

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh  
Legislature*

OF THE

STATE OF MAINE

**Volume II**

May 21, 1975 to July 2, 1975

**Index**

KENNEBEC JOURNAL  
AUGUSTA, MAINE

On the part of the Senate:

Signed:

KATZ of Kennebec  
TROTZKY of Penobscot  
JOHNSTON of Aroostook

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Conference Committee Amendment "A" (H-556).

Which report was Read and Accepted in concurrence.

#### Senate

##### Leave to Withdraw

Mr. Pray for the Committee on Labor on, Bill, "An Act Regulating Procedures under the Municipal Public Employees Labor Relations Act." (S. P. 363) (L. D. 1166)

Reported that the same be granted Leave to Withdraw.

Mr. Curtis for the Committee on State Government on, Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council and Make Changes in the Matter of Gubernatorial Appointments and Their Confirmation. (S. P. 1) (L. D. 1)

Reported that the same be granted Leave to Withdraw.

Which reports were Read and Accepted. Sent down for concurrence.

##### Ought to Pass — As Amended

Mr. Curtis for the Committee on State Government on, Resolution, Proposing an Amendment to the Constitution to Provide for Determination of Inability of the Governor to Discharge the Powers and Duties of His Office. (S. P. 334) (L. D. 1120)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-243).

Which report was Read.

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

Mr. CURTIS: Mr. President and Members of the Senate: Maine's Constitution provides that the President of the Senate shall assume the office of Governor when that office becomes vacant, but it contains no provision concerning a situation in which the office of Governor is not vacant but for some reason the Governor is unable to carry out his powers and duties. Now, the purpose of this Resolution, which has been amended by the committee, is to provide that when the Governor is unable to carry out his duties and provides the President of the Senate shall carry out the powers and duties of the Governor without becoming Governor.

The bill is explained in some detail in a memorandum which I have had distributed and I hope because of the importance of this matter, which is a constitutional amendment, you will have an opportunity to look at that memorandum. Thank you.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Ought to Pass as Amended Report of the Committee?

Thereupon, the Ought to Pass as Amended Report of the Committee was Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

##### Divided Report

The Majority of the Committee on Natural Resources on, Bill, "An Act to Clarify Standing Before the Board of Environmental Protection." (S. P. 352) (L. D. 1152)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-242).

Signed:

Senators:

WYMAN of Washington  
O'LEARY of Oxford

Representatives:

HALL of Sangerville  
HUTCHINGS of Lincolnville  
DOAK of Rangeley  
AULT of Wayne  
CURRAN of Bangor  
CHURCHILL of Orland  
BLODGETT of Waldoboro  
McBREAIRTY of Perham

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

Signed:

Senator:

TROTZKY of Penobscot

Representatives:

WILFONG of Stow  
PETERSON of Windham

Which reports were Read.

Thereupon, on motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, pending acceptance of either Committee Report.

##### Divided Report

Six members of the Committee on Health and Institutional Services on, Bill, "An Act to Provide the Citizens of the State of Maine with Uniform Quality Pharmaceutical Health Care." (S. P. 345) (L. D. 1146)

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

Signed:

Senator:

BERRY of Androscoggin

Representatives:

CURRAN of So. Portland  
KENNEDY of Gray  
POST of Owl's Head  
SPROWL of Hope  
LaPOINTE of Portland

Four 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-240).

Signed:

Representatives:

LAVERY of Millinocket  
LOVELL of Sanford  
MORIN of Old Orchard Beach  
HENNESSEY of West Bath

Two members 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-241).

Signed:

Senator:

HICHENS of York

Representative:

GOODWIN of So. Berwick

Which reports were Read.

Mr. Hichens of York moved that the Senate Accept Report "C" of the Committee.

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

Mr. BERRY: Mr. President and Members of the Senate: I stand to oppose the motion, and when the vote is taken I would ask for a division.

Mr. President, in L. D. 1146 one of the problems is that a pharmacist must keep a profile card on each patient for a period of five years after the last entry. Another problem is that every time a drug is sold a pharmacist must either verbally or by

telephone, or through a written statement at best, explain the use of the drug and any other information which a customer requests. It also calls for a pharmacist to keep a medical record on each patient.

It was the belief of the committee members who signed the Ought Not to Pass Report that basically what is being asked here is being done by some pharmacists, but there is no guarantee that every time a consumer goes to the drug store he is going to go to the same pharmacist. So we felt that this might have a tendency for people to believe that they have to go to the same pharmacist because of the records being kept by that particular individual.

We also recently have passed another piece of legislation within this body that called for advertising of prescription drugs. We felt that with this legislation people would have more tendency to shop around and go to various pharmacies. Then the Committee Amendment was attached to the bill, and the Committee Amendment, if you will read it, replaces the word "shall" with "may", which puts it right back in status quo, so we felt there was no need for the legislation.

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

Mr. HICHENS: Mr. President and Members of the Senate: The good Senator from Androscoggin has gone so far but he hasn't gone far enough. The second report, or Report "B", did provide that it should be "may" all the way through, and which doesn't change anything from what it is at the present time.

Report "C" has three basic parts. The first, as amended by Committee Amendment "A", encourages every pharmacist rather than compels him to explain the proper use of the prescription he or she is about to receive. No one should quarrel with this concept. Further on through the bill it is "shall", that they shall keep records and that they shall have a continuing education, which differs from Committee Amendment "B".

Secondly, the bill provides that each pharmacy shall keep a patient profile record system for each person for whom prescriptions are dispensed, except that one card may be kept for all members of one family living at the same address. This is a protection for the consumer who goes to a certain drug store. And as the good Senator has explained, we have passed a bill which allows them to go to other drug stores if they have got cheaper prices, but on the whole, especially in the country, they will go to the same drug store, and the druggist will keep a record and be able to explain to them what one drug may do to counteract another drug which may have been prescribed by a different physician. Most pharmacies already keep patient profile systems and find the concept very helpful to all concerned.

Thirdly, the bill, as amended, provides for a continuing education regulation which will not be effective until 1977, so druggists can prepare for this education which may be provided through courses, correspondence, or even through magazine courses.

All features of this bill have the approval and blessings of a great majority of the Maine Pharmaceutical Association. That association feels that several features of this bill considerably enhance the quality of services offered by the pharmacies of this state, and I hope you will vote for the acceptance of Report "C".

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