

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

1978

Second Regular Session

January 4, 1978 — April 6, 1978

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APPENDIX

HOUSE

Friday, March 3, 1978

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

Prayer by the Reverend Richard S. Hasty, Minister of the 1st Parish Society of Portland (Unitarian Universalist).

Reverend HASTY: O Thou whom we call God, Thou who are named by all the languages of humanity, Father, Mother, Creator, infinite and eternal force that moves throughout the universe or universes, we ask Thy blessing upon each one of us. We give thanks for these Representative men and women. May they be honest in this day's dealings. As they express the will of the majority, may they always be sensitive to the needs of the minority. May they realize that they represent all of the people, the little as well as the great, the weak as well as the strong. May they be eager to right the wrongs of society by lifting the burdens of bigotry and discrimination, and may they ever strive toward the ideals and remember the truth that the finest expression of divinity is to be found in the individual human personality. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication:

THE SENATE OF MAINE
AUGUSTA

March 2, 1978

The Honorable Edwin H. Pert
Clerk of the House
108th Legislature
Augusta, Maine
Dear Clerk Pert:

The Senate today voted to Adhere to its action whereby it Indefinitely Postponed Bill, "An Act to Clarify the Investigation Powers of the Department of Environmental Protection under the Oil Conveyance Program" (H. P. 1959) (L. D. 2041).

Respectfully,

Signed:

MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

Orders

An Expression of Legislative Sentiment (H. P. 2169) recognizing that: Gene Letourneau, wildlife writer and columnist for the Guy Gannett newspapers, has been named "Outdoor-sman of the Year" by the New England Outdoor Writers Association

Presented by Mr. Boudreau of Waterville. (Cosponsor: Senator Pierce of Kennebec)

The Order was read.

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

Mr. BOUDREAU: Gene Letourneau has been writing about the Maine outdoors for the last 45 years. He recently published a book entitled "Sportsmen Say" and in 1975 was awarded an honorary Master of Arts Degree from Colby College. Because of people like Gene, future sportsmen in Maine will be able to enjoy our environment and the abundant natural resources that our forefathers have enjoyed as well as ourselves.

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

An Expression of Legislative Sentiment (H. P. 2170) recognizing that: the Portland High School Boys' Indoor Track Team has won the State Class A Track Championship for the third consecutive year

Presented by Mr. Brenerman of Portland (Cosponsors: Mr. Flanagan of Portland, Senator Conley of Cumberland)

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

An Expression of Legislative Sentiment (H. P. 2171) recognizing that: the Cheverus High School Boys' Indoor Track Team of Portland has won the State Class B Indoor Track Championship for academic year 1978

Presented by Mr. Brenerman of Portland (Cosponsors: Mr. Jensen of Portland, Mr. Joyce of Portland, Mr. Connolly of Portland)

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

An Expression of Legislative Sentiment (H. P. 2172) recognizing that: Samuel Wright III, of Clinton, has been chosen "Outstanding Young Farmer of Maine" and will represent Maine at the 1978 National Young Farmers Conference in Topeka, Kansas

Presented by Mr. Hunter of Benton (Cosponsor: Senator Levine of Kennebec)

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

An Expression of Legislative Sentiment (H. P. 2174) recognizing that: the Hirundo Wildlife Refuge, a 356-acre tract of land in Old Town, has been donated by Oliver S. Larouche for the sole benefit of the University of Maine to be used for academic, scientific and educational activities consistent with the preservation and maintenance of the wildlife and land

Presented by Mr. Masterman of Milo. (Cosponsor: Mr. Gould of Old Town)

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

House Reports of Committees

Divided Report

Later Today Assigned

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1107) on Bill "An Act Relating to the State Board of Social Worker Registration" (H. P. 1936) (L. D. 2016)

Report was signed by the following members:

Messrs. PIERCE of Kennebec
CHAPMAN of Sagadahoc
FARLEY of York

— of the Senate

Messrs. SPROWL of Hope
PEAKES of Dexter
KILCOYNE of Gardiner

Miss ALOUPIS of Bangor
Mrs. BOUDREAU of Portland
Mrs. CLARK of Freeport

— of the House

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

Report was signed by the following members:

Messrs. HOWE of South Portland
RIDEOUT of Mapleton
WHITTEMORE of Skowhegan
JACKSON of Yarmouth

— of the House

Reports were Read.

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

Ms. CLARK: Mr. Speaker, I would move that the House accept the Majority "Ought to Pass" Report.

The SPEAKER: The gentlewoman from Freeport, Ms. Clark, moves that the House accept the minority report, which is "ought not to pass," and I would like to go into a little bit of discussion on this.

This particular bill was presented to the last session, our first session of the legislature, and was discussed at that point in quite a great deal of detail. It was then put out to a study by the committee, and we now have it back again and we have put a great deal of time and effort into it. I think somethings, like old wine, don't get better with working them over and letting them set. I don't say this bill has gotten that much worse, but it certainly hasn't gotten that much better.

The key problem with the bill is, first of all, the test of need. We saw very little indication that there was a need for the registration and state certification of social workers. There were two cases cited, one of which would have been the same, had the bill been in effect, so it wouldn't have made any difference.

This particular bill excludes all social workers who work for state government, the federal government or a hospital, leaving a very small percentage which would be state certified. You couple that with need, and I think the bill becomes unnecessary.

Beyond this, I have a problem with the definition used of 'social worker.' The first definition we came up with, and we came up with three, would have included town clerks, playground directors and a myriad of other people who I don't think we had any intention of including. We therefore modified the definition and came up with a second definition. The second definition rested upon the National Social Workers Association definition. This put us in a very strange position. If the National Association of Social Workers decided to change their definition, Maine would be screaming behind, because our definition was contingent on theirs; therefore, our definition would be the same as theirs. In other words, they could change our law merely by changing their definition. The third definition, which is the definition you will now find in this bill, I would like to read to you. I hope that someone can understand it, because to me, it really is undefineable and I really wonder how many people in here will know what group they are setting aside for state licensing.

The definition of social worker: "Social work means engaging in psycho-social evaluation and thereby to effect a change in the feelings, attitudes and behavior or a client, whether an individual, group or community, in response to social situations." They felt this wasn't sufficient and that they should define psycho-social evaluation. So here is the definition of psycho-social evaluation: "Psycho-social evaluation as used in this chapter means the determination and examination by social workers of the social situation of an individual or group related to the interpersonal stress, family background, family interaction, living arrangements and social economic problems and treatment, evaluation plans and goals."

I still don't know if we are requiring that all the town clerks in the State of Maine will have to fall under this. The argument will be put forward that this does not include the plain, everyday, old fashion social worker, whatever that is, because it just gets certified social workers.

The only problem here is that in 1979, the bill says that all social workers, whether they be certified or not, have to operate underneath a certified social worker. Again we are excluding state and federal government workers and hospital workers, so we are picking up these few people who happen to be in the private sector.

With this wide definition, and I believe there are other problems with the bill, I know even if we do pass it, it is going to have to be tabled to make some more changes and corrections in it. I feel it is an unnecessary bill at this point. I don't say it is a bad bill, but I think it is an unnecessary bill, and I am afraid in my view that an unnecessary bill and a bill that is as nebulous as this is and you really don't know what you are defining with it, it becomes unnecessary and therefore a bad bill.

I hope you will accept the minority report of "ought not to pass."

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

Ms. CLARK: Mr. Speaker, Men and Women of the House: The Committee on Business Legislation has spent, as the Representative from Yarmouth, Mr. Jackson, has said this morning, considerable time and numerous working sessions and individual study directing their concern and their energies to the issue of licensure

for social workers in this state.

Obviously, there is a need, for this bill has been introduced before, and what we have before us is a very positive step in the right direction.

It is the result of a study between last session and this session, and the bill, with Committee Amendment "A" is, in large part, a cleaning up of the language contained in the present social worker registration law.

Mr. Jackson has alluded to the fact that there still remains an amendment pending on Committee Amendment "A", and he is correct. I would suggest and submit to you that that is the only correct feature of his remarks here this morning.

The Administrative Procedures Act, however, was inadvertently omitted from the Committee Amendment "A", and as a number of other amendments have faced that inadvertent omission during this second regular session of the 108th Legislature, I stand here slightly embarrassed to admit to you this morning that we forgot to include it too, and I am sure the Representative from Waterville, Mrs. Kany, will be glad to hear that we are addressing currently on the fourth floor.

Should we accept the Majority "Ought to pass" Report, I would ask that this be tabled until later today, at which time I would present an amendment to Committee Amendment "A" to address the complementary processes under the Administrative Procedures Act.

There are, however, three major substantive changes which L. D. 2016 would make in the existing law, and I would address your attention to those this morning. First, it will require that any person performing psycho-social evaluation and therapy be licensed to do so, unless they are employees of hospitals or federal or state government. That exclusion is at the request of those people who have testified requesting that exemption under this law. Obviously, when we move in the area of occupational and professional licensing, we must move carefully and address the issues as they arise. It is easier and better for the citizens of the state if we address the issue of licensure for social workers in the private sector within our community agencies rather than including all of those people in state and federal government who are operating under the guise, many of them, of social work.

It may interest you to know that it was three years ago when the requirement for a degree in the area of social work was deleted from the requirements for that category of work within our state government. That, my friends, is a step backward. That will be addressed as we process and live with this program before us today. And I would hope the day would come when the qualifications for social work under state government employment would be certified and more professional, but I think that also is a long way in the future. As a matter of fact, it is probably a lot longer than I would have it be.

At present, however, there are close to 40 percent of the social workers in this state who are providing therapy to clients either as individual practitioners or in community agencies, and there is no legal requirement that they be trained to provide these services to the public. Today, more and more people are entering the field of social work. In fact, at the University of Maine in Portland — Gorham, there are presently 300 people who are majoring in this area of endeavor. You can see, as can I, that the social work profession is growing and becoming not only more complex but sophisticated and professional, and that is a positive move in this state. For this reason, it is the feeling of the majority of the Committee on Business Legislation that we should insure, at the very least, that the person performing independent practice and receiving funds from the public for doing so is at least adequately trained.

I want to emphasize this morning that this

bill requires only that people practicing without supervision, without supervision, I repeat, be licensed. All others are free to continue to practice social work as they do now. In addition, this bill would in no way affect counselors or those providing homemaker services, or any other service, if it does not involve the use of psycho-social evaluation and therapy.

A second feature to which I would direct your attention is tied to the change requiring licensure for those involved in the independent practice of social work. Because of the problem which the criteria for licensure would cause within the Department of Human Services and other state agencies, to which I have previously alluded, due to the personnel career ladders which have been established, the Committee on Business Legislation or this licensure requirement.

The evidence at the hearings and the numerous, numerous working sessions we had on this bill indicated that the problems which were cited were occurring, for the most part, not within state agencies but in those situations where people opened independent practices and advertised themselves as social workers with no training and no supervision.

The committee has also exempted employees of hospitals if the hospital is accredited by the Joint Commission on the Accreditation of Hospitals, a national accreditation organization which hospitals are required to comply with under state and federal regulations. The reason for this exemption is this. It is necessary that the Joint Commission does not use the same language which we use in this bill for determining the qualifications for social workers. It was the sense and consensus of our committee, at least the majority of our committee, that if a rural hospital met the requirements of the Joint Commission on the Accreditation of Hospitals, we should not add further requirements.

The last and final change which I would address this morning is the addition of a qualified, privileged communications section to this statute. The section we have added to the bill gives social workers a limited privilege regarding disclosure of information received from clients in court. Specifically, the language in Committee Amendment "A" would allow a social worker to withhold information communicated to the social worker while providing social work services, unless the court "deems the disclosure necessary to the proper administration of justice."

Also, on the advice of the Attorney General's Office, we have limited the privilege in order that the present provision in the law requiring the giving of information in a judicial proceeding relating to child abuse or neglect were to be maintained.

Finally, I want to emphasize that I am not personally sure that the bill goes as far as it should in regulating the practice of social work. However, as I stated in my introductory remarks, I do believe, truly, that we are taking a step, which will not prove burdensome either to those who are presently working in the field for who are qualified to do so or on those who wish to enter the field of social work. I request that you support the majority report.

I know it is easy to be critical of a bill which has been studied, and I know that there is certain resistance to the promulgation of further licensure laws in our state.

Social workers in this state are a profession. I think it is not only appropriate but proper that we recognize them as such and welcome them to the profession legally with the approval of the state government.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I think Representative Clark has done an excellent job of explaining the majority view of this. I take exception to some of the things she has said, and she has

taken exception to some of the things I have said, but I would point out that the chief people who want this is the social work group, the people who came into the room to testify for it. There was not input from the public of a need for this and the problem still exists of defining what a social worker is. I imagine everyone in this room has a different view, in their own mind, of what a social worker does, everything from practically a clinical psychologist down to a clerk secretary who is taking information in one of the welfare services.

I would furthermore point out, and we received testimony on this and I believe it is very clear, that this bill will be expanded, the intention is to eventually cover government employed social workers and hospital employed social workers.

There is also one other thing that she mentioned, and I don't want to get into all the details of the bill, but there was some talk about the question of privileged communication and I personally feel that the section on privileged communication is very illusionary. It seems to promise privileged communication to the person who is talking to a licensed social worker and yet the court can strip this away very easily, so it sort of exists but yet it doesn't exist. This type of "yes means no" in the bill bothers me and gives me problems with it.

Again, I think we are setting up a special licensing for a profession, the profession has come in and asked for it. I think the profession is very hard to define and I have problems with setting something up like this when there has been no indication that the public is, at this point, suffering from the lack of a law.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Ms. Clark.

Ms. CLARK: Mr. Speaker and Men and Women of the House: I would emphasize to you this morning that the gentleman from Yarmouth, Mr. Jackson, is not truly opposed to the measure. Perhaps he is somewhat negatively ambivalent, if you will. He has yet to be convinced of the need. Yet, social work in this state is an established profession and they are requesting, as members of a profession, to be licensed with state approval and to establish a licensing process and procedure and administration. I think that should be addressed positively and not necessarily because members of the public haven't clamored at the public hearing that there is a need for this. Yet, at the public hearing on this measure, there were no opponents, only proponents, and those who testified, neither for nor against, were not against the measure but simply stated their exceptions which were addressed by the committee and incorporated within Committee Amendment "A". It is easy, I know I have done it myself, to nit pick definitions. Yet, the definition of social work, which appears in this measure was taken from the Federal Medicaid papers, federal language.

Let me read it to you. Representative Jackson did, so I want to, too. Psychological evaluation as used in this chapter means the determination and examination by social workers of the social situations of an individual or group related to inter and intra personal stress, family background, family interaction, living arrangements and socio-economic problems and treatment and evaluation plans and goals. It is suggested that everybody follows within that umbrella.

How many people do you really think there are in your community who determine and examine the various aspects of a person's individual and social life as defined in this definition — evaluate treatment and make statements of future goals and plans for the clients? As far as I am concerned, anyone who is performing those kinds of services which can cause great trauma in the person being treated ought to be licensed.

It is easy, again, to criticize and pick various phrases in the definition. That is easy to do in

definitions for any profession. For instance, let's look at the definitions of other professions: (1) in 32 MRSA, Subsection 2102, there is inclusion of the words "supervision and teaching of nursing personnel" and the definition of professional nursing means that other individuals, such as doctors, cannot teach nursing personnel? Or, in 32 MRSA, Subsection 3811, the definition of psychologist, what does it mean, men and women of the House, where it talks about the administration and interpretation of tests for "educational or vocational selection, guidance or placement or for such purposes of overall personality appraisal or classification, personality counseling psychotherapy or personality readjustment"? Definitions of many of our professions are broad, by necessity, in application. This definition was taken from the definition used in Title 18, as I mentioned, of the Social Security Act for reimbursement for services by social workers. I honestly don't know how we can be any more explicit and, therefore, I again urge you to adopt the majority report of the committee.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, I apologize to the gentlelady because I was not here at the very first of her earlier prepared remarks, so she may have answered this question.

I would like to know how many social workers are holding themselves out as independent practitioners in the State of Maine that would come under this? While I am on my feet, I would ask you a couple more, so you may want to make a note. Who are their clients and how are these clients created? Having posed those questions to more or less determine the scope of the people who will be licensed by this, I would like to ask a specific question to the gentlelady with respect to the definition, and that specific question is, does it and would it require ministers of the gospel to be registered under this law?

The SPEAKER: The gentleman from Farmington, Mr. Morton, has posed a series of questions to the gentlewoman from Freeport, Ms. Clark, who may respond if she so desires.

The Chair recognizes that gentlewoman.

Ms. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: Currently, in Maine, at public hearing, the chairman of the Maine Social Worker Board stated that there are about 450 registered social workers in Maine, question one.

Question two, who are their clients and how are these clients created? Their clients are referred to them, in many instances, by social institutions in our state and educational institutions by advertising, by walk-in, and many of them are currently practicing in community agencies. I would imagine that their clients reflect a cross-section of Maine citizens, as do the clients of any other profession.

It is interesting to note that the Committee on Business Legislation has had a number of licensing measures before it. For example, we had one this year which would reclass state approval for licensing of marriage and family counselors. We gave that bill, which was a committee bill, a Leave to Withdraw report, because that group of people within the area of the social and humanity profession in this state have yet to organize to a state association and were depending on a national organization rather than addressing the issue voluntarily for certification themselves. The need of social workers in this state for licensing, I think, is apparent, and since there are more than 450, and since members of the committee and members of this body have received some positive input on this bill, and since I have been the recipient of numerous letters and phone calls from members who practice social work within state government requesting that the exemption be included, I daresay and would submit to you that there is a need.

The third question is, does it require min-

isters of the gospel be licensed? The answer is "no."

The SPEAKER: The Chair recognizes the gentlewoman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker, I would like to pose a question through the Chair. Under the three different types of licensing, the certified, registered and associate, do they all do the same kind of work? Would all three of these different types of licensing people do the same type of work?

The SPEAKER: The gentlewoman from Bridgton, Mrs. Tarr, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentlewoman from Freeport, Ms. Clark.

Ms. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: The three levels of the three-tier licensing procedure is a direct attempt by the Committee on Business Legislation to address the various qualifications and educational backgrounds and experience of those social workers currently working across the state. Many of them will be doing similar work. For example, a registered social worker may currently be doing exactly the same kind of work as a certified social worker but doesn't have the educational requirements for one of the other classifications. The associate social worker may be doing similar kinds of work but not possess, as I mentioned, the educational qualifications for the registered or certified levels. This three-tier licensing, again, is a direct response, on behalf of the Committee on Business Legislation, to those comments received in public hearing so that people currently working in the field of social work not be excluded by the passage of a licensing law.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: Very quickly, I just want to answer the question posed by Representative Clark. I am not ambivalent, which means wishy-washy about this bill; I am opposed to this bill.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Freeport, Ms. Clark, that the Majority "Ought to Pass" Report be accepted. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Ms. Clark of Freeport requested a roll call.

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

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

The SPEAKER: The Chair recognizes the Representative from Hope, Mr. Sprowl.

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: I didn't intend to get involved in this debate this morning because I think the gentlelady from Freeport and the gentleman from Yarmouth, Mr. Jackson, are both very capable people and have a way of bringing out the points that should be brought out. However, I did sign the majority report, and I did that for one reason. That reason is that there are no standards out there now for anyone who wants to, for a fee, administer aid to others. I think that is the overriding factor. I know that the gentleman from Yarmouth, Mr. Jackson, has problems with the definition; I guess I do too. It was very hard to come up with the right language in the bill.

I have other problems with the bill and I am not for red tape and I am not for regulation, generally speaking, but I think it is very wrong that anyone of us can hang up a shingle on the side of our house and for a fee administer psy-

chiatric help or do social work for others. I think we should set up a standard, and this bill has gone a long way in that direction.

The SPEAKER: The Chair recognizes the gentlewoman from Bangor, Miss Alopis.

Miss ALOPIS: Mr. Speaker, Ladies and Gentlemen of the House: I think something very important must be said. I think most of us had the conception, as I did, before the hearings and the work sessions, of the fact that we thought social workers were individuals who processed the paperwork and directed people to the bureaus to which they should go. However, over the past years, it has developed so that people engaged in social work are somewhat comparable to psychologists. If there is someone out there with a shingle offering advice and evaluating a person, they truly should be certified. There is a problem out there and I think we really should address it.

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

Mr. HOWE: Mr. Speaker, Members of the House: I guess I was kind of hoping to blend into the woodwork this morning, but I have been asked several questions about my signature on the bill. And people, you know, at a public hearing can declare themselves opposed or in support or neutral, but unfortunately you can't do that on a bill, so I had to sign one way or the other, and I think Ms. Clark's characterization of Representative Jackson as being negatively ambivalent would probably apply more to me than to Mr. Jackson. I am not persuaded of the vital need for this legislation. I feel that the social workers probably accomplish most of what they set out to do in terms of upgrading their profession, etc., with voluntary certification. On the other hand, the social workers are quite convinced of the need for this legislation, as is the majority of this committee. I had to come down one side or the other on the bill, and I came down "ought not to pass," and I would prefer that my vote be my own vote and not do a great deal to persuade any of you one way or the other.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentlewoman from Freeport, Ms. Clark, that the Majority "Ought to Pass" Report be accepted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Ault, Bagley, Beaulieu, Benoit, Biron, Birt, Blodgett, Boudreau, A.; Brenerman, Brown, K.L.; Brown, K.C.; Bunker, Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Churchill, Clark, Connolly, Cox, Cunningham, Curran, Davies, Diamond, Durgin, Dutremble, Fowlie, Garsoe, Gill, Goodwin, H.; Goodwin, K.; Gray, Green, Greenlaw, Hall, Henderson, Higgins, Hobbins, Huber, Hughes, Hutchings, Jacques, Jensen, Kane, Kilcoyne, Laffin, Lewis, Littlefield, Lynch, MacEachern, Mahany, Masterton, McKean, McPherson, Mitchell, Nadeau, Najarian, Nelson, M.; Norris, Paul, Perkins, Prescott, Quinn, Rollins, Sewall, Silsby, Smith, Sprowl, Talbot, Tarbell, Torrey, Trafton, Truman, Valentine, Violette, The Speaker.

NAY — Austin, Bachrach, Bennett, Berry, Berube, Boudreau, P.; Carter, F.; Conners, Cote, Dexter, Dow, Drinkwater, Dudley, Elias, Fenlason, Flanagan, Gillis, Gould, Hickey, Howe, Hunter, Immonen, Jackson, Joyce, Kany, LaPlante, Lizotte, Lougee, Lunt, Mackel, Marshall, Martin, A.; Masterman, Maxwell, McBrearty, McHenry, McMahon, Morton, Nelson, N.; Palmer, Pearson, Peltier, Peterson, Post, Raymond, Rideout, Shute, Spencer, Stover, Stubbs, Tarr, Teague, Tierney, Tozier, Twitchell, Whittemore, Wilfong, Wood, Wyman.

ABSENT — Devoe, Jalbert, Kelleher, Kerry, Locke, Mills, Moody, Peakes, Plourde, Strout, Theriault, Tyndale.

Yes, 80; No, 59; Absent, 12.

The SPEAKER: Eighty having voted in the affirmative and fifty-nine in the negative, with twelve being absent, the motion does prevail. Committee Amendment "A" (H-1107) was read by the Clerk.

On motion of Ms. Clark of Freeport, tabled pending adoption of Committee Amendment "A" and later today assigned.

Consent Calendar

First Day

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

Later Today Assigned

(H. P. 1872) (L. D. 1913) Bill "An Act Concerning Filing of Claims for Occupational Deafness under the Workmen's Compensation Statutes" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1108)

On the objection of Mr. Laffin of Westbrook was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once.

Committee Amendment "A" (H-1108) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, we have a committee amendment coming on this and I would appreciate it if someone would table it until later in the day.

On motion of Mr. Birt of East Millinocket, tabled pending adoption of Committee Amendment "A" and later today assigned.

(H. P. 2110) (L. D. 2143) Bill "An Act to Require the Judicial Department to Reimburse Counties Quarterly for the Expenses of Bailiffs and Other Court and Jury Officers" (Emergency) Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1109)

(H. P. 2067) (L. D. 2128) Bill "An Act to Readjust Disbursement of the Potato Tax Fund" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1110)

(H. P. 1952) (L. D. 2031) Bill "An Act to Establish a Uniform Confidentiality Statute for Tax Information and to Update the Maine Income Tax Law with Respect to the Internal Revenue Code" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1111)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 4, under listing of the Second Day.

Consent Calendar

Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day: (S. P. 638) (L. D. 1997) Bill "An Act Relating to Malpractice Insurance Companies" (C. "A" S-500)

(S. P. 676) (L. D. 2094) Bill "An Act Relating to the Classification of Drug Offenses" (C. "A" S-504)

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

By unanimous consent, ordered sent forthwith to the Senate.

Second Reader

Tabled and Assigned

Bill "An Act to Provide Interpreter Service for the Hearing Impaired" (S. P. 720) (L. D. 2169)

Was reported by the Committee on Bills in the Second Reading and read the second time.

(On motion of Mr. Tablot of Portland, tabled pending passage to be engrossed and specially assigned for Monday, March 6.)

Passed to Be Engrossed Amended Bill

Bill "An Act to Clarify County Law Enforcement" (S. P. 671) (L. D. 2075) (S. "A" S-502 to C. "A" S-493 and S. "A" S-508)

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

Passed to Be Enacted

"An Act to Revise the Salaries of Certain County Officers" (H. P. 1942) (L. D. 2108) (S. "A" S-472 to C. "A" H-1030; H. "B" H-1094 and H. "C" H-1095)

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

Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

Bill, "An Act to Revise the Laws Concerning Marine Resources" (H. P. 2146) (L. D. 2166)

Tabled — March 2 (Till Later Today) by Mr. Davies of Orono.

Pending — Passage to be engrossed. Mrs. Post of Owls Head offered House Amendment "A" and moved its adoption.

House amendment "A" (H-1112) was read by the Clerk.

The same gentleman offered House Amendment "A" to House Amendment "A" and moved its adoption.

House Amendment "A" to House Amendment "A" (H-1113) was read by the Clerk.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: This particular amendment that we are dealing with now simply maintains what is presently in the statute as far as municipalities having the right to enforce municipal ordinances. The change was made at the request of the department to clarify the fact that they would not have to be responsible for enforcing municipal ordinances and would therefore not have to put a fiscal note for four more wardens on the revision bill.

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

House Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: May I pose a question through the Chair to my good friend from Owls Head, Mrs. Post?

In Article 4, of the Bill, on Page 50 it talks about conservation programs, and if I remember, we debated a bill that was put to rest by the other body a few weeks ago dealing with the same subject and I would just like to know from her, if we would allay my fears, if this Article 4 is that exact same bill that has already gone through the legislative process?

The SPEAKER: The gentleman from Waterville, Mr. Boudreau, poses a question through the Chair to the gentlewoman from Owls Head, Mrs. Post, who may answer if she so desires.

The Chair recognizes that gentlewoman.

Mrs. POST: Mr. Speaker, Men and Women of the House: Probably, if you will remember, the Marine Resources Committee itself was relatively split on the issue of clams, and I can assure you that the good gentleman from Washington County certainly would not have signed this report unanimously "Ought to Pass" had we in fact snuck in the bill that we dealt with two or three weeks ago.

Actually, what we did with the clam conservation program, you have to look at the House Amendment which you have before you today on page 6; because it affects the municipal conservation program. On page 50, that wording is the exact wording as in the present statute and we did that because when we signed out the committee report on the issue of the municipal

clam program had not yet been decided.

The House Amendment also deals with municipal conservation programs and what we did with the House Amendment, which has the approval of all the Marine Resources Committee members, was to take the present intent and the regulations and the authorities as is presently in the municipal conservation program, rewrote them to conform with the rest of the statute revision. There are no substantial changes of anything more than wording as far as how the State of Maine will relate to its municipalities in the management of their shellfish.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "A" as amended by House Amended "A" thereto and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

An Act to Amend the Child Welfare Laws (Emergency) (H. P. 1990) (L. D. 2065) (C. "A" H-1065)

Tabled — March 2, 1978 by Mrs. Goodwin of South Berwick.

Pending — Passage to be Enacted.

On motion of Mr. Goodwin of South Berwick, under suspension of the rules, the House reconsidered its action whereby this Bill was passed to be engrossed.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentleman offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-1114) 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: This amendment just puts back in a couple of words that were left out in the Committee Amendment's draft, "licensed or," I would have put it in the Errors and Inconsistencies, but I felt we did have time to do this and let it run through. I move that we adopt it.

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

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Members of the House: I just happened to look at this bill this morning. I have the same concern, as I usually have had, that in this particular Section 3891-B which authorizes, we give authorization to certain people to do certain things. I do have great reservations about it, especially in the part about one and two under that section, under 3891-C, not 38891-B. The fact is, ladies and gentlemen, that this particular bill gives the right on a short-term emergency, after trying to notify the parents about their child, to give emergency services without the consent of the parent.

I have never approved any bill in here without the consent of the parent, mainly because the parents are liable, whether there is consent or not, if anything goes wrong.

It also stresses in here an approach which I have never seen before and under number two it says "short-term emergency services shall not be provided to any child who expresses a clear desire not to receive such services." Well, I think that it is a great insult and really against the tradition of the difference between the parent and child to put the desires and to put the decision of the child in front of the one of the adult parent. I think that this is a very

dangerous situation. It does not in any way relieve the liability of the parents. On the other hand, it does relieve by one of these amendments, the liability of the physician. I believe that this may be needed legislation but I do think that the rights should remain to those who have the responsibilities and those who are liable for whatever happens to their child.

I don't know just what to do about this, but I think I will settle to make you aware of the situation. I think that if I had seen this before, I would have had some amendments to do away with this, because I think that the parents should have the final decision, either that or use the other methods that you have to go through the courts and through the judges in order to get permission to give services to minors. I do think that the part of it that puts the child's desire on top of the parents, I think that is a great error and I think I will vote against this bill, and, if you pass this bill, I think this will haunt you forever.

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

Mr. GOODWIN: Mr. Speaker and Members of the House: I share Representative Carriers concerns. That is why we put this bill out. The thing we are talking about here is an individual situation perhaps where the parent and the child are separated. I think this is what you have to consider. What we are talking about here, lets say a child runs away and we all know we have a tremendous problem in this country today with runaways. Okay? Let's assume we have a runaway in the city of Portland. Now, obviously then you don't have the parent having control of the child. This is the situation we are talking about, not a situation where this has nothing to do with the courts coming in and trying to take over custody of the child or anything like that. What we are talking about is a situation where there has been a blow up in the family and the child runs away and still wants help and somehow gets in connection through the police or somebody else with the Department of Human Services and you know let's say it is six or seven o'clock at night and they need a place to stay for that night. In the meantime, the department is trying to get in touch with the parents to try to get the child and parents back together. But suppose also, that that child has hurt himself or herself or is sick or something like this, are you going to just let the child remain there sick or hurt until you can find the parents? No, the idea is to, you want to at least get that child to a doctor as well, this is all we are talking about here, is to be able to get that child to a doctor. The department can't give these services for more than 72 hours and immediately when they come into contact with a kid they are supposed to get in touch with the parents and everything. All we are trying to do is to clarify, to make sure that the department isn't trying to help a kid that is laying there bleeding or something or is sick or ill and can't take him to the hospital. That is all we are trying to do with it, is make sure that they can at least get them to the hospital so we can do something until we can find the parents. If you don't allow us to do this, what you are going to be doing is to say that if you can't find the parent, you are just going to let the kid suffer, or the worst result you could think of would be to let the kid die if they have a very serious illness or hurt real bad. That is all we are trying to do with this particular thing.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I cannot believe exactly what I just heard. I cannot believe that somebody would actually believe that we would let the kid die because of not giving him emergency services. This is not the point. The point is, ladies and gentlemen, you take away all the responsibility and all the liabilities that might be involved away from everybody else but the

parents, who have apparently by this bill loses control as to what will be done. You, thereby, relieve the physician from any suits, you also by this, indirectly, prove situations such as runaways from the house. How, when you are talking about kids, you can imagine a 13 and 14 year old child that doesn't know the difference, but do you also realize that you have 17 year olds that do this? They are very well aware of what the situation is, and if they would know that medical services or other things would be hard to get, well then they would probably stay home and take whatever is coming to them, probably they deserve it in the first place.

First it was said that to provide emergency place to sleep or something like that, I will go along with that. But I am not going to go along with the fact that you give the legal consent to receive emergency medical treatment without the parents consent. If you do that, I wish that they would have put in there and they are never willing to put in there, the fact that who is going to pay for this.

You know your kid might run away from home and end up in Chicago and there is no limitation as to what happens over here. He can run, he can have trouble and he might need medical work done and I think that any of us, you wouldn't let him go hungry and die from it. I think this is a ridiculous thought in the first place. I do think also that we are very concerned as to the amount of dollars that you can be liable for.

Now, we all work for a living. By law, we have to provide for the necessities of our kids and I think that most people do and they want to do so. The fact is that if a child does happen to go away and does happen to get into a situation that runs you into thousands of dollars for bills which you never approved of in the first place, I don't think that you should be liable. I don't think that such situations that a bill like this with such broad connotations should even be put before us, especially that part of the bill, some of the other parts are pretty good. But when you get to legal medical attention, you are getting into a very, very, important field and a very technical one and one that, if you are the parent you should have control of and if they can't find a parent, under the present laws, you should go through the regular procedures of going through the court and finding a judge and to get permission to do certain things. I think that the laws in that particular section, the child is very well protected. I think they are needed and that this is a great burden that you can put on the parents, who do not deserve this.

The SPEAKER: The Chair will order a vote. The pending question is passage to be engrossed. All in favor of passage to be engrossed will vote yes; those opposed will vote no.

A vote of the House was taken.

66 having voted in the affirmative and 15 in the negative, the Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Ms. Clark of Freeport,
Recessed to the sound of the gong.

After Recess
12:15 P.M.

The House was called to order by the Speaker.

The Chair laid before the House the following matter:

Bill "An Act Relating to the State Board of Social Worker Registration" (H. P. 1936) (L. D. 2016) which was tabled earlier in the day and later today assigned pending adoption of

Committee Amendment "A" (H-1107).

Thereupon, Committee Amendment "A" was adopted.

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

Ms. Clark of Freeport offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1116) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" and House amendment "A" and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act Concerning Filing of Claims for Occupational Deafness under the Workmen's Compensation Statutes" (H. P. 1872) (L. D. 1913) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A" (H-1108).

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

House Amendment "A" to Committee Amendment "A" (H-1117) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House amendment "A" thereto was adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended and sent up for concurrence.

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

Bill, "An Act to Amend the Maine Juvenile Code" (Emergency) (H. P. 2142) (L. D. 2163) Tabled — March 2, 1978 by Mr. Garsoe of Cumberland.

Pending — Passage to be Engrossed.

Mrs. Kane of Augusta offered House Amendment "F" (H-1118) and moved its adoption.

House Amendment "F" (H-1118) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Augusta, Mrs. Kane.

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to say just a few words in explanation of this amendment. The reason it has taken so long is that we have tried to work out everyone's objection to it. It does have the support of the department and Don Allen, the former superintendent of the Youth Center. I feel that in the Judiciary Committee it meets the objections that everyone originally had to it. All it does is allow for a juvenile to be sentenced to the Youth Center until the age of 18 rather than 19. It does allow for the Youth Center to petition the court to extend the commitment. It does allow at the time of sentencing for the judge to sentence the juvenile until age 21 at his descretion. It does allow for provision of voluntary services to the juvenile beyond the age of 18, if that is desirable. I hope everyone will be able to support it.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Dinkwater.

Mr. DRINKWATER: Mr. Speaker and Members of the House: As you know, I mentioned I was going to Bangor yesterday afternoon to a meeting of the Criminal Justice Board. We did talk about the bill, 2136. The thing that concerned me about the bill was in the case of arrest, the intake worker being able to release a person. In the original bill is where the concern came. The commissioner spoke before our board last night and that was resolved.

On page 4 of L. D. 2136, if you are concerned with it, Section 16, Item 4, from there on it explains it. My board, which involves law enforcement and lay people in six counties, will go along with that.

The amendment, we really didn't think we need it. We were aware this was coming out, but we can live with this amendment also. As

far as my group is concerned we find no problem with either L. D. 2136 and we don't really feel strongly one way or the other about the amendment but we will go along with it.

Thereupon, House Amendment "F" H-1118 was adopted.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I previously prepared an amendment to this same Juvenile Code with would affect the intake worker system. It is going to cost about \$453,000 to implement the intake worker system, which is an integrated part of the juvenile code. The intake workers key service and function under this code is to serve as broker for services for juveniles through the State of Maine. The very integrity of the code and its effectiveness, when it does finally take effect in July, is going to be closely linked to the services that we are able to provide to juveniles throughout the State of Maine.

I was formerly quite skeptical about the prospects of our appropriating a half a million dollars for intake workers at a time when I personally believe the services for juveniles throughout the State of Maine are at quite a shortage. However, I have been reassured on many occasion, and I hope that these assurances come to fruition in the next few days, that we will see somewhere in the neighborhood of a \$1.3 million increase in the Department of Mental Health and Correntions budget for this year for additional new juvenile services. If this does, in fact, materialize, I would think that the half a million dollars that was going to be necessary to appropriate for the intake workers should be able to work nicely.

I say these things in the interests of hoping that the Juvenile Code will work and also in the interests of pleasing many of my friends who are very concerned that any attempt to sabotage the intake worker appropriation would be tantamount to sabotaging the bill itself.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: As the gentleman from Bangor says, we have worked very hard on this. There are several appropriatons that this Juvenile Code does hinge upon. I know there are a few problems, apparently, upstairs, so I simply want to put you on notice that I, as one, will be trying to keep a close watch on the budget when it comes down. When we pass this today, if it gets to the point in the budget that we have cut some of these necessary services, I would hope that you would be able to stand with me in order to properly implement this code when the budget does come down.

Thereupon the bill was passed to be engrossed as amended by House Amendment "F" and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Carroll of Limerick,
Adjourned until Monday, March 6, at nine thirty in the morning.