to be very careful here, how we're going to vote on this.

Now in my business I deal with a lot of young people, and they're good young people, but you know, they often ask me one question. When are you going to legalize marijuana? I often tell them, and I tell them all the time, I'm not going to vote for it. In my way of thinking, this is one way of voting to legalize marijuana. I'm not ready to do that yet. We can find out what to do with 8,000,000 alcoholics, then I might decide to take and vote for legalized marijuana and other drugs.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Thank you, Mr. President. Ladies and Gentlemen of the Senate. I am in deep sympathy with some of the proponents of the motion that is on the floor. Senator Gill requested that I listen carefully to what she said and I did. It really bothered me, because she has got a lot of well thought out and good points.

If I thought for one second that I was contributing to the delinquency of a minor, supporting marijuana any way shape or form, other than what this bill proposes to do, I wouldn't be on my feet.

You might be interested in that there is such a moral question involved here, and how I learned about this. I happen to be a member of the National Association of Congregational Christian Churches and on their executive board. About a year ago, a lady from California who is the secretary of that group, and has been for about the last 10 years, had been dying of cancer, off and on as you do, taking chemotherapy and she had missed a couple of our recent national meetings in the mid-west and here she showed up at this particular meeting.

I was talking with her and come to find out that she found out that by using marijuana after chemotherapy treatments it did away with all this type of nausea and sickness that she had, several days afterwards.

I do not propose for a second that it is going to cure anything, I have never heard any evidence anywhere that it is going to cure anything. My only concern and I happen to know the person who asked to have this Bill introduced, and I happen to have heard from them that it did the same thing for them. I am not supporting this for one second because I expect it to cure anybody. If someday we found that out that would be super, but I will tell you that I can not believe for 10 seconds to be making this available through the proper channels and the way that it is, and I am not interested in research either. I think that it is well that we have our 2 year sunset on this is that we can find out what if any social side effects that we have had, but in the meantime I can't for the life of me see why we can't allow physicians the opportunity of making this easier for some of their patients. I urge you to defeat the pending motion.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Mr. President. Senator Sutton brought up the question of physicians and their ability to get into a program. This exists now, physicians can get into the program without any middle man, they go and they deal directly with the Federal Drug Administration, and there are safeguards in that area. That is probably why it is a little difficult and it does exist some paper work to be done.

In this bill the physician will come to a board, he will get approval and the board might never see that physician again. The physician does not ever have to come back to the board to report. He does not have to be evaluated. He has immunity from all of this. So I would personally like to see the physician deal with the Federal Drug Administration, and have it han-

dled properly.

Remember marijuana is not a cure, we have heard the term Laetrile thrown around here today, well Laetrile is a very controversial item. There is research going on, there are clinics outside of the country that are using Laetrile and if we are going to go after something that can cure it and not just make you comfortable.

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

Senator DEVOE: Thank you, Mr. President, Members of the Senate: I thank all of the Senators who have spoken on this bill this afternoon. I have found both points of view pro and con to be very helpful. I commend every Senator for the thoughtfulness that has gone into their comments.

Two points that I would like to make, first of all concerning the bill itself. If you look at the top of page 2 Committee Amendment, pharmacists are exempted for anything except gross negligence for the mis-use of marijuana.

If you look at the participation review board, there are no standards set out. It would look to me that the way that section 2405 is drafted that all any doctor would have to do is send his application and \$25 in to the participation review board and, virtually automatically, he is going to be granted the right to dispense marijuana by prescription.

Now let's look on this at the national level. Two years ago as the Senator from Aroostook, realizes I sponsored a Bill to recriminalize possession of marijuana. In the process of reading that I did to present that bill, I encountered the organization known as NORML—The National Organization for the Review of Marijuana Laws. I became convinced that that is one of the most effective and all persuasive lobbying efforts that exists in this country today. I know that there are those who disagree with me.

However, on the national level NORML is now and has been since it's organization in 1970 dedicated to the repeal of federal laws which prohibit the legalized use of marijuana for those who want to use it.

One of the arguments that NORML is using is that marijuana has medical benefits. I am sure as each state reacting to very genuine and sincerely individual expressions of sympathy of people, of friends, that they know who have been helped by using marijuana, as individual legislators succumb to this sympathy argument and 5 or 10 or 15 more states enact legislation like this, you can bet your bottom dollar, that NORML is going to be back in Congress if they are not there already, getting the fact that States have passed this Legislation, therefore, it is proof positive that marijuana has beneficial effects, and therefore will try to induce Congress to relax the laws concerning marijuana.

I think the key argument is the argument used by the good Senator from Cumberland, Senator Gill, doctors can already do this. Will someone please try to address that matter for me, it bothers me. If doctors can already do this then why do we need this law?

If somebody in here disagrees with the statement that the good Senator from Cumberland, Senator Gill, made, will they please get up and clarify this? If they do not have an argument, then I will assume that the good Senator's argument stands. If that argument stands then I am going to vote against this Bill, because it is not needed, because doctors who wish to help individual patients can already do it, and we would be kidding ourselves.

The good Senator from York, Senator Danton hit it right on the head, lots of citizens of this State are only going to read the Headlines or the first or second paragraph of the newspaper story. They are going to conclude once again that the Legislature really isn't too alarmed about marijuana, because look at what they did. Next year or when the 110th Legislature convenes NORML will be back in here

with a couple of more laws, the same in the 111th and the 112th. It alarms me I have seen some of the literature, the Office of Alcoholism and Drug Abuse are distributing it because it contains some information on this matter.

NORML Washington, D.C. these are my reasons, Ladies and Gentlemen of the Senate, and I hate to take your time late Friday afternoon. I commend once again everybody who has spoken on this bill, and I thank you for the thoughtfulness that you have expressed.

The President would ask the Sergeant-at-Arms to escort the Senator from Kennebec, Senator Katz to the rostrum to assume the duties of the President pro tem.

The Sergeant-at-Arms escorted the Senator from Kennebec, Senator Katz to the rostrum where he acted as President pro tem.

The President then retired from the Senate Chamber.

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

Senator HICHENS: Mr. President and Members of the Senate: I am sorry that the good Senator from York, Senator Danton, has had to leave because this is one of the rare occasions when we can be in agreement, on a bill, I am pleased to support the remarks that he made.

In response to the good Senator from Oxford. He tells how the lady from California was helped so much. I realize that many people may be helped, but there may be a lot of other people that are hurt by the use of marijuana.

Now a great many people can take aspirin, to relieve headaches and so forth. If I take aspirin it works the other way I would be sick in bed for a day, or even longer. So I think that we can take and use those same arguments with the perscription of marijuana, and these cases.

Now in this bill it also included Optometrists. I have not had one physician in my area, get in contact with me, on this Bill, but I did speak to two good friends of mine the other night, who are Optometrists and both of them said that they would not touch marijuana with a ten foot pole. They said that the bad effect from it far offsets what it might do to help the people relieve pain of glaucoma.

So I ask you to support the motion to Indefinitely Postpone this Bill, and when the vote is taken I ask for a Roll Call.

The PRESIDENT pro tem: A roll call has been requested. Under the Constitution in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call please rise in their places until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The Chair recognizes the Senator from York, Senator Lovell.

Senator LOVELL: Mr. President and Ladies and Gentlemen of the Senate: Just a few more words. Senator Hichens, the good Senator from York, my neighbor spoke of an over the counter drug such as aspirin, not agreeing with people. Fine, but on the other hand if Senator Hichens was down with cancer and knew that he was going to die in 2 years I think that he would like to try this new drug to see if it would save his life. I feel quite sure of that.

Now I do not know if it could save his life or not, but it might, and if it could I am sure that he would want to try it and he would want to take it.

Now on the other hand the red tape that it takes doctors to get to marijuana to dispense it themselves is too hard to do. There are 5 or 6 states that marijuana is legal in, at the present time, but I definitely feel that we should try this, for the sake of the people, and there are many people, for the sake of people dying of cancer, in the State of Maine. I hope that you will vote to pass this bill and give it a 2 years

trial and the doctors, and the pharmacists aren't going to put out that marijuana to the young kids. The young kids can get that marijuana now, the doctors or pharmacists are not going to put it out to them.

The PRESIDENT pro tem: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate: The question came up earlier this afternoon, from the good Senator from Penobscot, Senator Devoe, about the federal approach and I think that he said that he would be well satisfied if there was a reasonable explanation.

During the interim period of time I was handed a copy of the Federal IND approach. I would like to read into the record, possibly it might convince the good Senator on what his stand should be relative to this issue.

"Under existing regulations Federal marijuana may be released to the holder of an investigational new drug application referred to as IND. The IND is granted by the Food and Drug Administration, the FDA. The original intention of the IND was to exempt pharmaceutical companies from legal liabilities in intrastate shipment of drugs not yet approved for marketing. The Food, Drug and Cosmetic Act prohibits the sale of intrastate shipment of new drugs which have not demonstrated safety and efficacy. Yet in order to test the drugs in controlled human experimentation intrastate drug shipments is needed, thus the IND serves as a regulatory purpose, permitting the intrastate shipment 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 and the pharmaceutical company then becomes the sponsor of the new drug and contracts with various researchers throughout the country.

The researchers become co-investigators and need not apply for an IND themselves. Again investigational new drug application. The pharmaceutical company as a sponsor compiles the information collected by the co-investigators and use that data to prove the drugs safety and efficacy to the FDA.

In the USA 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 that complicate the IND process and retard marijuana therapeutic development.

The PRESIDENT pro tem: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate. I apologize and I will be brief.

The organization known as NORML has been referred to here today and I understand fully well exactly what NORML is. And some of the information, some only some, what I have here is produced by NORML. I do not agree with what NORML stands for and what they are trying to do in Congress. I do not know if this is some sort of insidious attempt to bring about the ultimate legislation of marijuana or not. But I resent very much this bill being led out as an attempt to weaken or legalize marijuana laws, because I think that if you read the Bill and if you understand me, you understand where I am coming from, and where I have been coming from for the last 6 years now, you will know very well that this is not the case.

Many people may be hurt by this Bill, that is what the statement was made here a few minutes ago. I do not understand any logical explanation for that whatsoever. I do not understand who is going to be hurt by this bill. I have heard referred to that children will be given access to more marijuana if this Bill is passed. They certainly would be, if they happen to be suffering from chemotherapy, there is no age limit on

this Bill, if there is a child suffering from chemotherapy there certainly would be.

I cannot answer the questions raised by Senator Devoe, I can only partially answer them, by some information that I have here, both from the Department of Health, Education and Welfare in Washington and also the State of New Mexico, which has set up a program similar to this. It says and I quote "if you are going to apply to the Federal Government to become a licensed physician in any given state you do not have to be a masochist to do it but it helps." That gives you an idea of exactly what a doctor has to go through in order to become licensed.

I just gave the good Senator from Penobscot, Senator Devoe, my assurances that if this Bill were to receive a favorable vote here today that prior to the next reading I would attempt to get exactly what the forms are and what the bureaucratic procedure is for a doctor in the State of Maine to become licensed to handle this.

I've also heard opponents of this Bill stand here today, and say that there are medical properties to this Bill, which are beneficial but we do not like the rest of it. If there are medical properties that will help out at least 2 given situations, why shouldn't we put them to work? I'll go back to the original question that I asked the Senate originally that I really hope that you will have in your mind when you are thinking about it, and that is, how do we all go back and tell constituents or a constituent of ours who may be suffering from life threatening chemotherapy side effects, how do I tell that person that we couldn't legalize marijuana for you because it might be harmful? I am telling this to a dying person now.

This is a moral question in some regards. All right, I come from a very conservative area in the State and for any of you who might be having problems with that aspect of it. Three weeks ago, I write a newspaper column every week, three weeks ago, I put it in big headlines in my column. I did a radio show on it and I come from a very, very conservative area, and thus far to date, I have had one reaction, and that was a person who suggested another type of disease that might be helped by marijuana. When I assured him that that was not included in this Bill, he was no longer interested.

I would also point out to you that this is a position that can be explained to people who are totally and deathly opposed to legalization of marijuana, the same way that I am. I was very pleased the other day, I talked to a gentleman out here in the hallway who happens to lobby for a group who is one of the very conservative groups in this State. I am sure without me even mentioning his name, you will know who I am talking about. I went to him to explain to him why I was so passionately involved in this Bill, and his reaction was I have no problem with that Bill, I have no problem with that Bill.

So I think you know that we have a real cross section, if you look at the people throughout this legislature who are supporting this Bill, you will find a real cross section. If you look at the gentleman who sponsored this Bill, you will find that he is not exactly your wild-eyed liberal, to say the least. I just hope that we will look at the facts as they are contained in this simple little 4 page amendment, with controls on it.

I heard the question of standards. Now I do not intend to impose standards on 3 doctors, 3 licensed practicing doctors, I do not intend to tell them what they have got to look for in their fellow doctors before they can license them to dispense something that is by far on the scale way lower than other things that are taken regularly, as the Senator from York pointed out, regularly passed out in doctor's offices, pharmacies, emergency rooms, and everywhere else across the State. I sincerely hope that you will vote to defeat the pending motion and will accept the Majority Ought to Pass Report. Thank you.

The PRESIDENT pro tem: The Chair recog-

nizes the Senator from Aroostook, Senator Martin.

Senator MARTIN: Mr. President, when the vote is taken I request leave of the Senate to pair my vote with the Senator from Aroostook, Senator McBreaity. If Senator McBreaity were here he would be voting Yes and I would be voting No.

The PRESIDENT pro tem: The Senator from Aroostook, Senator Martin, asks leave of the Senate to pair his vote with the gentleman from Aroostook, Senator McBreaity, who if he were here would be voting Yea and Senator Martin of Aroostook, would be voting Nay.

Is it the pleasure of the Senate to grant this Leave?

It is a vote.

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: I beg leave of the Senate to pair my vote with the Senator from Penobscot, Senator Emerson, who if he were here he would be voting Yes and I would be voting No.

The PRESIDENT pro tem: The Senator from Oxford, Senator Sutton, now asks leave of the Senate to pair his vote with the Senator from Penobscot, Senator Emerson, who if he were here would be voting Yes and Senator Sutton of Oxford would be voting No.

Is it the pleasure of the Senate to grant this leave?

It is a vote.

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President and Members of the Senate: I dislike to prolong this discussion this afternoon, but I cannot sit here and not answer the statements made by the good Senator from York, Senator Lovell.

It dismays me to think that we have served in this Legislature for 2½ years and I have known him for a long time that he does not know me better than what he just said.

I can assure that good Senator that as much as I enjoy living, that I would not use drugs, I would not allow them to use machines, or I would not allow myself to use marijuana to prolong my life. As Doctor Polling, the famous editor of the Christian Herald said, "that on the day that people say that I am dead that is the day that I really begin to live." Those are my sentiments.

The PRESIDENT pro tem: Is the Senate ready for the question?

The pending question before the Senate is the motion by the Senator from Cumberland, Senator Gill, that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of the motion to accept the Minority Ought Not to Pass Report.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Collins, Cote, Danton, Devoe, Gill, Hichens, Katz, Perkins, Redmond, Shute, Silverman, Teague.

NAY — Ault, Carpenter, Chapman, Clark, Conley, Farley, Huber, Lovell, Minkowsky, O'Leary, Pierce, Pray, Trafton, Trotzky, Usher.

ABSENT — Najarian, Sewall.

A Roll Call was had.

PAIRED — Martin-McBreaity; Sutton-Emerson.

12 Senators having voted in the affirmative and 15 Senators in the negative with 2 Senators being absent, and 4 Senators having paired their votes, the motion to Accept the Minority Ought Not to Pass Report does not prevail.

The Majority Ought to Pass, as amended, Report of the Committee, Accepted, in concurrence. The Bill Read Once. Committee Amendment "A" Read and Adopted, in concurrence. The Bill, as amended, tomorrow assigned for Second Reading.

The President pro tem laid before the Senate



the Second tabled and specially assigned matter:

Bill, "An Act to Modify the Dispute Resolution Process under the Labor Statutes." (H. P. 824) (L. D. 1035)

Tabled—May 9, 1979 by Senator Pierce of Kennebec.

Pending—Passage to be Engrossed.

On motion by Senator Pierce of Kennebec, Retabled for 1 Legislative Day.

The President pro tem laid before the Senate the Third tabled and specially assigned matter:

HOUSE REPORTS — from the Committee on Aging, Retirement and Veterans — Bill, "An Act Concerning Benefits for Fire Fighters under the State Retirement System for Heart or Lung Injuries." (H. P. 583) (L. D. 733) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-324); Minority Report — Ought Not to Pass.

Tabled—May 10, 1979 by Senator Pierce of Kennebec.

Pending—Consideration.

The PRESIDENT pro tem: The Chair recognizes the Senator from York, Senator Lovell.

Senator LOVELL: Mr. President and Ladies and Gentlemen of the Senate: It give me great pleasure that we will not have to debate this Bill, and that both sides have agreed. So the motion is to Recede and Concur and that satisfies both sides.

The PRESIDENT pro tem: The Senator from York, Senator Lovell, moves that the Senate Recede and concur, with the House.

Is this the pleasure of the Senate?

It is a vote.

The President pro tem laid before the Senate the Fourth tabled and specially assigned matter:

Bill, "An Act to Improve Private Remedies for Violations of the Antitrust Laws." (H. P. 1077) (L. D. 1330)

Tabled—May 10, 1979 by Senator Katz of Kennebec.

Pending—Passage to be Engrossed.

On motion by Senator Pierce of Kennebec, retabled for 1 Legislative Day.

The President pro tem laid before the Senate the Fifth tabled and specially assigned matter:

Bill, "An Act to Merge the Septage and Hazardous Waste Law into the Solid Waste Law and to Conform them with the Requirements of the Federal Resource Recovery and Conservation Act." (H. P. 1139) (L. D. 1518)

Tabled—May 10, 1979 by Senator Pierce of Kennebec.

Pending—Adoption of House Amendment "A" (H-318)

On motion by Senator Pierce of Kennebec, retabled for 2 Legislative Days.

The President pro tem laid before the Senate the Sixth tabled and specially assigned matter:

HOUSE REPORTS — from the Committee on Election Laws — 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 "A" Ought Not to Pass; Report "B" Ought to Pass as Amended by Committee Amendment "A" (H-336)

Tabled—May 10, 1979 by Senator Farley of York.

Pending—Acceptance of Report "B".

Report "B" Accepted, in non-concurrence. The Bill Read Once. Committee Amendment "A" Read.

The PRESIDENT pro tem: The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: I present Senate Amendment "A" to Committee Amendment "A" under filing number S-177.

The PRESIDENT pro tem: The Senator

from Kennebec, Senator Pierce, presents Senate Amendment "A" to Committee Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-177) Read, and Adopted.

Committee Amendment "A", as amended, adopted in concurrence.

The Bill, as amended, tomorrow assigned for Second Reading.

The President pro tem would ask the Sergeant-at-Arms to escort the Senator from Penobscot, Senator Sewall, to the rostrum to assume his duties as President of the Senate.

The Sergeant-at-Arms escorted the Senator from Penobscot, Senator Sewall to the rostrum to assume his duties as President.

The Sergeant-at-Arms escorted the Senator from Kennebec, Senator Katz, to his seat on the floor of the Senate.

The PRESIDENT: The Chair would thank the Senator from Kennebec, Senator Katz, very much.

The President laid before the Senate the Seventh tabled and specially assigned matter:

HOUSE REPORTS — from the Committee on Local and County Government — Bill, "An Act to Establish a Uniform Allowance for Deputy Sheriffs." (H. P. 70) (L. D. 80) Majority Report — Ought to Pass as amended by Committee Amendment "A" (H-323) Minority Report — Ought Not to Pass.

Tabled—May 10, 1979 by Senator Katz of Kennebec.

Pending—Motion of Senator Conley of Cumberland to Reconsider whereby Senate Accepted the Minority Report.

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

Senator CONLEY: Mr. President, I urge the Senate to vote against Reconsideration.

The PRESIDENT: Will all those Senators in favor of Reconsideration, please say Yes.

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The motion does not Prevail.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

#### Enactor

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

#### Emergency

An Act to Clarify Home Rule Authority. (H. P. 1097) (L. D. 1376)

This being an emergency measure and having received the affirmative votes of 23 members of the Senate was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

#### Senate Paper

Senator Chapman of Sagadahoc presents, Bill, "An Act to Provide a Special Restaurant Malt Liquor License in the Town of Georgetown." (S. P. 547)

(Approved by a Majority of the Legislative Council pursuant to Joint Rule 27)

Committee on Legal Affairs suggested.

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

Senator KATZ: Under Suspension of the Rules, I move that this Bill be given its First Reading without reference to Committee.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that Under Suspension of the Rules, that this Bill be given its First Reading at this time, without reference to Committee.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President and Members of the Senate: By way of a little bit of explanation, this measure would grant a special non-renewal malt liquor license to the Robinhood Marina in Georgetown. The Town of Georgetown has voted not to allow the sale of malt liquor in restaurants on a regular basis, but it did at its last annual town meeting, vote in favor of special legislation to allow the sale of beverages at the Boat Show to be held at the Robinhood Marina over Columbus Day Weekend.

This license if it is approved here would still be subject to approval by the municipal officers of the Town of Georgetown. It is valid for October 2-9 only, and is nonrenewable.

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

Senator KATZ: Mr. President, I realize and I apologize but my motion was incorrect and I would like to withdraw my two motions, if I may.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now requests Leave of the Senate to withdraw his motions.

Is this the pleasure of the Senate to grant this Leave?

It is a vote.

The PRESIDENT: The Senator has the floor.

Senator KATZ: Mr. President, I move that the Rules be Suspended.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate Suspend its Rules.

Is this the pleasure of the Senate?

It is a vote.

Senator KATZ: I now move that this Bill be given its First Reading, without reference to Committee.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the S. P. 547 be given its First Reading at this time without reference to Committee.

Is this the pleasure of the Senate?

It is a vote.

The Bill Read Once.

Under Suspension of the Rules, the Bill given its Second Reading, without reference to Committee.

The Bill was Read a Second Time, and Passed to be Engrossed.

Sent down for concurrence.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

#### Order

An Expression of Legislative Sentiment recognizing that:

Dr. Wofford G. Gardiner, Professor of Forensics and Speech Communication, is retiring after 33 years of dedicated service to the University of Maine, during which time he laid the foundation for the commitment to excellence in teaching and research now found in the Department of Speech Communication, (S. P. 550) is presented by Senator Devoe of Penobscot.

Which was Read and Passed.

Sent down for concurrence.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

#### Paper from the House Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill to establish the subsidy index for educational funding for the year 1979-80 and to appropriate the necessary funds. (H. P. 1392)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

**Paper from the House****House Paper**

Bill, "An Act to Expand the Tourism Promotion Program." (H. P. 1386) (L. D. 1609)

Comes from the House referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Which was referred to the Committee on Appropriations and Financial Affairs, and Ordered Printed, in concurrence.

On motion by Senator Pierce of Kennebec, adjourned until Monday, May 14, at 11 o'clock in the morning.