

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

WHEREAS, a State Ferry Advisory Board has been proposed to give detailed advice to the Department of Transportation on the operation and future of such activities; and

WHEREAS, provision for 1/2 fare is limited by age and to residents of certain islands and an advisory board on ferries already exists within the Department of Transportation; now, therefore, be it

ORDERED, the House concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Transportation, to study the condition and operation of the Maine State Ferry Service, including, but not limited to, the provisions of "An Act to Establish the Maine State Ferry Advisory Board," H.P. 1308, L. D. 1651, "An Act to Allow Certain Island Residents Use of the Maine State Ferry at one-half Fare," H. P. 1391, L. D. 1717, as introduced at the Regular Session of the 107th Legislature; and be it further

ORDERED, that the Council report the results of its findings, together with any proposed recommendations and necessary implementing legislation, to the next special or regular session of the Legislature; and be it further

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said agencies as notice of this directive.

Came from the Senate read and passed.
In the House, the Order was read and passed in concurrence.

From the Senate: The following Joint Order: (S. P. 552)

WHEREAS, during the 19th Century most doctors and medical superintendents believed that the only acceptable form of treatment for the mentally ill was institutionalization; and

WHEREAS, even though alternatives to such hospitalization began in the early part of the 20th Century, the stage did not become set for the rapid development of out-patient clinics and services and medical emphasis on hospitalization until 1961; and

WHEREAS, while the process of deinstitutionalization saves money for the State and makes money for the nursing homes and half-way house industry, it does little for the released patients who have been systematically abused by the burgeoning health care industry; and

WHEREAS, mental patients need a place to go where they will receive proper after-care instead of being exploited under policies which in practice have caused almost any facility in which aged and infirmed people live and derive some personal service to be called a nursing home; and

WHEREAS, there should be a moratorium on administrative discharges of mental patients from state institutions until there has been planning, through a public process, for a network of community services; and

WHEREAS, it is the responsibility of the State to establish a standard of decency and care for any institution which incarcerates this voiceless constituency and to create a humane system out of the chaos that is mental health after-care today; now, therefore, be it

ORDERED, the House concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Health and Institutional Services, to study the practice of deinstitutionalization as applied to the mentally ill and retarded of this State to determine the adequacy of

nursing and boarding home facilities and other such facilities being utilized for after-care of mentally troubled citizens, such study to determine the need, if any, for instituting a moratorium on release of such patients from state institutions until community services and standards for after-care have become adequate to meet the needs of such patients; and be it further

ORDERED, that the Council report the results of its findings together with any proposed recommendations and necessary implementing legislation, to the next special or regular session of the Legislature; and be it further

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said agencies as notice of this directive.

Came from the Senate read and passed.

In the House, the Order was read.

On motion of Mr. Goodwin of South Berwick, tabled pending passage in concurrence and later today assigned.

Joint Order Relative to Legislative Council Study of Management Jurisdiction over Fisheries Resources (H. P. 1736) which was read and passed in the House on June 19.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

Joint Order Relative to Legislative Council Study of Outer Continental Shelf and Off-shore Drilling (H. P. 1668) which was read and passed in the House on June 5.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

Joint Order Relative to Legislative Study on Need for State Forensic Laboratory (H. P. 1655) which was read and passed in the House on June 2.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

Joint Order Relative to Legislative Council Study of State-Regulated Casino Gambling (H. P. 1586) which was read and passed in the House on May 15.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

Joint Order Relative to Legislative Council Study of Efforts to Restore Maine's AAA Rating (H. P. 1718) which was read and passed in the House on June 17.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

Bill "An Act Relating to Personnel Classification and Functions of the Review and Evaluation and Fraud Investigation Division of the Department of Audit" (H. P. 1122) (L. D. 1409) which was passed to be enacted in the House on June 18 (having been passed to be engrossed as amended by Committee Amendment "A" (H-235) on May 5)

Came from the Senate with Enactment reconsidered and passed to be engrossed as amended by Committee Amendment

"A" (H-235) and Senate Amendment "A" (S-354) in non-concurrence.

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

The following Communication:

State of Maine
One Hundred and Seventh Legislature
Committee on Taxation

Honorable John L. Martin

Speaker of the House

State House

Augusta, Maine 04333

Dear Mr. Speaker:

It is a pleasure to inform you that the Committee on Taxation has considered and acted on all matters placed before it by the One Hundred and Seventh Legislature.

Following is a tabulation of bills as reported out of Committee:

Total number of bills received	145
Ought to Pass	24
Ought to Pass in New Draft	5
Ought to Pass, Amended	8
Divided	30
Ought Not to Pass	27
Leave to Withdraw	51
Total number of bills Recommended	3
Ought to Pass in New Draft	1
Ought to Pass, Amended	1
Divided	1

Respectfully,

(S)

FRANK M. DRIGOTAS

House Chairman

The Communication was read and ordered placed on file.

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

Joint Order relative to Joint Standing Committee on Health and Institutional Services to study the practices of Deinstitutionalization of the Mentally Ill and Retarded (S. P. 552)

Tabled — by Mr. Goodwin of South Berwick

Pending — Passage in concurrence.

On motion of Mr. Goodwin of South Berwick, the Order was indefinitely postponed in non-concurrence and sent up for concurrence.

By unanimous consent, all matters acted upon in concurrence and all matters requiring Senate concurrence were ordered sent forthwith to the Senate.

(Off Record Remarks)

The following paper appearing on Supplement No. 14 was taken up out of order by unanimous consent:

Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-351) on Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" (Emergency) (S. P. 480) (L. D. 1760)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-351) as amended by Senate Amendments "A" (S-355), "B" (S-362), "E" (S-361) and "F" (S-365) thereto; and Senate Amendments "A" (S-352), "B" (S-353), "C" (S-356) and "D" (S-360).

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

Committee Amendment "A" (S-351) was read by the Clerk.

Senate Amendment "A" to Committee

Amendment "A" (S-355) was read by the Clerk.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: In talking with some other people, I would like to establish the principle, at least from my own point of view, of adopting all these amendments. I guess my own personal principle will be to vote against all of them unless someone can convince me that they are worthy of adoption. I wonder if anyone can give me any reason why I ought to vote for Senate Amendment "A" to Committee Amendment "A"?

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

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

Mr. LYNCH: Mr. Speaker, I have the same concern. The Statement of Fact says, "These changes reflect the intent of the majority of the State Government Committee when recommending passage of this bill." Why wasn't it in the majority report?

Thereupon, Senate Amendment "A" was indefinitely postponed in non-concurrence.

Senate Amendment "B" to Committee Amendment "A" (S-362) was read by the Clerk.

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

Mr. DAVIES: Mr. Speaker, I would ask for a ruling on the germaneness of this. I believe we have had an amendment that would propose to do basically the same thing back when we were debating the hunting and fishing license bill.

The SPEAKER: The gentleman from Orono, Mr. Davies, has posed a question on the germaneness of Senate Amendment "B" to Committee Amendment "A". If the gentleman can give me an amendment which has been defeated by this body, then the amendment would not be germane; otherwise, the amendment would be germane.

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

Mrs. BACHRACH: Mr. Speaker, we have had the previous Bill which contains these for servicemen, but I believe that this amendment relates to the philosophy behind the fees and states that they would always be considered as residents of Maine. It seems to me that this not exactly repeating the same legislation.

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

Mr. DAVIES: Mr. Speaker, I have an amendment in my hand and I am not sure what disposition we gave to it. It is Senate Amendment "B" to Committee Amendment "A" with a filing number of S-273. If this was in fact indefinitely postponed, it contains a provision in it that would grant a person serving in the Armed Forces of the United States who was permanently stationed at a military or naval base, stationed or based within the state, could fish during the season for which the license is issued." S-273 is one of them, and S-274. I am not sure what the disposition of either one is.

The SPEAKER: The Chair would announce that the records show that Senate Amendment 273 and Senate Amendment 274 were never introduced and therefore, the Senate Amendment B is germane.

The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, I move the indefinite postponement of this amendment.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: As I read this amendment, it might not even be necessary. Certainly if a serviceman is living here, he has a right to vote here and I can't see how you could ever deny him a license. I would like to see the amendment passed though, just to make sure that any soldier on any of the bases or sailors or marines, or whatever you have, on a base and permanently resident there for the duration, as long as the service wants him there, that he could pay for a fish and game license. This isn't a free license. Think of those boys up at Limestone, they are pretty lonely and it is pretty nice in the spring if they can go fishing or they can go hunting, and they are willing to buy a license, I don't think we should deny them it.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: There has been a lot of controversy over the servicemen either living or being ordered into the State of Maine. It is my understanding that a member of the other Body went down to the Attorney General's Office and got a decision on it and the decision was such that it comes under the ruling of the United States Supreme Court that a person having abided for one day in a place of residence, whether they are ordered there or not is not germane to the question. The fact that they do reside there and will for a period of time, they are therefore subject to the residential license requirements on any or all licenses issued in the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, Member of the House: At first blush, I read the proposed amendment as the gentleman from Hampden does. It seems to me to be a sensible amendment, that servicemen stationed here in the state will be entitled to obtain fishing and hunting licenses. The department does want funds, and I would be interested in knowing why the gentleman suggested that it be indefinitely postponed. What is wrong with the proposed amendment?

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

Mr. NORRIS: Mr. Speaker, and Ladies and Gentlemen: As I read this, and I could be wrong and I am probably wrong to get mixed up in fish and game things, but a person who is stationed in Maine and yet does not establish his residency in Maine and does not pay Maine income taxes can buy a license in the State of Maine with this amendment at the same fee that a Maine resident does. They do not have to become, as I interpret this, a resident of the State of Maine. They can retain their residency in Illinois or Florida or Georgia and register their cars there, and what have you, and not be subject to our income tax laws. I think that is the division, that is the question. I am debating neither for nor against, but the fact remains that under this, they could buy at the resident's fee without actually becoming a resident of the State of Maine.

The SPEAKER: The Chair recognizes

the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker and Members of the House: We live in a military town and we have been called, last week, all week long on this and I agree with this bill. I think anyone who is in the service, he is serving his country, he is entitled to a fishing license or a hunting license wherever he is going to live. I have a son who lives in Delaware and he hunts and fishes in Delaware at the price of the Delaware people and I think that anybody who is stationed in Maine should be given the same opportunity as the Maine people.

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

Mr. CONNERS: Mr. Speaker and Member of the House: This is recognized, I believe, all through the other states. Our boys who go from here and are stationed in Texas or any of the other states, this is recognized down there and they buy a resident license and hunt and fish at the resident's price. That is the fee they pay and I hope that we will go along with this amendment.

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

Mr. MacEACHERN: Mr. Speaker and Members of the House: We also have people who are flown in here for a week or two weeks in the fall from all over the United States by the Air Force, the Navy and every other branch of the service and they come down and buy a resident license and go hunting for two weeks and then go back to the base where they are stationed. I think this is bad practice.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: In reply to the previous speaker's comments, it is very specifically stated "permanently stationed in the State of Maine." Permanently stationed is very easily ascertainable by calling the base locator by the clerk of the town and it can be pointed out to them whether this individual is or is not permanently stationed at a base.

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

Mrs. MORIN: Mr. Speaker and Members of the House: The other day I was told when we were discussing fees for hunting and fishing that the only thing the servicemen would have to do is have a letter from the Commander stating that he is permanently stationed there and he could get the license without having to change his residency.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. McBreaarty.

Mr. McBREAIRTY: Mr. Speaker and Members of the House: I represent probably the greater part of Loring Air Base and I hope you go along with this amendment.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Carpenter.

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: As Mr. Burns said, this is very specific and the easiest way. There are several easy ways to determine whether a person is stationed in the State of Maine and that is by a phone call to the post locator or by the letter Mrs. Morin was talking about. Also there are many reasons, speaking as an

ex serviceman, there are many reasons why you don't want to change your residency. I lived in the State of New Jersey for a long while but I maintained my residency in the State of Maine for a lot of personal reasons. There are many reasons you don't want to change your residence, and I don't think we want all these people to change their residence, but I think they should be allowed to hunt at resident prices.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I am ready to support Section 8C, but I would call the attention of the House that Section 8A repeals the law this legislature enacted and I have just sent down trying to get a copy of that law. Does anyone know what Chapter 516 of the Public Laws is that we have already enacted in this legislature?

The SPEAKER: The pending question is on the motion of the gentleman from Lincoln, Mr. MacEachern, that Senate Amendment "B" to Committee Amendment "A" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

9 having voted in the affirmative and 93 having voted in the negative, the motion did not prevail.

Thereupon, Senate Amendment "B" to Committee Amendment "A" was adopted.

The SPEAKER: On motion of Mr. McKernan of Bangor, the House reconsidered its action whereby Senate Amendment "A" to Committee Amendment "A" was indefinitely postponed.

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

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I was a little bit asleep at the switch and couldn't find the amendment. I am not that familiar with the amendment itself, except that I was called by one of my constituents concerning the problem in a bill that was passed out of the State Government Committee dealing with the registration of foresters. I think that some people on the State Government Committee who are now in their seats and worked on this problem in particular can explain exactly what this amendment does. As I understand it, it just replaces some wording that was supposed to have been included in the bill and I hope that someone on State Government could explain it further.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen: When this bill was killed a few minutes ago I was back of the hall and didn't realize what was going on. This was not my bill but I had considerable to do with it in State Government. I have been in touch with the group that were after the bill and what happened at the time, we made these changes and we were not allowed to put out a new bill in new draft. We completely gutted the regular bill in many parts and we wrote in these corrections and either they couldn't read our writing or couldn't interpret it and these parts were omitted from the bill that we originally passed in State Government and they are corrections pure and simple.

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

Mr. SPENCER: Mr. Speaker, I would like to pose a question to anyone who would care to answer. It is my recollection that when this bill was debated, the point was made very clearly that a person who had graduated from forestry school would still be able to work as a forester, even if he weren't certified under this program. The language that is added here says that such a person can only practice forestry under the supervision of a registered forester. It appears to me that the bill we passed, which was just setting up this registration because the foresters wanted it, — let me just pose a question, does this add the requirement that a graduate of a school of forestry must be under the supervision of a registered forester before he can practice?

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I will try to answer. If a graduate forester goes to work for one of our large corporations or landowners, he does not have to have a license. However, if he should go to work for an outfit such as the Sewall Company or Prentiss and Carlisle in Bangor and I know there are other outfits in the other part of the state, in which he must sign documents attesting to the veracity or the accuracy of the study he has made, then he must be registered or work under the supervision of a registered forester, because only the registered forester's signature is going to be acceptable. With a private corporation such as Great Northern or anyone like that, he doesn't have to be registered.

Thereupon, Senate Amendment "A" to Committee Amendment "A" was adopted.

Senate Amendment "E" to Committee Amendment "A" (S-361) was read by the Clerk.

On motion of Mr. Kelleher of Bangor, Senate Amendment "E" to Committee Amendment "A" was indefinitely postponed in non-concurrence.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, on the item just indefinitely postponed, there are several of us who do not have that amendment and I wonder if it is possible to get reconsideration and table it until we can find it?

The SPEAKER: The Chair would announce that Senate Amendment "E" to Committee Amendment "A" has a filing number of (S-361) and the Chair would inquire if other people do not have it?

On motion of Mr. Kelleher of Bangor, the House reconsidered its action whereby it voted to indefinitely postpone Senate Amendment "E" to Committee Amendment "A".

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: As I understand it, this was requested by the Secretary of State's Office, Mark Gartley's office, relative to odometers. Beyond that, I do not know the merits of it.

Thereupon, Senate Amendment "E" to Committee Amendment "A" was adopted in concurrence.

On motion of Mr. Henderson of Bangor, the House voted to reconsider its action whereby it voted to adopt Senate Amendment "E" to Committee Amendment "A".

The SPEAKER: The pending question is

adoption of Senate Amendment "E" to Committee Amendment "A".

Mr. Henderson of Bangor requested a vote.

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

Mr. SPENCER: Mr. Speaker, I am not sure whether it is in order or not, but the only effect of this amendment is that instead of prescribing the form that has to be filled out, it lets the Secretary of State establish the form.

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

Mr. CAREY: Mr. Speaker, maybe somebody then could explain the Statement of Fact on the bottom of Senate Amendment "E" which says that the purpose of this amendment is to change the form in which the sections are put in the statutes. I am having a hard time to understand what the Statement of Fact is doing with odometers.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: From what the gentleman from Cape Elizabeth, Mr. Hewes, said concerning the odometers, I question whether the fine at the present time is \$1,000 and I would like to have clarification before I vote on it.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: We had 87 amendments upstairs in our committee. These were brought out afterwards, they came from the Senate, we had never seen these amendments, we don't know what they are, we never read them. How can we tell you what they are when we have never seen them?

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

Mr. CAREY: Mr. Speaker, I am satisfied that there is just a technical error in transposition in the Statement of Fact where it says, the purpose of the amendment is to change the form in which the section is put into the statutes, it should have been, to change the section in which the forms are put into the statutes.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to point out to you that that amendment is an amendment to the committee amendment. Page 10 refers to this subject also, and just glancing, there didn't seem to be any real problem with the Senate Amendment.

Thereupon, Senate Amendment "E" to Committee Amendment "A" was adopted in concurrence.

Senate Amendment "F" to Committee Amendment "A" (S-365) was read by the Clerk.

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

Mr. HENDERSON: Mr. Speaker, on this particular one, it seems there is a policy change and I would ask if there could be any explanation to this. I would call your attention to Section 1 on the Committee Amendment, it says, records that have been designated confidential by statute or that contain information so designated will be considered confidential. What this amendment does is

strike out the words "or contain information so designated" and it appears to me that that information in records in which an individual might have written or stamped on it "Confidential" or "For the Counselor Only" (if that is what it is) that by adopting this amendment, that would now not be "Confidential." So, I think there is a policy change involved with this amendment and unless someone else could give me any other explanation, I would hope, although I won't move at this time, that it would be indefinitely postponed.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: May I be allowed some latitude in addressing myself to that question and other questions as well?

The SPEAKER: The gentleman may deal with the amendment before us.

Mr. McMAHON: Mr. Speaker, well, okay, I will attempt to deal with that only. The amendment was put on by the gentleman in the other Body and I haven't discussed it with him, but it goes to a section of the Committee Amendment that relates to a bill that was cosponsored by the gentleman from Dover-Foxcroft, and the gentleman from Falmouth and myself, which has been enacted into law. Now, Senate Amendment "F" attempts to amend Committee Amendment "A", Section one, so if you have the Committee Amendment in front of you, look at Section one, since that is where Senate Amendment "F" attempts to go.

I believe it is the intention of the gentleman in the other body that the two amendments, the two changes he is attempting to make in his amendment are superfluous in that they are repetitive and are not necessary in Committee Amendment "A". If there is anyone else in this Body that has discussed it with the other gentleman, I would hope that they would rise to further explain his motives.

As one of the cosponsors of the bill, however, I have no problem with the amendment. The Committee Amendment "A", Section one, was thoroughly discussed in the committee and the good gentleman from Androscoggin County who sponsored this amendment was there, and I believe his intention was simply to eliminate some of the superfluous and repetitive language.

Mr. Henderson of Bangor requested a vote.

The SPEAKER: The pending motion is the adoption of Senate Amendment "F" to Committee Amendment "A". Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

61 having voted in the affirmative and 29 in the negative, the motion did prevail.

Mr. Lynch of Livermore Falls offered House Amendment "G" to Committee Amendment "A" (H-835) and moved its adoption.

House Amendment "G" to Committee Amendment "A" (H-835) was read by the Clerk.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: We passed L. D. 1811, Regional Technical Vocational Centers and Vocational Education Region Bill. On page 780 — 11, in Section 9, on the third line from the end of the paragraph, if you will read that line, it makes no sense without the words underlined in the

amendment. The purpose of the House Amendment is to put those words in that were left out, "school district created by private and special law for the purpose of acquiring" and then the rest of the sentence is in there.

Thereupon, House Amendment "G" to Committee Amendment "A" was adopted.

Mr. Goodwin of South Berwick offered House Amendment "E" to Committee Amendment "A" (H-830) and moved its adoption.

House Amendment "E" to Committee Amendment "A" (H-830) was read by the Clerk.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: What this amendment does it deletes a section on Page 22 to the Committee Amendment. What that section does, which is Section 51K, is it includes into a bill which the Health and Institutional Committee has already reported out and was passed and signed by the Governor which set up some guidelines on the deinstitutionalization of mentally ill and mentally retarded people when they are sent out into the community.

There are some problems with what the Committee Amendment does but, basically, this was an issue that we talked about in committee and decided against at that particular time, or it was the feeling of the committee, at least as I remember, we could not get into the programs offered because then you get into an area where we felt, at least I feel it is up to the administration to establish the programs and treatment of the individuals that are going to be deinstitutionalized.

This, basically, is not an error or inconsistency, this is substantive change that was put in at the request of the sponsor of the bill, the original bill. I just don't feel that it should be in errors and inconsistencies law. At this late date, what I have done is run around, Mr. LaPointe and myself, to the Attorney General's Office and the department heads and the institution heads to try and find out what this particular Committee Amendment would do, and everybody has tried to figure it out and if you try to do that on a hot day with just a couple of hours, I think we could get into a lot of problems. Therefore, I have introduced this amendment which will delete Section 51K and delete the reference of 51K in Section 51L and this is a part of what has already been agreed to study in a study that our committee will be working on and we may come back with similar legislation or we may not. This is getting into a real substantive change directing the department to do certain things that I just think and feel we shouldn't try to pass something like this in an errors and inconsistency bill.

The SPEAKER: The Chair recognizes the gentleman from West Bath, Mr. Hennessey.

Mr. HENNESSEY: Mr. Speaker, Ladies and Gentlemen of the House: I am opposing the House Amendment "E". I have checked into this this afternoon and the people, the consumers, are willing to go with what is written in the original amendment as in your pink slip on Page 24. The department itself is willing to live with what we have now, so I would ask you to go against Amendment "E" at this time.

The SPEAKER: The Chair recognizes

the gentleman from Portland, Mr. LaPointe.

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: I think the problem that we are getting into with these amendments is that there is much disagreement. I did go down to the Attorney General's Office this afternoon and got a letter from an Assistant Attorney General relative to this particular amendment and I would like to quote from it, "In its present draft." (referring to the amendment) the above amendment may have substantial disruptive impact on present programs." So we are getting into substantive change. I hope you go along with Representative Goodwin's amendment.

The SPEAKER: The pending question is the adoption of House Amendment "E". Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

66 having voted in the affirmative and 33 in the negative, the motion did prevail.

Mr. Spencer of Standish offered House Amendment "C" to Committee Amendment "A" and moved its adoption.

House Amendment "C" to Committee Amendment "A" (H-828) was read by the Clerk.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: In the original bill which related to the training requirements for volunteer ambulance personnel, the EMTA course was referred to in general terms and it said that no emergency training course should be required unless certain conditions were met, this amendment makes it clear that we are referring to the specific EMTA course which was developed by the United States Department of Transportation, which was the original intent. And the reason for offering this amendment was that the wrong draft got down to Legislative Research and the amendment that I am now proposing was the intent of the committee in straightening out the original problem.

Thereupon, House Amendment "C" to Committee Amendment "A" was adopted.

Mr. Bustin of Augusta offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-820) was read by the Clerk.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: This House Amendment is practically identical to one that was prepared and was going to be offered by Mr. Garsoe, and I assume, as I see Mr. Snow rising to his feet there, he is probably going to try to kill this and then Mr. Garsoe's would be presented. It is going to come as a shock that on this labor issue that intransigent and intractable management Representative, the gentleman from Cumberland and I are together on this amendment. All it does is deal with how many people will be on the list from which the Governor must appoint people to the panel of mediators.

Mediation is a very important service to both the private and the public sectors. There are a lot of people around who think they are mediators who do not really have all the skills that you need in order to bring effective compromises between labor

organizations and management, particularly in times of extreme strife.

My amendment says, and what is different between that and the one that Mr. Garsoe had prepared, is that the Governor shall choose from a list and on that list shall be twice as many names as the persons to be chosen.

If you were just going to have one of those mediators coming up for appointment, it probably would be possible for the PELRB to submit a list of five, but if two or three people are coming for reappointment off this panel of mediators, I don't think, on the basis of my experience in the labor relations area, that a bonafide list of 10 or 15 qualified mediators could be presented to the Governor for his selection, and that is why I propose this amendment.

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

Mr. SNOW: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not accept the amendment offered by the gentleman from Augusta, Mr. Bustin. It represents a substantive change in the bill which was discussed by the Labor Committee and which was reported out of committee unanimously "Ought to Pass". The Labor Committee does feel that there are sufficient people qualified to be mediators in the state so that a list of 10 or 15 could be presented to the Governor from which he could make his selection should there be the need; in other words, if there are two or three vacancies.

So I oppose the motion. I would simply say that on the basis of my experience and on the basis of the action of the Labor Committee, there are sufficient people qualified to be mediators. We feel the Governor should have a broader choice and it is my understanding that Mr. Garsoe will present his amendment which restores this to five people to five times the number of people needed and which also makes another correction, which is a technical correction, to conform it to another law.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I have to admit quite candidly that actually I am not sure who is correct, the gentleman from Augusta or the gentleman from Falmouth, but I am going to vote with Mr. Snow this afternoon for the simple reason that people from the Maine Teachers Association brought this precise amendment to my attention before the LD in question was passed and there were plenty of opportunities to amend the bill on the floor at that time or to approach members of the Labor Committee at that time. They have not chosen to do so. I feel that if they want to introduce a bill later and present testimony at public hearings in support of Mr. Bustin's position, I would be more happy to examine it at that time. I do not feel this is the bill to do so and I hope you will follow Mr. Snow.

The SPEAKER: The pending motion is adoption of House Amendment "A" to Committee Amendment "A". Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

24 having voted in the affirmative and 66 in the negative, the motion did not prevail.

Mr. Garsoe of Cumberland offered House Amendment "B" to Committee Amendment "A" and moved its adoption.

House Amendment "B" to Committee Amendment "A" (H-823) was read by the Clerk.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, this does indeed correct an inconsistency. The bill before Appropriations to continue the mediation function was inadvertently transposed by a subsequent measure and this keeps everything in its original context as passed unanimously by the Labor Committee. I urge its adoption.

Thereupon, House Amendment "B" to Committee Amendment "A" was adopted.

Mrs. Post of Owls Head offered House Amendment "D" to Committee Amendment "A" and moved its adoption.

House Amendment "D" to Committee Amendment "A" (H-829) was read by the Clerk.

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: I would urge members to read the Statement of Facts which does, contrary to some other amendments that you may have had, try to explain the issue.

What it is that originally we had, earlier in the session, a bill which clearly stated in the statutes that family day care was to be considered as developmental day care as far as PSSP funding by the state went. It was the intention of the legislature, when they first passed PSSP, that family day care could in fact be funded under PSSP, but the Department of Health and Welfare did not do that. That was the reason for a bill being put in to clearly state out the fact that family day care could be funded under PSSP, except that when that happened, it was to be considered developmental day care, which means it had to meet certain standards as far as good meals go, the children had to have toys to play with, it had to be a safe kind of place. That was clear in the Committee of Conference report in the first section, it was not clear in the paragraph that followed that first section, and that is simply all my amendment does, it inserts the words in two places "other types of developmental day care". It in no way affects the funding for any kind of PSSP programs or day care programs or anything else. That was done in the original bill which we have already passed and has become law without the Governor's signature.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: I am speaking as a Representative from Cape Elizabeth and not a Judiciary Committee member. The day care people in the Health and Welfare Department got a bad case of bureaucratic meddling in the YMCA in Portland of which I was a director last year. I think that they are trying to broaden too much. This gives them the right to get involved in "other types" of developmental day care. What the program was at the Y was a swim program, there were no meals involved and they had an Assistant Attorney General, two social workers that were spending time down and trying to close down the Y. The Y dropped the program after a while.

I wouldn't be disappointed if some of the funds were cut from that department instead of giving them broader powers into other types of day care activities. The family day care activity does make sense, but when you add the words "other types".

I don't think you ought to get into that field and I think it is substantive and shouldn't be a part of this and I move the indefinite postpone of House Amendment "D" to Committee Amendment "A".

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: Without trying to give a whole lesson in the different kinds of licensing standards, this is a bit difficult to explain on a hot afternoon at quarter to seven, this in no way affects the licensing powers of the Department of Health and Welfare, which is a situation that I think probably Representative Hewes is relating to, where you may have a swim program and all of a sudden the Department of Health and Welfare comes in and says that is a day care program and therefore you have to get a license for it. This in no way relates to that. It in no way relates to any other kinds of programs that the Department of Health and Welfare is funding under PSSP or Title 20 or Title 4-A or anything else.

All it says is that when you have family day care programs and they are going to be funded with state money, that those programs have to be good places for those kids to be, that family day care programs, you have to make sure you have meals, you have proper equipment for the children to play with and that kind of thing. That simply is all it means, that family day care funded under PSSP can't simply be custodial care where you maybe heard six kids into a room — family day care is only six and under — six kids into a room and they stay there from eight to five o'clock and that is it. It relates to nothing else, and it doesn't relate at all to the licensing powers of the Department of Health and Welfare.

I would ask you to vote against indefinite postponement of this.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: I understand what the intent is of the lady's amendment, and I don't disagree with the intent. I know this matter we had with the Y last year, I couldn't find the statute where the Department of Health and Welfare had the authority to do what they were doing. This would give them authority in other types. It might be that this particular wording which broadens their jurisdiction not only to such developmental day care but also to such other types of developmental day care.

I know that I tried to talk to the people in Health and Welfare, day care people, they weren't satisfied. The Y did not stop its program until the Attorney General's Office brought an action, took them to court, and finally at court the Y decided they would drop this swim program for the little kids. They weren't feeding them, they were just trying to teach instructional swimming and the State of Maine went to court against the Portland Y. I hate to broaden the day care jurisdiction to something as broad as "other types of" I think that it is wrong, particularly in the errors and inconsistencies bill.

Mrs. Post of Owls Head was granted permission to speak a third time.

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: I think we have already dealt with the bill earlier this session which had to do with the licensing of day care facilities and when the

department in fact had authority over licensing facilities. In fact, we broadened it a little bit this year for the first time to say that the Department of Health and Welfare had responsibility for licensing nursery schools. That is a whole different statute. All this bill has to do with is what kinds of programs are going to be funded under PSSP, which is state money, and we just want to make sure they are good programs for the kids. That is simply all we are dealing with. If you would read the Statement of Fact, it is my understanding that the Judiciary Committee did vote to include this in their original bill, but since it hasn't yet gotten a chapter number, they were simply not able to do that.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I guess that is my question, that it gives, in reading the intent, L.D. 1500 was to include family day care and then it goes on to say that the Judiciary Committee voted and we have heard nothing from them, but I suppose they will speak in a moment to include this amendment in the Committee Amendment but could not because 1500 had not been chaptered, a chaptered law when the Committee Amendment had been prepared and thus could not be amended. My question is, is the law chaptered now?

The SPEAKER: Mr. Norris of Brewer poses a question through the Chair to any member of the House who cares to answer.

The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I would assume, from reading House Amendment "D" to Committee Amendment "A", that Section 32-A which is being amended states that public law 1975 Chapter 523. I would suggest that the chapter number is 523.

The SPEAKER: The pending question is on the motion of the gentleman from Cape Elizabeth, Mr. Hewes, that House Amendment "D" to Committee Amendment "A" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mrs. Post of Owls Head requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Cape Elizabeth, Mr. Hewes, that the House indefinitely postpone House Amendment "D", to Committee Amendment "A". All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bagley, Bennett, Berry, G. W.: Berube, Birt, Bowie, Burns, Call, Carey, Carpenter, Connors, Curtis, DeVane, Doak, Drigotas, Durgin, Farnham, Fenlason, Finmore, Fraser, Garsoe, Gauthier, Gould, Gray, Hall, Henderson, Hennessey, Hewes, Higgins, Hunter, Hutchings, Jackson, Joyce, Kelleher, Laverty, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, Mackel, MacLeod, Mahany, Martin, A.; Maxwell, McBreairty, McMahan,

Miskavage, Morin, Norris, Palmer, Peakes, Peterson, P.; Raymond, Rideout, Shute, Snow, Snowe, Sprowl, Strout, Stubbs, Tarr, Teague, Theriault, Torrey, Twitchell, Walker.

NAY — Ault, Bachrach, Berry, P. P.; Blodgett, Boudreau, Bustin, Byers, Carroll, Carter, Clark, Connolly, Cox, Curran, P.; Davies, Dow, Flanagan, Goodwin, H.; Greenlaw, Hobbins, Ingegneri, Jensen, Kany, Kelley, LaPointe, LeBlanc, McKernan, Mitchell, Mulhern, Nadeau, Najarian, Pelosi, Perkins, T.; Peterson, T.; Pierce, Post, Powell, Quinn, Saunders, Spencer, Talbot, Tierney, Wilfong, Winship.

ABSENT — Chonko, Churchill, Cooney, Cote, Curran, R.; Dam, Dudley, Dyer, Farley, Faucher, Goodwin, K.; Hinds, Hughes, Immonen, Jacques, Jalbert, Kauffman, Kennedy, Laffin, Leonard, MacEachern, Martin, R.; Mills, Morton, Pearson, Perkins, S.; Rolde, Rollins, Silverman, Smith, Susi, Tozier, Truman, Tyndale, Usher, Webber.

Yes, 70; No, 44; Absent, 36.

The SPEAKER: Seventy having voted in the affirmative, forty-four in the negative, with thirty-six being absent, the motion does prevail.

Mr. Tierney of Durham offered House Amendment "F" to Committee Amendment "A" and moved its adoption.

House Amendment "F" to Committee Amendment "A" (H-834) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address your attention to Section one of the Committee Amendment which deals with the definition of public records. You may recall that earlier in this session we had a bit of a to-do between the two Houses relative to the degree of confidentiality which would be maintained within Dave Silsby's office and within Bill Garside's office. It was the legislative determination at that time that those files are and should remain confidential. This errors and inconsistencies bill, I hope, inadvertently reverses that position of the legislature. In Section 3, it creates an exception to the general exception and therefore would open up your personal file in Dave Silsby's office to the scrutiny not only of other legislators but to indeed the lobby.

I don't think any of us want this, I don't think the people who drafted this amendment wanted this. For that purpose, I have introduced an amendment to make it very clear that such legislative records and reports shall at least not be considered a public record and a degree of openness shall be set by other means.

Mr. Garsoe of Cumberland requested a vote on the adoption of House Amendment "F" to Committee Amendment "A".

The SPEAKER: The pending question is adoption of House Amendment "F" to Committee Amendment "A". All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

71 having voted in the affirmative, 60 having voted in the negative, the motion did prevail.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side, I now move we reconsider.

I would like to make a couple of comments but didn't want to go to the expense of asking for a roll call on it.

I am just wondering if we adopted House Amendment "F" to Committee Amendment "A" which deleted subsection 3, whether or not this should not be numbered subsection 3 instead of subsection 4?

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

Mr. CAREY: Mr. Speaker and Members of the House: The problem may be clarified, because when we adopted Senate Amendment "F" to Committee Amendment "A" we did do some changing. Whenever they look at the clarification for this amendment, they better check back with Senate Amendment "F" also.

Mr. McKernan of Bangor withdrew his motion for reconsideration.

Thereupon, Committee Amendment "A" as amended by Senate Amendment "A", Senate Amendment "B", Senate Amendment "E" and Senate Amendment "F" and House Amendment "B", House Amendment "C", House Amendment "E", House Amendment "F" and House Amendment "G" thereto was adopted in non-concurrence.

Senate Amendment "C" (S-356) was read by the Clerk.

Mr. Henderson of Bangor requested a vote.

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

Mr. LAPOINTE: Mr. Speaker and Members of the House: If we are talking about S-356, I have discussed this amendment with the various parties involved and it is okay with them. That is the Maine Petroleum Association and the Maine Pine Tree Gasoline Retailers Association.

Mr. Henderson of Bangor withdrew his request for a vote.

Thereupon, Senate Amendment "C" was adopted.

Senate Amendment "D" (S-360) was read by the Clerk.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: Senate Amendment "D" is an amendment which addresses the drug advertising bill that was passed earlier on in this session. What the amendment does is, it takes out the provision, the protection, that the Committee on Health and Institutional Services put in to restrict drug advertising from TV and the radio media, because we felt it was not conducive to that type of advertising. This amendment takes out a substantial part of that bill, a substantial protection.

This amendment is not an error and inconsistency. This was even discussed on the floor of this House. Representative Lewis, I think, asked a question about this and was answered at the time by Representative Post. This is not, as I said, an error and inconsistency, it is a substantial change that was put in, as I understand it, after there was some question, specifically from television stations as to whether or not this is constitutional. I maintain it is. It is done on the federal level and I think that we are well within our powers of protecting the public health of the people of the State of Maine to regulate certain types of

advertising if we feel it is detrimental to the public health.

Therefore, I move the indefinite postponement of this amendment, S-360.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: This is the amendment I was talking about before that the sponsor of the amendment has said that Attorney General John Benoit has said that this language in our present law is unconstitutional. Therefore, I would hope you would accept this amendment.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I also checked with the Attorney General's office this afternoon questioning the constitutionality of this and Mr. Benoit stated that the wording of it was subject to question but there is a case in the United States Supreme Court now which no decision has been handed down on. I therefore submit that we are well within our powers, until there has been a ruling, that we go along with the committee report, which was to exclude television advertising. I feel if the federal government feels that cigarettes cannot be advertised on TV because they are dangerous to our health, why then should we not handle prescription medicines the same way?

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I have two other points. First of all, if you look at the amendment, the Statement of Fact is a little misleading. I think, on this, I would like you to listen to what we are saying here, because the Statement of Fact doesn't really address itself to the type of what I think is in the amendment. I would also like, since this was actually discussed on the floor of the House and since this is a substantial change, I would like to ask the Chair for a ruling on the germaneness of this amendment.

The SPEAKER: The Chair has no basis to rule that the amendment is not germane unless an amendment was offered which did the same thing. Therefore, the Chair would rule that the amendment is germane.

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

Mr. GOODWIN: Mr. Speaker and Members of the House: What if the original bill as written allowed this and then we took it off in the committee?

The SPEAKER: The Chair would answer that the Bill obviously had not been defeated by this body but defeated by a committee of the legislature. The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: I have just spoken to the sponsor of the bill, the good gentleman from Portland, and he understands that the provision that is being changed here is unconstitutional and that this change may save the prescription drug bill from being declared unconstitutional. We worked so hard on that prescription drug bill, it seems to me that this should be adopted. Perhaps I am in error, but that is what I understood from the gentleman from Portland a few moments ago.

The SPEAKER: The Chair recognizes

the gentleman from Bangor, Mr. McKernan.

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: With all due respect to the sponsor of this amendment, I think he was also one of those in the other body when this bill was originally debated that wanted to get television back in the bill to allow advertising on television. This whole attack stems from TV stations in Portland that want a piece of the market. In the wisdom of the Committee on Health and Institutional Services, they decided it was not in the best interest of the people of this state to allow the advertising on TV. Therefore, they took it out, now the people who want to get a piece of the action, that is the TV people in this state, are now trying to come in through the back door. I haven't seen any Attorney General's opinion, and I understand the decision which was informal, based on a discussion through the Attorney General's Office, that yes, it might be unconstitutional, is based on some cases that have been decided in various circuit courts around the country. I want to tell you that this is only one person's opinion in the Attorney General's Office, that in fact, because of these decisions around the country, that this bill might be unconstitutional. The decision he is basing that on did not deal with the question of whether or not you could ban advertising on TV. Those decision on a wide range of legal theories decided that prohibiting total advertising of prescription drug prices were in fact a restraint of trade.

This amendment really has no bearing on the decision of those courts. What we are saying is, you can advertise but they were going to say what media you are going to use. We are going to say that because of some of the problems that can be created by the way people manipulate television advertising, that maybe it is not the best interest of the people of this state to allow advertising on TV. But we are going to allow advertising in different mediums, on radio, newspapers, suppliers and anything else, so that advertising will be available for the consumers of this state. I think that to try to put a substantive change back in, based on some hokey conversation with an attorney general that this might be unconstitutional when in fact you have heard the gentleman from Blue Hill say there is a case pending in the Supreme Court right now which, in fact, still is not directly on point with this amendment, I think that we are being taken and that we ought to indefinitely postpone this amendment.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address a question, if I may, through the Chair to any attorney that may possibly be able to answer. It is the matter of separability. If in fact, and I have no idea whether this thing is constitutional or not, but if in fact this section is found to be unconstitutional, isn't it possible that the rest of the law could stand up under the system and be found to be constitutional, that only "A" section would be found unconstitutional.

The SPEAKER: The gentleman from Waterville, Mr. Carey, poses a question through the Chair to anyone who cares to answer.

The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members

of the House: In response to the question, the court might declare just that minute section unconstitutional or it might declare the entire act unconstitutional. I don't know which way they would act if in fact this particular section is trying to be changed as unconstitutional.

The purpose of this amendment is to prevent the whole bill from being found unconstitutional.

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: In all honesty, I have to say that the discussions that have been revolving around the Attorney General's Office come from more than an actual conversation with the Attorney General's Office, there was a letter. The first page of the letter dealt entirely with the matter of whether or not you could prohibit advertising in other court cases which were dealing with that specific problem. The last paragraph said "Therefore, you might not be able to prohibit advertising by television but the reasons for this were based on other court cases having to do with prohibiting advertising altogether. And as Mr. McKernan has already mentioned, our bill doesn't deal with that, we are allowing advertising. We are simply saying that in the particular instance of TV, where a large amount of money is involved and there are other considerations, that that kind of advertising should not be allowed.

I have to say, also that day that the issue came up here in the House, I did call the FDC in Washington and they told me and they checked with their attorneys in various areas and they said as far as they were concerned there was no problem with the bill which we had originally before us prohibiting advertising by television.

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

Mr. LOVELL: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will indefinitely postpone this amendment because the average drug store has some 22,000 prescription items in it. The minute you go advertising on television, you are automatically going to raise the price, but much worse than that, the younger people are going to see this advertising on television and say, well, let's try to get some of this drug. Let's take some of my mothers drug or my fathers drug and let's try it out and see how it works. We think the Committee on Health and Institutions thinks it would be a very poor policy to allow advertising of prescription drugs on television, just the same way as it is poor policy for cigarettes, called the cancer stick by the Speaker, and the same way with hard liquor.

The SPEAKER: The Chair recognizes the gentleman from Stow, Mr. Wilfong.

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: I think that we should go along with indefinite postponement of this amendment. We don't have a definitive decision from the Attorney General's Office, we don't have a definitive decision from the Maine Supreme Court or the United States Supreme Court and we are a separate body. Let's go along with our decision, make the decision and if they should rule later that it is unconstitutional, let's worry about it then. I don't think that we should be worrying about what the court might do in the future.

The SPEAKER: The pending question is on the motion of the gentleman from South

Berwick, Mr. Goodwin, that the House indefinitely postpone House Amendment "D" in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

73 having voted in the affirmative, 6 having voted in the negative, the motion did prevail.

Senate Amendment "A" (S-352) was read by the Clerk and adopted in concurrence.

Senate Amendment "B" (S-353) was read by the Clerk and adopted in concurrence.

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

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: This seems to be a rather substantial item. I wonder if someone could explain what the current statute says and what this is going to change it to.

The SPEAKER: The gentleman from Orono, Mr. Davies, posed a question through the Chair to any member of the House who cares to answer.

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: This amendment defines a political party in Section 21, and in Section 24, it spells out what you can use as a party designation when you are running. This does not apply to Democrats or Republicans.

Section 24-D and E, it is already in the law, but we need the exception January 1, 1976. If not, your municipal elections in the fall will have trouble getting absentee applications.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to the Chairperson of the Elections Committee. To wit, in 24-B it says a person who seeks nomination by petition may not use, among other things, his own name or a combination thereof, whatever that means. I would like to ask whether that means if a person ran under a hypothetical political party such as "Longley for Me," that he would not be able to use that anymore. It sounds like if that is true that that is a pretty substantial little rap to put in this kind of an amendment.

The SPEAKER: The gentleman from Bangor, Mr. Henderson poses a question through the Chair to anyone who cares to answer.

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: That is correct, he could not use that because he is getting double exposure.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of Senate Amendment "B".

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I had a question to ask also of Mrs. Boudreau of Portland. On the bottom of the first page, it says if two or more such candidates file petitions bearing the same political designation, the candidate who files his petition first with the Secretary of State shall have exclusive right to use of that political designation for

that office for that election. I am quite concerned. Does that give the other person time to make the changes that are necessary on his forms, since those people signed that form in that particular condition? What happens to that second candidate? Is he then excluded from filing or is there a provision where he could actually make a change on his nomination papers?

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

The Chair recognizes that gentlewoman. Mrs. BOUDREAU: Mr. Speaker: He would have sufficient time to change it if he did not file right at the very deadline.

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

Mr. SPEAKER: Mr. Speaker, I'd like to pose a question through the Chair. If the election were for a number of people who were going to fill the same position such as the trustees of a water district or whatever and there were an Independent slate, if there were three positions being filled could only one of them use the designation of Independent party or whatever or could all three of them use the designation?

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

Mr. BOUDREAU: That section of the bill applies only to Title 21, your municipal elections would be Title 30.

The SPEAKER: The pending motion is the motion of the gentleman from Corinth, Mr. Strout, that Senate Amendment B, be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

The gentleman from Orono, Mr. Wagner requested a roll call.

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

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

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

Mr. CAREY: Mr. Speaker, I would like to know if anyone and this is because of the germaneness here — would like to know what is the current status of L. D. 1931, because the corrections that are instilled here do come out of L. D. 1931.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen: To answer the gentleman from Waterville, Mr. Carey's question, L. D. 1931 is dead due to the inability to get concurrence between the two bodies.

Every bit of the language here that was what was in the errors and inconsistencies in the public laws and I think these are the main parts which were felt to be most needed to be passed and I see nothing wrong with anything that's in here.

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

Mr. CAREY: Mr. Speaker, I would then ask if it is germane at this point to bring up something that has died in a previous bill.

L.D. 1931 in its first page had section 24 A, Number 21. On Page 4 of L. D. 1931, Section 17 of that bill, had political designation restriction which is the item covered word for word on the bottom of Page 1. Since that has already died, is it germane to be brought up in this bill?

The SPEAKER: The gentleman from Waterville has posed a question through the Chair. The Chair does not have a copy of 1931 and if he'd make it available to the Speaker, then the Chair would make a ruling. The Chair would announce that I have a Senate Amendment "B". I do not have the bill to which he was referring.

The Chair would rule that 1931 dealt with 45 changes in the Election Laws and obviously covered part of Senate Amendment "B". However, if that would be the case, the assumption therefore would follow through that any amendment to the Election Laws would not be germane. The Chair cannot rule in that fashion and, therefore, would rule that Senate Amendment "B" would be germane since, in fact, to rule otherwise would mean that nothing could be changed in any of the Election Laws.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: If I can refresh your memory and if mine is correct, the issues in this Senate Amendment had nothing to do with what put that bill in non-concurrence and which ultimately killed it. The issue, at that time, as I recall, was both the issue of the squares being on the right and the issue primarily that caused the non-concurrence was whether or not the check mark if it flaps down in the box below it would count for one or the other.

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

Mr. CAREY: Mr. Speaker, I thank the gentleman from Augusta very much for his explanation. It satisfied what my concern was. There are other parts of this particular amendment which I am hopeful would be adopted and I was concerned if maybe we were putting ourselves in a very awkward position.

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

Mr. SHUTE: Mr. Speaker, Men and Women of the House: The Senate Amendment we are considering now looks to me like the House Amendment H-767 put in by the House Chairman, Mrs. Boudreau. Would you check that?

The SPEAKER: The prior ruling that the Chair has made since Senate Amendment "B" has other things with it in addition to what is being discussed, the Chair would have to rule that it is germane. Obviously, the Chair would also rule that if the amendment is killed, then obviously the House would determine the germaneness per se but the Chair at this point would rule that it is germane.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, Members of the House: I hope you will vote to indefinitely postpone for four very good reasons. Number one, apparently this bill was previously defeated. Number two, this is a matter of substance in the Errors and Inconsistencies Bill and it should not be there in my opinion. Number three, on the merits, it seems to me we are outlawing a ticket such as the "Longley for Me" type of

ticket. We have gone quite a ways in defending our respective political parties, but I think this is going too far. I hope you will defeat it. And fourth, it seems to me we are inviting a veto of the entire bill when we insert this particular section and so I hope for four very sound reasons you will vote to indefinitely postpone this amendment.

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

Mrs. KANY: Mr. Speaker and Members of the House: As a member of a party, a very proud member of our party, I hope we will indefinitely postpone this bill. I think it is an embarrassment.

The SPEAKER: The pending question before the House is the motion of the gentleman from Corinth, Mr. Strout that Senate Amendment "B" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bachrach, Bennett, Berry, G. W., Bowie, Burns, Call, Carey, Carpenter, Chonko, Clark, Conners, Connolly, Cox, Curran, P.; Curtis, Davies, DeVane, Doak, Dow, Drigotas, Fenlason, Finemore, Fraser, Garsoe, Gauthier, Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hunter, Ingegneri, Jackson, Joyce, Kany, Kelley, LaPointe, Lewis, Littlefield, Lizotte, Lovell, Lunt, Mahany, Maxwell, McBreairty, McMahon, Miskavage, Mitchell, Mulkern, Nadeau, Norris, Peakes, Pelosi, Peterson, P.; Post, Quinn, Raymond, Rideout, Shute, Snowe, Spencer, Sprowl, Strout, Tarr, Theriault, Tierney, Torrey, Twitchell, Wagner, Walker, Wilfong, Winship.

NAY — Bagley, Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bustin, Carroll, Carter, Churchill, Durgin, Flanagan, Gould, Hobbins, Jalbert, Jensen, Kelleher, Lavery, LeBlanc, Lewin, Lynch, Mackel, MacLeod, McKernan, Morin, Najarian, Palmer, Perkins, T.; Pierce, Powell, Rolde, Snow, Stubbs, Talbot, Teague.

ABSENT — Albert, Byers, Cooney, Cote, Curran, R.; Dam, Dudley, Dyer, Farley, Farnham, Faucher, Goodwin, H.; Hinds, Hughes, Hutchings, Immonen, Jacques, Kauffman, Kennedy, Laffin, Leonard, MacEachern, Martin, A.; Martin, R.; Mills, Morton, Pearson, Perkins, S.; Peterson, T.; Rollins, Saunders, Silverman, Smith, Susi, Tozier, Truman, Tyndale, Usher, Webber.

Yes, 76; No, 35; Absent, 40.

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

Under suspension of the rules, the Bill was read a second time.

Mr. LaPointe of Portland offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-831) was read by the Clerk.

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

Mr. LaPOINTE: Mr. Speaker, Members of the House. The purpose of this amendment is to provide for a better mechanism for public review of any administrative rules that would be developed as in relation to the catastrophic illness program. I don't believe it is a substantive change, all it does is outline a procedure whereby the public would have some input in the development of any rules and regulations that are promulgated by

the Commissioner of Health and Welfare. I think that this issue has been before us in the form of another L. D. sponsored by the gentlelady from Madison, Mrs. Berry and I just make a habit of allowing for citizen participation in all L.D.'s that have rules and regulations that have to be promulgated administratively.

Mr. Goodwin of South Berwick offered House Amendment "A" to Senate Paper 480, L. D. 1760 under filing number H-814 and moved its adoption.

House Amendment "A" to L. D. 1760 was read by the Clerk.

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

Mr. GOODWIN: Mr. Speaker, Members of the House: The problem that was brought to my attention by the Legislative Research Office and it was brought to their attention by John Benoit, I guess too late to get into the Committee Amendment and, basically, what the problem comes from is that I introduced an L. D. 225 which relates to Superior Court commitment to the mentally disordered and Rep. Kelleher of Bangor introduced L. D. 895 relating to the release of mentally disordered persons.

What happened is that my bill which has already been passed and enacted and signed into law and the same with Mr. Kelleher's have a conflicting section. In my bill, one section was amended and in his bill that same section was repealed and then replaced. What my amendment does is to wipe out the section in my bill that was amended and repealed, therefore, removing the conflict between the two sections and that the section that was in Representative Kelleher's bill will remain and go into effect 91 days after the adjournment of the legislature, so, basically, what it does is remove two conflicting paragraphs and two chapters that deal with the same thing. However, the bill 895 does cover all the problems and this was just evidently something that just wasn't picked up in the Judiciary Committee.

Thereupon, House Amendment "A" was adopted.

Mrs. Clark of Freeport offered House Amendment "E" and moved its adoption.

House Amendment "E" (H-836) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker and Men and Women of the House: House Amendment "E" refers to L. D. 843 "An Act Relating to Sale of Stuffed Toys" sponsored by the gentlewoman from Topsham, Mrs. Chonko which has been signed into law by the Governor but there are a few words at the end of this "where the approximate percentages when mixed" which raises a stone question of constitutionality and the Attorney General's Office has requested that these words be deleted from the law. The sponsor grieves, so does the Committee on Business Legislation.

Thereupon, House Amendment E was adopted.

Mr. Palmer of Nobleboro offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-832) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: As you know, we are leaving here in a day or two under very uncertain circumstances and will

probably be facing a special session or two and many of the pieces of legislation we have had, have had "Leave to Withdraw". There is a great deal of work which may have to be done in between these sessions. This order simply permits the leadership to have someone, an assistant, come in from time to time, if necessary, in between the sessions to do the necessary work so that we will be prepared when we come back in November and possibly in January.

Mrs. Berube of Lewiston offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-821) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House this is simply to correct a typographical error because in printing the bill the following phrase quote "without proceeding under this section" was omitted. It should have been in the Errors and Inconsistencies but because it was still on the Governor's desk as of last Monday morning and it had not obviously been assigned a chapter number, therefore, could not be included in the bill.

What it would do very, very briefly is that under the administrative review section of L. D. 1793 the Health and Welfare Department would not have to once again go through another hearing in order to proceed under this section.

Thereupon, House Amendment "B" was adopted. The Bill passed to be engrossed as amended by Committee Amendment "A", as amended by Senate Amendments "A", "B", "E", and "F" and House Amendments "B", "C", "E", "F" and "G" thereto and Senate Amendments "A" and "C" and House Amendment "A", "B", "C", "D" and "E" in non-concurrence and sent up for concurrence.

By unanimous consent, sent forthwith to the Senate.

The following papers appearing on Supplement No. 15 were taken up out of order by unanimous consent:

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Allow Municipal Approval of Routine Great Ponds Permits (H. P. 662) (L. D. 836) ask leave to report: that they are unable to agree.

(Signed)

Messrs. WILFONG of Stow,

MORTON of Farmington,

DOAK of Rangeley

-of the House

Messrs. COLLINS of Knox,

GRAHAM of Cumberland,

TROTZKY of Penobscot

-of the Senate.

Report was read and accepted and sent up for concurrence.

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on RESOLVE, Proposing Study of the Implementation of State Ferry Service on Casco Bay (H. P. 1154) (L. D. 1448) ask leave to report: that the Senate recede from its action of accepting the majority "Ought Not to Pass" Report of the Committee Amendment "A" Report of the Committee on Public Utilities, read the resolve once, adopt Committee Amendment "A" (H-631), give the resolve its second reading, and pass the resolve to be