

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

January 3, 1979 to May 4, 1979

HOUSE

Wednesday, April 4, 1979
The House met according to adjournment and was called to order by the Speaker.

Prayer by the Reverend John Mitten of the Independent Baptist Church, Limestone.

Rev. MITTEN: Let us pray! Almighty God, we come to Thee this morning looking, dear Lord, for wisdom. It was upon the search of your wisdom that this nation was founded. It was upon the search of your wisdom that our great fathers of the past brought a great nation into being, and this state, dear Lord, has many men who have sought Thee for wisdom. God, as we look to Thee this morning, realizing that it is you that must govern in the affairs of men that we might do things right, and with the things of these days when we see so much of our nation, times, Lord, looking as if we are weakening and yet at times, Lord, looking as if we are still a great nation, we look to Thee to give us wisdom. Dear God, give each of these men and ladies today great wisdom from you as we today will handle bills and materials that will affect the lives of men and ladies and children across this state and, Lord, in effect, will have bearing on many things across the nation. We ask, Dear God, again that each of us might look to Thee first that the decision we might make might be the one that you would have us make above all things. Guide and direct in the affairs of this body today as they govern our own lives. We ask it in Jesus name. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication:

April 3, 1979

The Honorable Edwin H. Pert
Clerk of the House
109th Legislature
Augusta, Maine 04333
Dear Clerk Pert:

The Senate today voted to Adhere to its action whereby it Indefinitely Postponed Bill, "An Act to Permit the State Auditor to Report Certain Suspected Improper Transactions to the Attorney General's Office", (H. P. 196) (L. D. 245).

Respectfully,
S/MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Joint Order: (S. P. 491)

ORDERED, the House concurring, that the Joint Select Committee on Correctional Institutions is directed to report out a bill dealing with the emergency appropriation to the Department of Mental Health and Corrections.

Came from the Senate read and passed.

In the House, the Order was read.

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

Mrs. PRESCOTT: Mr. Speaker, I wonder if someone might explain what this order is for. It passed the other body, but I am not just exactly sure what they are trying to do.

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

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

Mr. HUGHES: Mr. Speaker and Members of the House: The order is placed before us today in order to allow the Joint Committee on Correctional Institutions to report out a bill which has been referred to us, the subject matter of which has been referred to us by the Appropriations Committee, and that is a bill covering about \$435,000 worth of emergency kinds of items, short-term items, to deal with the crisis before us in overcrowding in corrections.

The bill originally went to Appropriations and they have dealt with part of it, and much of the material was not available at that point. They referred it to us for further deliberations and we need the power to report out that bill. That is essentially what this would do.

Thereupon, the Order received passage in concurrence.

Bill "An Act to Regulate the Sale of Franchises" (S. P. 485) (L. D. 1499)

Came from the Senate referred to the Committee on Business Legislation and ordered printed.

In the House, was referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Prohibit Loitering for the Purpose of Engaging in a Criminal Offense" (S. P. 488) (L. D. 1515)

Came from the Senate referred to the Committee on Judiciary and ordered printed.

In the House, was referred to the Committee on Judiciary in concurrence.

Reports of Committees

Ought Not to Pass

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Enable the Land Use Regulation Commission to Establish Standards for Timber Harvesting in Management Districts" (S. P. 196) (L. D. 463)

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

Leave to Withdraw

Report of the Committee on Energy and Natural Resources reporting "Leave to Withdraw" on Bill "An Act to Restrict Access to Allagash Lake in the Allagash Waterway" (S. P. 254) (L. D. 728)

Came from the Senate with the Report read and accepted.

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

Ought to Pass in New Draft

Committee on Judiciary on Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (S. P. 7) (L. D. 14) reporting "Ought to Pass" in New Draft (S. P. 401) (L. D. 1161)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendments "A" (S-43), "C" (S-64), "D" (S-66), "E" (S-73) and "F" (S-77).

In the House, the Report was read and accepted in concurrence and the New Draft read once. Senate Amendment "A" (S-43) was read by the Clerk and adopted in concurrence; Senate Amendment "C" (S-64) was read by the Clerk and adopted in concurrence; Senate Amendment "E" (S-73) was read by the Clerk and adopted in concurrence; Senate Amendment "F" (S-77) was read by the Clerk and adopted in concurrence. The Bill was assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" on Bill "An Act Providing for Equitable Unemployment Compensation Contributions by Related Corporations that Concurrently Employ the Same Individual" (S. P. 195) (L. D. 462)

Report was signed by the following members:

Messrs. PRAY of Penobscot
LOVELL of York
SUTTON of Oxford

— of the Senate.

Messrs. TUTTLE of Sanford
CUNNINGHAM of New Gloucester
BAKER of Portland
Mrs. LEWIS of Auburn

BEAULIEU of Portland
Messrs. DEXTER of Kingfield
FILLMORE of Freeport
WYMAN of Pittsfield

— of the House.

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

Report was signed by the following member:
Mr. McHENRY of Madawaska

— of the House.

Came from the Senate with the Majority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed.

In the House: Reports were read.

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

Divided Report

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act Concerning Stoppage of Work under the Unemployment Statutes" (S. P. 81) (L. D. 154)

Report was signed by the following members:

Messrs. SUTTON of Oxford
LOVELL of York

— of the Senate.

Messrs. FILLMORE of Freeport
WYMAN of Pittsfield
DEXTER of Kingfield

Mrs. MARTIN of Brunswick

Mr. CUNNINGHAM of New Gloucester

Mrs. LEWIS of Auburn

Mr. TUTTLE of Sanford

— of the House.

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

Report was signed by the following members:

Mr. PRAY

— of the Senate.

Messrs. McHENRY of Madawaska

BAKER of Portland

Mrs. BEAULIEU of Portland

— of the House.

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

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, I move that the Minority "Ought to Pass" Report be accepted.

The SPEAKER: The gentleman from Madawaska, Mr. McHenry, moves that the Minority Report be accepted in non-concurrence.

The gentleman may proceed.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: The unemployment fund was established for people who are unemployed due to no fault of their own. The way the law is written today, for instance, in my home town we have a company established partly in Canada and partly in the United States. If the people in Canada go out on strike, which is across the border, if you interpret the law the way the commission has been interpreting the law, then we would not be able to draw unemployment and we would be unemployed because Canada provides the pulp part of our industry.

I would hope that we would pass this bill. It would take care of the situation where if these people on the other side of the border go out on strike, we would be able to draw unemployment.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would reject the gentleman's motion to accept to "ought not to pass" report so we may accept the "ought not to pass" report and I would like to briefly explain this bill and the reasons for the majority of the committee opposing it.

This particular L. D. L. D. 154, if you read it, it actually does not clearly state the intent of the legislation. I think it is a very innocuous bill and at first glance might not give us an indication of exactly what its effect is going to be.

Under this bill, what would happen, and I can give you a hypothetical case, is that in a situation where there are several units representing several different kinds, different classifications of employees, you can call them unions, but they are working for the same employer. Say there are about six and they represent the plumbers, one represents the electricians, the other carpenters, but they are all employed by the same company. The employer enters into negotiations with these different units. The units are successful in reaching a negotiated settlement with the employer, three of them are and three of them are not successful in reaching an agreement with the employer, what this law would provide for is, in the event that the three who would not reach an agreement decided to go out on strike and because they were out on strike the plant was shut down and the company was forced to close. Those who had not voted to go out on strike, who had already had their agreement but were laid off because of another strike action by other units, they would be able to draw unemployment.

I can understand and sympathize with the idea that those who do not support the strike should not have to pay the penalty of being laid off, that is laid off without compensation, but I am also very concerned, ladies and gentlemen, that the affect of this bill, because of the way that it is worded, because we have not amended it successfully, in a case where you had one union and employees in that particular union voted to go out on strike, those that did not vote to go out on strike would be able to draw unemployment. I just feel that this is opening up the door to striking workers being permitted to draw unemployment. I am strongly opposed to that at this particular time, and I would ask that when the vote is taken, it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Wyman must have his information from the wrong source, I don't know. If a union votes to go out on strike, they do not receive funds—no way. But if other people who work for that same company accepted a contract with that company and are willing to work but will be put out of work because of one union that goes out on strike, I believe those people should receive unemployment.

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 Madawaska, Mr. McHenry, that the Minority "Ought to Pass" Report be accepted in non-concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Beaulieu, Brenerman, Brodeur, Brown, K. C.; Connolly, Davies, Dellert, Dow, Hall, Hobbins, Kelleher, Laffin, MacEachern, McHenry, McKean, Nelson, N.; Peterson, Reeves, P.; Tierney, Twitchell, Vincent.

NAY — Aloupis, Austin, Bachrach, Barry, Benoit, Berry, Berube, Birt, Blodgett, Boudreau, Bowden, Brown, A.; Brown, D.; Brown, K.L.; Bunker, Call, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Cloutier, Conary, Cox, Cunningham, Curtis,

Damren, Davis, Dexter, Diamond, Doukas, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Gavett, Gillis, Gould, Gowen, Gray, Gwadosky, Hanson, Hickey, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kiesman, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lizotte, Locke, Lougee, Lowe, MacBride, Mahany, Marshall, Martin, A.; Masterman, Matthews, Maxwell, McMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Norris, Paul, Payne, Pearson, Peltier, Post, Prescott, Reeves, J.; Rolde, Rollins, Roope, Sewall, Sherburne, Smith, Soulas, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Theriault, Torrey, Tozier, Tuttle, Violette, Vose, Wentworth, Whittemore, Wood, Wyman.

ABSENT — Brannigan, Garsoe, Higgins, Lund, Masterton, Nelson, M.; Paradis, Silsby, Simon, Small.

Yes, 22; No, 118; Absent, 10.

The SPEAKER: Twenty-two having voted in the affirmative and one hundred eighteen in the negative, with ten being absent, the motion does not prevail.

Thereupon, the Majority "Ought Not to Pass" Report was accepted in concurrence.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act to Implement a Plan for the Prevention and Treatment of Alcoholism and Alcohol Abuse" (H. P. 1206) (L. D. 1485) which was referred to the Committee on Health and Institutional Services in the House on March 28, 1979.

Came from the Senate referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

In the House: On motion of Mr. Pearson of Old Town, tabled pending further consideration and tomorrow assigned.

Non-Concurrent Matter Later Today Assigned

Bill "An Act Relating to the Testing and Product Approval Authority of the Energy Testing Laboratory of Maine and Creating a Board of Directors for that Laboratory" (H. P. 1169) (L. D. 1475) which was referred to the Committee on Business Legislation in the House on March 23, 1979.

Came from the Senate referred to the Committee on State Government in non-concurrence.

In the House: On motion of Mr. Howe of South Portland, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Bill "An Act Authorizing Inclusion of the District Attorneys' Budgets in the Attorney General's Budget and Reducing County Payments for District Attorneys' Expenses" (H. P. 1249) (L. D. 1497) which was referred to the Committee on State Government in the House on March 28, 1979.

Came from the Senate referred to the Committee on Local and County Government in non-concurrence.

In the House: On motion of Mr. LaPlante of Sabattus, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Encourage Retraining of Handicapped Workers" (S. P. 164) (L. D. 368) on which the Majority "Ought to Pass" Report of the Committee on Labor was read and accepted and the Bill passed to be engrossed in the House on April 2, 1979.

Came from the Senate with that Body having adhered to its former action whereby the Minority "Ought to Pass" as amended by Committee Amendment "A" (S-55) Report of the Committee on Labor was read and accepted

and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-55) in non-concurrence.

In the House: On motion of Mr. Wyman of Pittsfield, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Relating to Occupational Loss of Hearing" (S. P. 199) (L. D. 495) on which Report "A" "Ought to Pass" as amended by Committee Amendment "A" (S-58) of the Committee on Labor was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-58) in the House on April 2, 1979.

Came from the Senate with that Body having adhered to its former action whereby Report "C" "Ought to Pass" as amended by Committee Amendment Committee "B" (S-59) of the Committee on Labor was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (H-59) in non-concurrence.

In the House: On motion of Mrs. Beaulieu of Portland, the House voted to recede and concur.

House Reports of Committees Ought Not to Pass

Mr. Berry from the Committee on Public Utilities on Bill "An Act Requiring the Public Utilities Commission to Order a Community of Interest Study upon Petition by 10% of the Service Customers in a Telephone Exchange and to Promulgate Rules Relating to the Establishment of Extended Area Service" (H. P. 379) (L. D. 486) reporting "Ought Not to Pass"

Mr. MacEachern from the Committee on Fisheries and Wildlife on Bill "An Act to Authorize a Limited Hunting Season for Hunters Using Crossbows" (H. P. 494) (L. D. 620) reporting "Ought Not to Pass"

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

Leave to Withdraw

Mr. Peltier from the Committee on Energy and Natural Resources on Bill "An Act Relating to Recording of Land Subdivision Plans" (H. P. 241) (L. D. 286) reporting "Leave to Withdraw"

Mr. Doukas from the Committee on Energy and Natural Resources on Bill "An Act to Prevent Sludge from being Deposited within 1,000 feet of any Residency" (H. P. 490) (L. D. 632) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Mrs. Huber from the Committee on Energy and Natural Resources on Bill "An Act to Establish a Pilot Van Pool Transportation Project under the Office of Energy Resources" (H. P. 44) (L. D. 55) reporting "Leave to Withdraw"

Report was read.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker and Members of the House: I just want to bring you up to date on this item so there won't be any misunderstanding. The bill clearly was a very fine bill and happily on the day of the hearing, I received a letter from Governor Brennan informing me that administratively he was putting into effect the pilot van pool program.

I did check more recently, earlier in March, and found that in fact the State of Maine has applied for the funding, the funding is available and the vans are now on order. I just don't want anyone in this body to think that van pools for some reason are not a good idea. In fact, in other places in the country, they seem to be working extremely well. I would only hope that the Department of Transportation and the Office of Energy Resources will put this pro-

gram on the line just as soon as possible. We have already lost one year due to what I would call "Executive Whimsy" and I am delighted that the current Governor is not prone to that type of action.

Thereupon, the "Leave to Withdraw" report was accepted and sent up for concurrence.

Mr. Dexter from the Committee on Energy and Natural Resources on Bill "An Act to Regulate Odors" (H. P. 888) (L. D. 1078) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Tabled and Assigned

Ms. Benoit from the Committee on Election Laws on Bill "An Act to Require Each Primary Candidate to be a Resident of the District from which he is Running Prior to the Primaries" (H. P. 518) (L. D. 661) reporting "Leave to Withdraw"

Report was read.

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

Ms. BENOIT: Mr. Speaker and Members of the House: I don't believe this should have been on the calendar today. An error was made within our committee and I would like to have it tabled for one legislative day. We are waiting for additional information.

On motion of Mr. Tierney of Lisbon Falls, tabled pending acceptance of the Committee Report and tomorrow assigned.

Ms. Benoit from the Committee on Elections Laws on Bill "An Act to Require Voters to Show Proof of Residence When They Register to Vote" (H. P. 625) (L. D. 767) reporting "Leave to Withdraw"

Mr. Dow from the Committee on Fisheries and Wildlife on Bill "An Act Establishing an Experimental Open Season on Moose" (H. P. 74) (L. D. 83) reporting "Leave to Withdraw"

Mr. Connolly from the Committee on Education on Bill "An Act to Permit a Vocational Center to bill other Communities Sending Students to the Center in the Year of Actual Service" (H. P. 541) (L. D. 672) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Establish a Bounty on Coyote" (H. P. 78) (L. D. 86)

Report was signed by the following members:

Messrs. USHER of Cumberland
REDMOND of Somerset
PIERCE of Kennebec
— of the Senate.
Messrs. JACQUES of Waterville
MASTERMAN of Milo
VOSE of Eastport
DOW of West Gardiner
TOZIER of Unity
MacEACHERN of Lincoln
CHURCHILL of Orland
PETERSON of Caribou

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-166) on same Bill.

Report was signed by the following member:
Mr. PAUL of Sanford

— of the House.

Reports were read.

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

Mr. DOW: Mr. Speaker, I move we accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I stand here before

you today, the sponsor of a bill which I feel carries extreme importance to the people of the State of Maine. It carries extreme importance because our deer herds are one of our greatest natural resources. It troubles me a great deal to know that we have an overpopulation of coyotes in the State of Maine.

At the hearing, we received promises, promises, promises from the department. They were going to address this problem through an extended trapping season. They promised again and promised as before. They are people of broken promises. They never intended to tell the truth at the hearing and they don't intend to tell the truth in the future. I am extremely disappointed that I have to fight an uphill battle to try to protect the natural resources of this state when we have had ten years of mismanagement by a department; a department that continuously puts pictures in the paper of people's dogs chewing deer, but never do they put a photo in the paper of a coyote kill.

I am extremely disappointed that now they have put an amendment on my bill, which we accepted, that even wants us to pay for coyotes out of Canada and out of state. They are awfully worried about the other states, but they don't worry about this state. It is a prime example of a department that is staffed by out-of-state people. We don't have enough natives in that department. They are staffed and many of their wardens are out-of-state educated, and out-of-state thinkers. They don't know how to think as a native thinks in the State of Maine in preserving our natural resources. All they can think of is getting in a car and riding around. They could have certainly addressed this problem over the past ten years.

Any man that ever grew up in this state, in the rural areas, knows you can track an animal on the snow, you can find his den and destroy him in his home. Not once have I ever heard them testify that they destroyed a den of a coyote. No, they have encouraged them, they have encouraged them over and over—propagate. The deer herd is yours. All you have got to do is go out in the deep snow and attack them. We won't even put your pictures in the paper. We will put the farmer's dog in the paper and we will say he is a killer. People with snowmobiles have tried to run off these coyotes killing deer. Have they ever put a picture in the paper of it? No.

This department is long overdue for a house cleaning—it is long overdue for a house cleaning, and what do we get, the same old malarkey and the same old game. Go to a public hearing, tell the people. We know what we are doing, we are on top of this situation. Yes sir, they are. They know what they are doing all right. They have got more cars and more people in that department. They have expanded it, they have got biologists coming out of their ears, they have got paper work, they are putting out letters, I have got one here, got one on my desk—propaganda, they are the greatest propaganda specialists since those of the Nazi regime—propaganda, not preservation. Your deer herd is being destroyed in the State of Maine and they are trying to do a white-wash job.

I am extremely disappointed here today that the committee could not see to give me the support I need to at least attempt to address a problem which the department has proven they are incapable of addressing. Naturally, I am extremely disappointed.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to straighten out one point. This bill would put a bounty on coyotes, not game wardens.

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

Mr. PAUL: Mr. Speaker and Members of the House: You remember that some time ago we debated the coyote question for a short period of time. On that date, I made a motion to re-

commit the bill back to the committee in hopes that we could sit down and look into some of the alternatives of a bounty. It is unfortunate, it is my feeling, that we are unable to agree on any alternative. I signed out the bill here this morning because I knew you people had given it a pretty good vote the original time and I thought in courtesy that I ought to at least allow you the courtesy to debate the bill one more time.

I also stand here this morning in opposition to a bounty on coyotes. My belief is, there is no incentive under a \$50 bounty for a trapper, because they are getting that now for the pelts. The problem, as I see it and as I talked to many trappers throughout the state, is the season, the time period in the year when these people are allowed to trap these fur bearers.

I understand that the trapping season here in the State of Maine is the same for all species, all fur bearers, it is about the same time of year, the middle of October through the middle of November. Now, try to imagine for a moment, if you would, yourself being a trapper, you have got an alternative. You either trap for the animals that give you the highest return financially or you go out of business.

Presently, the trappers are getting approximately \$125 per pelt for bobcats; \$75 per pelt for fox; approximately \$100 per pelt for fisher; and approximately \$40 per pelt for coyote. So, what animal naturally, if you were a trapper, would you trap for? It seems obvious to me that you would be going after the fur bearer with the highest market value, thus the disincentive for a trapper to pursue a coyote.

Now, it was my feeling, and I prepared an amendment, worked sincerely with the Maine Trapper's Association, to try to come up with some type of incentive for a trapper to pursue the coyote, because in my opinion, he is the only one that is going to ever control the coyote. This should be the private trapper, not the department personnel.

I understand the rules of the game around here. The amendment that I put together would basically extend the trapping season. It would set up a special trapping season for coyotes, but the amendment was ruled not germane. So where am I? Obviously, you understand that.

I believe that a bounty would be a mistake. I think it is unfortunate that we cannot set up a realistic trapping season to deal with the problem. Maybe in the months to come, when we have a new commissioner and a new administration, some new faces, some new ideas, some new people in there that the sportsmen of the state will have confidence in, then maybe some of these problems will find solutions.

I hope that you will support the Majority Report, "Ought not to Pass."

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. McKean.

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I have got to say "Amen" to what my good friend has just stated. I would, however, like to know exactly what the department intends to do. I know that this came up during the committee hearings, it did during the 108th, and I think that we should all, all 151 of us, be aware of what the department has stated they are going to do and I would like to see it on the record here in the House. Therefore, if anyone in the committee could answer that question through the Chair, what is the department going to do exactly?

The SPEAKER: The gentleman from Limestone, Mr. McKean, has posed a question through the Chair to any member of the Fisheries and Wildlife Committee who may respond if they so desires.

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

Mr. PAUL: Mr. Speaker and Members of the House: Approximately a month after the public hearing of the coyote bill, the department issued a management plan for the species. Basically, the management plan calls for the eight wardens throughout this state and their

respective districts to be the so-called coyote control agents. They would be in charge of organizing, trapping in that particular area, going to specific problem areas where coyotes are and deer yards. Basically, that is all the department plans on doing.

One of the problems I have with the management plan is that part of it says they may approve the issuance of coyote control permits to trappers—identify and contact trappers to carry out coyote control activities if additional support is needed—if additional support is needed. Well, it seems clear to me that eight wardens in the state are not going to keep this coyote problem under control. But the inference in their management plan is that they are going to try to do it their own way, and I think that is a slap in the face to the trappers of this state.

I would hope that the department would encourage the trappers to trap the species, work with them hand in hand, because, again, I believe that the private trapper will be the solution to the coyote.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: You have just heard a sorry report, and I am telling you, ladies and gentlemen of this House, to vote against the majority report and accept the minority report, because I have a program and I am ready to stake myself on it, that we can do something, but you cannot do anything when you have a do-nothing trying to run something, and that is what you have got, you have got 10,000 coyotes in the State of Maine and you have got one great region. I would hate to have them protecting my cattle; they would all be dead before sunset.

What a sorry record to bring before the legislature after sending a bill back to committee for rehearing. I cannot think of anything better than to have a funeral march now and calling the morticians to bring in the deer.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I come from an area where I am aware that something should be done about coyotes. I don't believe this House is in the mood this morning to pass a bounty; however, I wish some member of the committee would tell this House and myself where they propose to get the money to pay the bounty—in other words, from what source?

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

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

Mr. DOW: Mr. Speaker, in response to the question of Mr. Dudley, if the bounty was passed, of course the money would have to come out of the Fish and Game licenses.

A couple of other things that haven't been mentioned; one is that the committee itself is trying to spread the word out to the local fish and game clubs that we need some help in order to control the coyote from the sportsmen of the state. One way is that the coyote is open to hunting all year round. If we can get some help from some of the clubs, maybe we can take care of part of the problem.

Another thing is that the department is looking into the fact of extending the trapping season. It has not been extended, but we are working in that direction also.

We are aware of the fact that there is a problem, we are also aware of the fact that the bounty has not worked. The only things we can do are some of the things we have mentioned.

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

Mr. DRINKWATER: Mr. Speaker and Members of the House: Some five weeks ago, I met with the Coastal Trappers Association in Belfast. It is an association that takes in several,

as I understand, more than one county, I think there are three counties involved, and I don't know how far inland they go, but they wanted to go on record and they voted that they opposed extending the trapping season on coyote if it interfered, and it does they claim, with the fisher trapping season. In other words, they would like to see a parallel if there is going to be a trapping season, parallel with fisher, because they said their sets were similar and if they were allowed to or encouraged to trap a longer season, there would be a lot of fisher caught out of season. They are even opposed to the season starting in November and they would settle for a shorter season because the fur would be worth more and it is just like planting potatoes. If you dig them too early, you don't get anything.

They wanted to go on record that they would go with a shorter season on fisher and they would like to have the season on coyote to be no different, because they didn't want to encourage trappers who might take the fisher and wait until later to market it.

They approved of year-round hunting because that way there shouldn't be any mistake in shooting a coyote rather than a fisher because they don't look alike. They had no feeling at all about the bounty, except they weren't really awfully enthused about it.

Mr. Carroll of Limerick was granted permission to speak a third time.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to inform you that the State of Montana took the bounty off the coyote and they lost all their fawn deer within two years. That is in the record.

The SPEAKER: The pending question is on the motion of the gentleman from West Gardiner, Mr. Dow, that the Majority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will no.

A vote of the House was taken.

Whereupon, Mr. Carroll of Limerick requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. All those desiring a roll call 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 West Gardiner, Mr. Dow, that the Majority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Benoit, Berry, Berube, Birt, Bordaoux, Bowden, Brennerman, Brodeur, Brown, D.; Brown, K. C.; Bunker, Call, Carrier, Carter, F.; Chonko, Churchill, Connolly, Cox, Cunningham, Curtis, Damren, Davies, Davis, Dellert, Diamond, Doukas, Dow, Drinkwater, Dutremble, L.; Fenlason, Gavett, Gillis, Gowen, Gray, Gwadnosky, Hall, Hanson, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Jackson, Jalbert, Joyce, Kany, Kiesman, Laffin, Lancaster, Leighton, Leonard, Lewis, Lizotte, Locke, Lowe, MacBride, MacEachern, Mahany, Martin, A.; Masterman, Matthews, Maxwell, McHenry, McMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Norris, Paul, Payne, Pearson, Peltier, Peterson, Post, Reeves, J.; Reeves, P.; Rolde, Roope, Sewall, Sherburne, Silsby, Small, Sprowl, Stetson, Stover, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Tuttle, Twitchell, Violette, Vose, Wentworth, Whittemore, Wyman.

NAY — Austin, Barry, Beaulieu, Blodgett, Brown, A.; Brown, K. L.; Carroll, Cloutier, Conary, Dexter, Dudley, Dutremble, D.; Elias, Fillmore, Fowlie, Gould, Hickey, Immonen, Jacques, E.; Kane, Kelleher, LaPlante,

Lougee, Marshall, McKean, Nelson, N.; Prescott, Rollins, Strout, Vincent, Wood.

ABSENT — Boudreau, Brannigan, Carter, D.; Garsoe, Higgins, Jacques, P.; Lund, Masterton, Paradis, Simon, Smith, Soulas.

Yes, 107; No, 31; Absent, 12.

The SPEAKER: One hundred seven having voted in the affirmative and thirty-one in the negative, with twelve being absent, the motion does prevail.

Sent up for concurrence.

Consent Calendar

First Day

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

(H. P. 734) (L. D. 921) Bill "An Act to Create a Lake Restoration Fund" Committee on Energy and Natural Resources reporting "Ought to Pass"

(H. P. 558) (L. D. 705) Bill "An Act to Provide for the Consideration of Environmental and Economic Effects Associated with the Tidal Power Demonstration Project at Half Moon Cove" Committee on Energy and Natural Resources reporting "Ought to Pass"

(H. P. 210) (L. D. 258) Bill "An Act to Amend the Mandatory Shoreland Zoning Act" Committee on Energy and Natural Resources reporting "Ought to Pass"

(H. P. 8) (L. D. 17) Bill "An Act Concerning Nomination of Candidates for Municipal Offices" Committee on Election Laws reporting "Ought to Pass"

(H. P. 172) (L. D. 218) Bill "An Act Authorizing the Postponement of National School Lunch Programs" Committee on Education reporting "Ought to Pass"

(H. P. 425) (L. D. 588) Bill "An Act Concerning the Registration under the Motor Vehicle Statutes of Farm Motor Vehicles Using Dolly Axles" Committee on Transportation reporting "Ought to Pass"

(S. P. 58) (L. D. 91) Bill "An Act to Require that Fairs meet Qualification Standards before they are Entitled to Receive Money from the Stipend Fund" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (S-74)

(S. P. 139) (L. D. 321) Bill "An Act Providing for Archaeological Investigation of the 'Viking Coin' Historical Site" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-71)

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 5, under listing of Second Day.

Passed to Be Engrossed

Bill "An Act to Prohibit the Possession of Manufactured Items the Serial Numbers of Which Have Been Altered" (H. P. 470) (L. D. 598)

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

Amended Bills

Bill "An Act to Relate the Qualifying Wage Levels for Unemployment Compensation to the Average Weekly Wage" (H. P. 437) (L. D. 554) (C. "A" H-157)

Bill "An Act Relating to Negotiations Involving State Employees under the Labor Laws" (H. P. 246) (L. D. 291) (C. "A" H-160)

Bill "An Act to Provide an Effective Penalty under the Labor Laws for Violation of the Statute Requiring a Written Statement of Reason for Termination of Employment" (H. P. 176) (L. D. 210) (C. "A" H-161)

Bill "An Act to Limit Additional Retirement Benefits under the Maine State Retirement System" (H. P. 331) (L. D. 430) (C. "A" H-137)

Were reported by the Committee on Bills in the Second Reading, read the second time,

passed to be engrossed and sent up for concurrence.

Bill "An Act to Eliminate the Dependency Disqualification for Persons Receiving Survivor's Benefits from the State Retirement System" (S. P. 203) (L. D. 535) (S. "A" S-79)

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

On motion of Mr. McHenry of Madawaska, the House reconsidered its action whereby Senate Amendment "A" (S-79) was adopted.

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

House Amendment "A" to Senate Amendment "A" (H-169) was read by the Clerk and adopted.

Senate Amendment "A" as amended by House Amendment "A" thereto was adopted in non-concurrence.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

Passed to be Enacted

An Act to Allow Proportional Benefits for Times when a Person is Available for Work but Cannot Work for Important Personal Reasons (H. P. 345) (L. D. 444)

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.

Enactor

Tabled and Assigned

An Act to Adjust the Penalty Assessed Against Small Employers under the Employment Security Law (H. P. 310) (L. D. 400) (C. "A" H-127)

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

On motion of Mr. Wyman of Pittsfield, tabled pending passage to be enacted and tomorrow assigned.

An Act to Increase the Legally Authorized Length of a Combination Tractor-trailer Operating Upon the Roadways of the State of Maine (H. P. 328) (L. D. 383) (C. "A" H-124)

An Act Concerning Dismissal of Municipal Police Chiefs (S. P. 122) (L. D. 231)

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

Orders of the Day

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

Bill, "An Act to Clarify the Application of Military Service Credits to Retirement Benefits for Policemen, Firemen, Local District Employees, Sheriffs and Full-time Deputy Sheriffs" (S. P. 147) (L. D. 324) (S. "A" S-72 to C. "A" S-57)

Tabled—April 3, 1979 by Mr. Garsoe of Cumberland.

Pending—Motion of Mr. Jalbert of Lewiston to Reconsider Indefinite Postponement of Bill and all Accompanying Papers.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Hanson.

Mr. HANSON: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, as a novice, I watched with dismay but total admiration as to the swiftness as to how this bill was struck down by members of this body. Being a member of the novice class, I was certainly happy to be treated to another interesting lesson of the working mechanics. I would like to add that I have nothing but total respect for those that led the charge.

Mr. Speaker and members of the body, since yesterday, thunder and lightning struck and today is another day. I would like to try to communicate with you some of the reasons why

this bill, with this amendment, came out of the committee unanimous "Ought to Pass". I would like to state my position on it.

First, I would like to point out this bill with the amendment does not deal with any of the state employees or teachers within the retirement system. It does not affect them at all. This bill does not have a state financial report because it does not involve any state monies.

This bill deals with local units that may join the retirement system. These units represent the citizens in the town and cities across the state, the same citizens that we represent here today.

Now, under the current law, there is an option to help our veterans. That option is under separate retirement benefits of 20 to 25 years and possibly a veteran may buy four years back, add that to 16 years of work, and retire. This option is basically a good one. No one is arguing that point. I would like to point out that out of 117 towns and cities across our state that are involved in the retirement system in the local units, only five have adopted this option.

When the committee heard the testimony, there was some concern that possibly this bill would hurt the five local units that are involved. They were also concerned that this option may be taken away. So, the committee put on an amendment to clarify it. If you would look at Amendment S-57, this amendment clarifies the bill by clearly creating an option for local districts constituting the substance of the bill. The option is to grant special retirees credit for military service, such as if benefits are increased or minimum service is not shortened. Well, if you first read it and you are like I am, you probably wonder what that is all about. I will try, hopefully, to clarify it a little more.

What it does, it gives the local unit a second option. It gives a local unit an option of having their workers work for 20 years and then buy four more years under the special retirement system. It encourages local districts to be more willing to grant military service credits for special retirement beneficiaries because the time of service would not be reduced. That is basically what it does. It is giving us not one option to help the veterans, but it is giving us now two options. One, hopefully, that local towns and cities can see their way to buy.

I hope that this body will reconsider their actions of yesterday and pass this bill.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to assure the gentleman from Kennebunkport, Mr. Hanson, that there was no swiftness meant concerning this measure. There are two things I very rarely do, I don't get up too often on legislation unless it concerns money, number one. Number two, on extremely rare occasions do I ever make a motion to indefinitely postpone a bill.

I am going to restrict myself, Mr. Speaker and members of the House, to the reconsideration motion. If I had any tricks up my sleeve I would have cut the gentleman from Kennebunkport, Mr. Hanson, down so fast it would have made his head whirl a couple of minutes ago, because he was not debating the reconsideration motion, which is the issue, he was debating the bill. But because I didn't want to resort to trickery, I let it go by.

Now, Mr. Speaker and Members of the House, I looked at this bill and I talked to people in my area, in the police department, fire department, local districts employees, the sheriff and full-time deputy sheriffs. I am fully aware of what the bill entails. I just talked to them and said, what do you think of this deal? They told me that they didn't like it.

Now, if I spoke to this bill to anybody in this House before I made my motion, I want them to rise. I also ask the gentleman from Limerick, Mr. Carroll, to nod his head if he agrees

with me that I, at no time, discussed this bill with him. I merely asked any member of the House to say to me what this bill would do. Now, it is a fact that I never discussed a bill with him. He rose and said nothing, it does nothing. So, I got up and made the motion to indefinitely postpone. If that is trickery, then I am really a magician, and if the gentleman from Kennebunkport wants to find out a few tricks, why just let him stick around and I will give him some education where he will wind up with a Ph.D., summa cum laude, I guarantee you that. I don't like to be pointed a finger at when I do something absolutely innocently.

Now, what happens to this bill, I could care less, and I don't like a snicker and I don't like the laughter and I don't like it because it is almost an accusation to me. I don't operate that way.

I would like to ask Mr. Carroll when I get through if he would get up and tell this House whether or not I ever talked to him about this bill. I merely asked a question of any member of the House and the question was answered accidentally by a friend of mine from Limerick, but I never spoke to him about it.

I am restricting myself to the issue here and I assure the gentleman from Kennebunkport, Mr. Hanson, that I have no rabbits up my sleeve. The motion to indefinitely postpone passed and, in usual fashion, like anybody else, I moved to reconsider having been a prevailing side, not because I didn't want to have it debated or anything else, I don't even care if you recommit the bill or what you do with it. I think I acted properly and if I didn't act properly, I want somebody to get up and prove that I didn't.

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

Mrs. KANY: Mr. Speaker, Men and Women of the House: May I pose a question to the Chair—that is, is there a fiscal note on this bill at this time, with the amendments on it?

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

Mrs. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: There is no fiscal note because there is no money involved as far as the state is concerned.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I want to confirm what Mr. Jalbert said. He never approached me in any way. I want to show you all that I act independently of Mr. Jalbert, I am not his yo-yo.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker and Members of the House: I would like to have this bill reconsidered because I would like to make a statement on my reason for voting opposite in the House to what I did in the committee working sessions.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Just to prove how many tricks there were up my sleeves, out of the respect that I have for the gentleman from Rumford, Mr. Theriault, who I consider an expert in this field here, I shall vote that this bill be reconsidered and if you want to pass it, it is perfectly all right with me—clear the deck. I hope, Mr. Hanson, I have just cleared it with you at least.

The SPEAKER: The gentleman from Waterville, Mrs. Kany, posed a question to the Chair. The Chair would advise the gentleman from Waterville that the reference to a fiscal note reads as follows: This bill will result in a cost avoidance of local participating districts.

The Chair recognizes the gentleman from Kennebunkport, Mr. Hanson.

Mr. HANSON: Mr. Speaker, Ladies and Gen-

tle men of the House: I meant no offense to either gentlemen. I said it in total respect of this House. I did not speak of trickery. I spoke that possibly the committee members, including myself, were caught and lightning and thunder did come before we were prepared. This is all I am saying.

I do not want to get away from the issue. The issue before us today is reconsideration of this bill, not personalities, to reconsider the value of this bill to our people in our local units.

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

Mrs. NELSON: Mr. Speaker, a point of parliamentary inquiry? Mr. Theriault asked that the bill be recommitted to committee, did he not?

The SPEAKER: The Chair would answer in the negative, that motion was not made. The pending motion is to reconsider whereby this bill was indefinitely postponed.

Mrs. NELSON: Mr. Speaker, if we were to do what he wishes, although he did not make that motion, would we vote against reconsideration and then would be in a position to reconsider the bill? So, the motion on the floor is to reconsider the bill. If we wished in our mind to send the bill back to committee, we would vote against that motion?

The SPEAKER: The Chair would advise the gentlewoman that if she wishes to refer this particular bill back to the committee, she should vote for the motion to reconsider. Then the motion to recommit would be in order.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I rise on a point of information. They have confused me. My point of information refers to, I would say instructions from the Chair a few days ago relative to the meeting this afternoon at the Civic Center, that this House would be limited in voting yes or no on the labor contract, that we wouldn't be able to amend it.

Now, my problem with this particular bill arose yesterday afternoon in my Judiciary Committee when we got a letter from Mr. Lanning S. Mosher, a gentleman I have never met but have a great deal of respect for. In his letter, he advised us to keep away from a certain bill, that was something that was handled at the bargaining table. I will just read the closing part of it.

He said, "it would seem inappropriate to have extended collective bargaining rights for employees while to continuing to modify the basic terms and conditions of employment through other than the collective bargaining process. I would hope that legislature would refrain from action which may circumvent the purposes and procedures of the State Employees' Labor Relations Act." My problem is that other people, local districts, have labor relation rules, too, and what it amounts to, this legislature really has no seat at the bargaining table either on the state or local level. When we voted this through a few years ago, the cup passed from our hands. I am wondering now if this bill is properly before this House. It might be a difficult answer but I really await the answer.

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

The Chair would like to advise Mr. Joyce and members of the House that it is quite accurate that the Chair, two days ago, advised members of the House in reference to the state contract agreement that that was not amendable. The Chair understands that this particular item deals with local districts. The Chair is not in a position, therefore, to rule on the question, but the Chair would advise the gentleman that the earlier ruling on the contract before us this afternoon in public hearing still stands.

The Chair recognizes the gentleman from Bangor, Mr. Soulas.

Mr. SOULAS: Mr. Speaker, Ladies and Gen-

tle men of the House: I would like to try to explain to you what this bill does. At the present time—

The SPEAKER: The Chair would ask the gentleman to refrain his comments in reference to why the bill should be reconsidered.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: Since I must address my remarks to why it should be reconsidered, I think it is very obvious that there is much confusion over this bill—first of all, what does it do and second of all, why we consider it. Basically, what I think this bill does and at the hearing before our committee, it states simply this—presently, if a local participating district wishes to permit special retirement beneficiaries to acquire credit for military service, creditable years of military service—

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

Mr. JALBERT: Mr. Speaker, I rise on a point of order. The good gentlelady from Portland is debating the bill and not the reconsideration motion.

The SPEAKER: The Chair would advise the gentlewoman from Portland, Mrs. Nelson, that the only thing she can debate is why this bill should or should not be reconsidered.

Mrs. NELSON: I think it ought to be reconsidered, first of all, because there is much confusion—what does it do, what does it say, whatever?

Second of all, a highly respected member of the committee has asked that it come back to committee to be reconsidered. He did not ask that it be reconsidered—maybe I ought to find out exactly what it is that Mr. Theriault wanted to do before I go on.

Let's get back to why it should be reconsidered. I think it should be reconsidered because there is much confusion as to what it does and what it does not do.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that the House reconsider its action whereby the Bill was indefinitely postponed. All those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

108 having voted in the affirmative and 3 having voted in the negative, the motion did prevail.

Thereupon, Mr. Jalbert of Lewiston withdrew his motion to indefinitely postpone.

The same gentleman moved that the Bill be recommitted to the Committee on Aging, Retirement and Veterans.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker and Members of the House: I am sorry if I caused any confusion. I didn't intend to ask for reconsideration to recommit the bill. Those were not my intentions, but I am happy if it goes that way.

I merely wanted to have it reconsidered so I could at least express my feelings towards the bill and why I didn't vote the same way in the House as I did when we had a working session on the bill. If you vote to recommit, then I won't have to bother with saying those kind of things, which are kind of embarrassing to me.

Thereupon, on motion of Mr. Jalbert of Lewiston, the Bill was recommitted to the Committee on Aging, Retirement and Veterans and sent up for concurrence.

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

An Act to Facilitate the Treatment of Minors for Alcohol and Drug Abuse Problems (H. P. 592) (L. D. 736)

Tabled—April 3, 1979 by Mrs. Berube of Lewiston.

Pending—Passage to be Enacted.

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

Mrs. BERUBE: Mr. Speaker, I would like to request a roll call vote on the enactment of this issue.

I realize that this is a unanimous committee report, it has slipped through both houses with no problems, but to me, I think it is a very important issue, and that is the continual erosion of the responsibilities and duties of parents towards their children. I didn't want to bring out all my reasons out of respect for the chairman of the committee and the members and the sponsors, whom I deeply respect, but I just feel that this legislature has been passing laws to allow, for instance, in this case for treatment of children or minors, treatment and counseling, by the way, without parental consent or knowledge.

We have already got on the books, rightfully, it was passed, for drug abuse, venereal disease, but now we are adding one more, and that is alcohol. I am wondering what we are going to add next year to continue this erosion on parental authority.

I have grave reservations about who will administer treatment and counseling. It is not left in the hands of the medical profession solely but in a group of people called "Substance Abuse Counselors."

Based on these reasons, I would like to request a roll call, please.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to assure the gentlelady from Lewiston, Mrs. Berube, that the committee is also very concerned about parental consent. We are asking to simply add the word "alcohol" to an already existing law which does provide for drug abuse counseling, for medical care, for psychological services. We feel that it is important to encourage minors to come for treatment at the earliest possible moment.

The law already provides, as I said, for the counselors to provide this service. These counselors are licensed, they must have 30 hours in substance abuse in order to be able to treat the child, and in no way will anything in this bill prohibit the counselor from informing the parent.

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 passage to be enacted. All those in favor of this bill being passed to be enacted will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Baker, Beaulieu, Benoit, Birt, Boudreau, Bowden, Brennerman, Brodeur, Brown, D., Brown, K. L., Brown, K. C., Bunker, Carroll, Churchill, Cloutier, Connolly, Cox, Curtis, Damren, Davies, Davis, Dellert, Dexter, Diamond, Doukas, Dow, Drinkwater, Dutremble, D., Dutremble, L., Fowlie, Gillis, Gwadosky, Hickey, Hobbins, Howe, Hughes, Hutchings, Jalbert, Joyce, Kane, Kany, Kelleher, Kiesman, Laffin, Leonard, Lewis, Locke, MacBride, Mahany Matthews, Maxwell, McKean, McMahon, McSweeney, Michael, Mitchell, Morton, Nelson, M., Norris, Paul, Payne, Peltier, Post, Prescott, Reeves, J., Reeves, P., Rolde, Rollins, Sewall, Sherburne, Soulas, Stetson, Tarbell, Theriault, Tierney, Tozier, Tuttle, Vincent, Violette, Vose, Whittemore.

NAY — Aloupis, Austin, Barry, Berry, Berube, Blodgett, Bordeaux, Call, Carrier, Carter, D., Carter, F., Conary, Cunningham, Dudley, Fenlason, Fillmore, Gavett, Gowen, Gray, Hanson, Higgins, Hunter, Immonen,

Jackson, Jacques, E., Lancaster, LaPlante, Leighton, Lizotte, Lougee, Lowe, MacEachern, Marshall, Martin, A., Masterman, McHenry, McPherson, Nadeau, Nelson, A., Nelson, N., Paradis, Pearson, Peterson, Roope, Silsby, Small, Smith, Sprowl, Stover, Studley, Torrey, Twitchell, Wentworth, Wood, Wyman.

ABSENT — Brannigan, Brown, A., Chonko, Elias, Garsoe, Gould, Hall, Huber, Jacques, P., Lund, Masterton, Simon, Strout.

Yes, 82; No, 55; Absent, 13.

The SPEAKER: Eighty-two having voted in the affirmative and fifty-five in the negative, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

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

HOUSE REPORT — "Ought to Pass" — Committee on Labor on Bill, "An Act to Make the Voluntary Payment of Workers' Compensation Nonprejudicial" (H. P. 417) (L. D. 542)

Tabled—April 3, 1979 by Mr. Wyman of Pittsfield.

Pending—Acceptance of the Committee Report.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading tomorrow.

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

Bill, "An Act to Increase the Surplus Account of the Kennebec Sanitary Treatment District" (H. P. 223) (L. D. 271) — In House, Passed to be Engrossed as Amended by House Amendments "A" (H-145) and "B" (H-149) on March 30, 1979. — In Senate, Indefinitely Postponed on April 2, 1979.

Tabled—April 3, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Motion of Mr. Boudreau of Waterville to Recede and Concur.

Thereupon, the House voted to recede and concur.

The Chair laid before the House the following matter:

Bill "An Act Relating to the Testing and Product Approval Authority of the Energy Testing Laboratory of Maine and Creating a Board of Directors for that Laboratory" (H. P. 1169) (L. D. 1475) (In the House, referred to the Committee on Business Legislation) (In the Senate, referred to the Committee on State Government in non-concurrence).

Which was tabled earlier in the day pending further consideration.

On motion of Mr. Howe of South Portland, the House voted to recede and concur.

On motion of Mr. Berry of Buxton, the House reconsidered its action of earlier in the day whereby Bill "An Act to Prohibit the Possession of Manufactured Items the Serial Numbers of Which Have been Altered", House Paper 470, L. D. 598.

The SPEAKER: The Chair recognizes the gentleman from Buxton, Mr. Berry.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I apologize; this bill did slip by me, but I will be looking at it tonight and I would hope somebody might table it for one legislative day.

Thereupon, on motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be engrossed and tomorrow assigned.

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

Mrs. PRESCOTT: Mr. Speaker, in reference to item 2 under the tabled items, I would like to move reconsideration and ask that you all vote against me.

The SPEAKER: The gentlewoman from Hampden, Mrs. Prescott, moves that we reconsider our action whereby "An Act to Facilitate the Treatment of Minors for Alcohol and Drug

Abuse Problems, House Paper 592, L. D. 736, was passed to be enacted. All those in favor of reconsideration will say yes; those opposed will say no.

Whereupon, Mr. Carrier of Westbrook requested a roll call vote.

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

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

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: This is one of the bills that I had not noticed. For years, I have been an opponent of doing away with parental consent. I do realize that young people need help if they are alcoholics or tend to be, but I don't think that this is the way to do it. I believe that this is a sneaky way to do it. I think we should let the parents be responsible for them. If you intend to pass a bill such as this, I think you ought to take the responsibility of the parents.

Thirty hours of training to treat someone else is not very good. Under the Statement of Fact, it states that the psychologists and the psychiatrists and the doctors and so forth can do this, but you have to realize also that these same people have gone to school for probably seven, eight or nine or ten years, and they know what they are doing. At least they are supposed to know what they are doing. They know at least 5,000 times more than someone who has had 30 hours of training.

I submit to you that we are undermining the parents of this country. I think if you want to undermine them, take the responsibilities away from them. If someone does something wrong in the line of treatment, then let them be responsible for payment or anything else they want to do.

I submit to you that as parents we have an extreme responsibility, both morally and physically, and I don't believe a bill such as this is proper to introduce. I am always amazed by the people who do introduce this type of legislation. I do question the good intentions of those that put this type of bill before us. It bothers me to see us take parental consent away from the people and still make them responsible for what happens after the treatment has been given, and probably the cost of the treatment.

I don't like who is giving this treatment. I wouldn't accept it, even if a doctor gave it, on the principle of taking away our rights as parents. We are heading the wrong way. I think you know this. You have turned down parental consent bills that we have had before. I think this one has just crept up on some of us. We didn't object at the proper time, but there is always that proper time and what is right this morning is to vote against this bill.

Is the motion to indefinitely postpone proper at this time, Mr. Speaker?

The SPEAKER: The Chair would answer in the negative.

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: Maybe we can accomplish it the same way. You can see there is confusion in this House this morning because people voted for the bill and then on reconsideration, they voted against it.

I suggest to you that you reconsider your position very seriously and think about you as a parent, see if you want this to happen to you. I realize we want our kids treated, but let the responsibility be on the parents to have their children treated for alcoholism. I think anybody would want to do that if he is a parent, friend or even a brother or sister.

I hope you vote for reconsideration.

The SPEAKER: The Chair recognizes the gentlewoman from Wells, Mrs. Wentworth.

Mrs. WENTWORTH: Mr. Speaker and Members of the House: I would suggest that any successful treatment of drug or alcohol problems would require the cooperation of the parents also.

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the gentleman from Westbrook that we should not reconsider this motion.

I have to support his conclusion if not his reasoning.

I am the sponsor of the measure which is before us for reconsideration, and I simply want to assure the House that we are not changing any principles that have been adopted in the past in terms of treatment of minors in a confidential matter.

Under the present law, a doctor may treat a minor for a drug abuse problem, a nurse may treat a minor for a drug abuse problem or a social worker may treat a minor for a drug abuse problem, a psychologist may treat a minor for a drug problem—all with confidentiality assured to the minor who is being treated in terms of whether or not parents have to give their consent.

I think we all understand that in a counseling situation, if we are going to get these kids in with real problems to a counselor to get some help, you can't, at the same time, require that they bring with them parental consent for that counseling. I think we all know the drug abuse problem that exists in our schools and ought to have accepted that and have accepted that principle in the past for all of these other categories. The only issue of this bill is whether or not to add to the categories, I just listed, the category of substance abuse counselor, a new category created by this legislature a year ago. Substance abuse counselors will from now on, and there are none now, they are being licensed beginning this month by a board set up by this legislature, under the Department of Business Regulation, which will have to test both oral and written tests, to people who apply to be registered substance abuse counselors. If they pass that test, they would then be in the same category with social workers, psychologists, nurses, doctors and all of the other groups in terms of having this confidential relationship with the person who comes in seeking help.

I think anyone who has worked with young people in the drug abuse area knows that many of them will never seek help and never make that tough first step to seek help, if, at the same time, their parents have to be informed and have to give written consent. I think that explanation may help some of the confusion which I see circulating around here. I hope so and I hope you will not reconsider the previous action.

The SPEAKER: Before the Chair recognizes anyone else, I would like to bring the issue back before us since he has let two members speak, one on either side of the question, debate the merits or demerits of the bill. However, I would like to point out now that both sides have been covered by that debate and the motion before us is the motion to reconsider. It is only that which may be debated at this time.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I voted in favor of passage of this document and I was a little misled. I am a little bit concerned about this and I think it should be reconsidered and we should vote on it again. I think any parent has the right to know. This is a parental right to know what is happening to his child and what goes on with his child. For heaven's sake, let's not take that right away from the parents.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentlewoman from Hampden, Mrs. Prescott, that the House reconsider its action whereby the

Bill was passed to be enacted. Those in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Austin, Barry, Berry, Berube, Blodgett, Bordeaux, Boudreau, Bowden, Brown, A.; Brown, K.C.; Bunker, Call, Carrier, Carroll, Carter, D.; Carter, F.; Churchill, Conary, Cunningham, Damren, Davis, Drinkwater, Dudley, Dutremble, L.; Fenlason, Fillmore, Gavett, Gills, Gowen, Gray, Gwadosky, Hall, Hanson, Hickey, Higgins, Hunter, Immonen, Jackson, Jacques, E.; Jacques, P.; Jalbert, Joyce, Laffin, Lancaster, LaPlante, Leighton, Lizotte, Lougee, Lowe, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Maxwell, McHenry, McKean, McPherson, McSweeney, Nelson, A.; Nelson, N.; Paul, Pearson, Peltier, Peterson, Reeves, J.; Roope, Sherburne, Silsby, Small, Smith, Soulas, Sprowl, Stover, Studley, Theriault, Torrey, Tozier, Twitchell, Wentworth, Whittemore, Wood, Wyman

NAY — Bachrach, Baker, Beaulieu, Benoit, Birt, Brennerman, Brodeur, Brown, D.; Brown, K.L.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Dellert, Dexter, Diamond, Doukas, Dow, Dutremble, D.; Fowle, Howe, Hughes, Hutchings, Kane, Kany, Kelleher, Kiesman, Leonard, Lewis, Locke, Matthews, McMahon, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Norris, Paradis, Payne, Post, Prescott, Reeves, P.; Rolde, Rollins, Sewall, Stetson, Tarbell, Tierney, Tuttle, Vincent, Vose

ABSENT — Brannigan, Elias, Garsoe, Gould, Hobbins, Huber, Lund, Masterton, Simon, Strout, Violette

Yes. 85; No. 54; Absent, 11.

The SPEAKER: Eight-five having voted in the affirmative and fifty-four in the negative, with eleven being absent, the motion does prevail.

The pending question now before the House is on passage to be enacted.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I realize that probably anything I have to say this morning will be futile. I hardly know where to begin, but I guess I will begin with the fact that alcoholism is an insidious disease, and this bill, as the good chairman of the committee said, simply expands the right on substance abuse and includes alcohol. It only includes alcohol, so I guess the bottom line here is whether or not you consider alcohol to be a drug.

I am the Chairman of the Eastern Regional Council on Alcoholism and Drug Abuse for a five county area, I have just been appointed to the state council on alcoholism and drug abuse, and I don't say that to toot my own horn because it means a lot of hours that I spend trying to help people who are afflicted with a disease that I have.

If you want to deny and if you don't believe that there is the problem with teenagers, we had a severe drug problem, we have somewhat of a drug problem now, it is not as bad as it was a few years ago. I attribute that to the fact that we allowed, in the initial treatment, some youngsters to be treated for drug abuse without the consent of their parents in the initial stages. The treatment of diseases of this type, it has been found and proven to be that it is usually a family orientated situation, that, indeed, the parents should be informed and, indeed, they are informed. Rarely in the treatment of alcoholism to any youngster, during the stage of treatment, their parents are not informed; but in some cases where the youngster is frightened, the youngster has become addicted to alcohol, they are frightened, they are alone, they are in a terrible state, believe me. Alcoholism is a terrible thing and they are in a terrible state and they come for help. They are frightened that their parents might find out and, in many cases, they will not accept treat-

ment in the condition that they are in if they feel the parents will be involved. Almost 99 percent of the time, once the treatment is started, once the counselor can establish a bridge with this youngster, the parents are brought in. But in that initial step, in some cases, very few by the way, the counselor has to treat without the upfront permission of the parent.

I would hope that you would pass this legislation. It simply expands the legislation on our books to include alcohol and it does mean, in my educated opinion in dealing with alcohol, that if we don't pass this bill, there may be some youngsters and probably will be some, who will not, I repeat, will not receive treatment, and that would be a terrible thing. There are a variety of reasons, the over-protective parent, the parent that doesn't care, the case in families where both parents are alcoholics or drug addicts, that feel that alcohol isn't a problem. I know parents that are afflicted with this disease today that are next to death's door and they don't feel that alcohol is a problem. They don't feel they have a problem.

So, I plead with you this morning for the youngsters. I do believe in parental control and I do believe that it is a disease that has to be treated through the family but there are some cases, there is no question, where youngsters, in order to get them started, have to be treated before their parents are notified.

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

Mr. HOWE: Mr. Speaker and Members of the House: The Gentleman from Westbrook, Mr. Carrier, suggested the bill snuck up on some of us and I guess I agree, I didn't know the bill was coming today, I didn't even know the bill was in, but it is here and I think it makes a lot of sense.

I think that the notion of parental consent here is triggering a knee-jerk response possibly with some of us and I think it is inappropriate on this occasion. It is not always inappropriate, certainly.

I think maybe some people are getting the vision of a nasty alcohol abuse counselor plucking innocent children out of their homes. Well, I exaggerate a little bit, but that is not the case. I think that we are talking about individual human beings who happen to be below the age of 18 with serious addictive problems. In many cases, and by definition almost, the family communication lines are broken down. Many of these kids, 15, 16, 17, haven't seen home for weeks and maybe even months. Are they going to have to get mommy or daddy's permission before they can seek help? They might not have seen mommy and daddy in a long while. They may not be able to communicate at all with mommy and daddy. I think it is inappropriate to force somebody in this kind of situation, where somebody desperately needs help, to face another human being that they, for whatever reason and in many cases, I suspect, are just not able to communicate, but possibly if they are able to seek help from a counselor, psychologist, whomever, that person may be able to reestablish the lines of communication between parent and child that may never be established without the help of that trained third party.

I think if we fail to pass this bill, we may be eliminating the only opportunity for some of these young people to reestablish those lines of communication, not to mention the professional help they need in ridding themselves of a horrible problem. I think that is enough that needs to be said.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I hope you were listening carefully to the gentleman from Brewer and the gentleman from South Portland a moment ago, in connection with this bill, because I heartedly endorse everything they both said.

It was kind of revealing this morning to see sort of a wave of panic roll through the House after that first vote and when we began to hear some of the rhetoric in connection with reconsideration. I wonder if those of you who changed your minds and voted to reconsider, have actually read the bill.

I am not going to read it all, it is not very long, I only want to read one paragraph, there are four just like it. It says any person licensed under this chapter who renders medical care to a minor for treatment for a venereal disease or abuse of drugs, that is already in the law, ladies and gentlemen, that is there now. All it does is add the word or alcohol. Then, it goes on to say, "is under no obligation to obtain the consent of said minor's parents or guardian and inform said parent or guardian of such treatment." That is what the bill does, just adds the words "or alcohol" to a bill that is already on the books, which allows for these treatments without the initial contact with the parents.

All I want to do is draw you a picture. Already, it is proper for those doctors and counselors and hospitals to help these young people with the respect to drugs, so if it is pot or heroin or some of the other things, they have got a perfect right today to work with these young people. But, what you are saying is, if you deny this bill today is if some young person who walks up and I don't think any of us can argue the fact that alcohol is the most prevalent of all of these drugs, and he walks up to a counseling location and says, give me some help, and the counselor says, I am sorry I can't talk to you about it because alcohol is not included in the law. That is all I wanted to say. I do believe that it is absolutely essential that we include alcohol along with the other drugs in this type of counseling.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I think the bill has been very well covered. One area that bothers me is, who pays the bill? Now, is it going to be billed to the parent at a later date and he doesn't know this bill is coming and most parents have a pretty tight budget today. If it is going to, this would make some difference in my voting on this measure if I know who is going to pay the freight.

Now, I can just conceive if it is going to be billed later to the parent and they have kind of a tight scheduled budget, and most people do, and out of a clear sky, they get billed for several hundred dollars for rehabilitation for their son or daughter that they didn't anticipate because they wasn't asked about it and because they didn't know about it, it seems to me, this could really upset someone's tight budget. I wondered if the state assumes all the cost or the church assumes the cost or it is done free or a little bit more about it. That part of the subject hasn't been covered very well.

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

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I will try to answer the question for Mr. Dudley. We have a large budget now in the state in alcoholism to treat people who are suffering from this or from any drug abuse and we will probably be in sometime this session, either in the Appropriations Act or in a special bill asking for more money. So, I don't envision the problem that he has with this bill arising. I certainly don't.

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

Mr. CARRIER: Mr. Speaker and Members of the House: Let's not try to evade the question. The question is very simple, who pays the bill? It is not going to be the Appropriations

Committee. It isn't going to be the one that hasn't got any children within that age area that doesn't use the drugs. Actually, the one that is paying the bill, under this bill, if there is any, will be the parents regardless of whether he has anything to say about it or not. That is one answer to one point that was made.

Another one, Mr. Morton, referred to the bill which says it is already being well treated by the bill itself, which is true. So, if the present law takes care of it, why should we have this bill in the first place? I agree with that, why should we have the bill in the first place if it is taken care of?

The only difference is, which was not brought up, is the fact that, at present, they are apparently getting treated by counselors who are somewhat qualified to give such treatment. This is the difference in this bill. I never heard such a description of a position such as licensed substance abuse counselors. Now, I don't know what this is. I can visualize what it might be. It might be just something that shows that it is 30 hours, a very small amount.

I would also recall to you people that we had a similar bill here a couple of weeks ago, to give blood with parental consent. Very wisely, this House rejected it and so did the Senate.

I submit to you that this is not a good bill. At this particular point, I make the motion for indefinite postponement of this bill, all its accompanying papers.

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I am not disappointed that the reconsideration motion passed because there was confusion and no one, I think, likes to pass a bill amidst confusion. It is a good solid bill and can stand as much debate as we want to give it. The question who pays the bill is pretty much irrelevant.

What we are talking about is substance abuse counselors. They are not private counselors, they work for social agencies and the services are available. They are counselors in schools or they will be when they are registered, counselors working within the school systems, they are working in mental health clinics supported by grants, which already exist. There is no more problem with that than there would be if you went to see a doctor for medical care.

The question was asked, what is a licensed substance abuse counselor. The gentleman who asked it was a member of this legislature, I believe, in the last session when this legislature passed the bill setting up the category of licensed substance abuse counselors. That bill is rather specific in its terms. The qualifications are laid out, that the people shall be qualified as a substance abuse counselor, you shall work in that area of counseling young people in the abuse of drugs and alcohol, that you shall have 30 hours of training in that field, 30 college hours, that you shall then apply to the Maine Substance Abuse, Registration Board for a license as a Substance Abuse Counselor, that board will test you, giving you a written and oral examination. That board has been appointed and has worked for a year in developing that examination and, for the first time really we now have good solid state control over who substance abuse counselors shall be.

When this bill was passed in 1973 allowing doctors, social workers, psychologists and nurses to have a confidential relationship with young people in the area of drug abuse, there was no such thing as a registered substance abuse counselor. So, one of the two things this bill does is extend to that new category the same law which applies to social workers, nurses, doctors, and psychologists.

Now, there is a large distinction, I feel, between the bill that had to do with allowing young people to give blood and this, because a substance abuse counselor does not prescribe medicine, does not perform operations on the body of young people, he talks to young people

and that is all he does. He talks in a confidential way, a way in which he has been trained to counsel with him, to help them understand their problems that have led to drug abuse.

As I said earlier, that people who understand other people who have drug abuse problems, know that it is hard enough to get them to face up to the fact that they have a problem and they ought to seek some help for it and we ought not to place other barriers, such as, at the same time you face up to that other very real problem, having to inform your parents whom you love and are close to, that you have got a drug problem they may not have realized.

Now, as part of the counseling program, one of the things the counselor will be leading them to do is seek reconciliation with parents and with family because, obviously that is part of the whole problem that led to the substance abuse in the first place, but to get them to the threshold step, to get them to seek help that is so very vital, and we are not talking about medical help, that is already protected, we are talking about counseling, talking to somebody who can help them and to get them to seek that step, we simply cannot put more barriers in front of them. What would we do if we didn't pass this bill? I assume we would just make a lot of substance abuse counselors without work. In this day and age, with the problem we have with young people with alcohol and drug abuse, that simply would not be a good public policy step in my opinion. I guess we would encourage them to go to nurses and social workers and psychologists where they do have that relationship, but there are a lot of people, well-trained people, willing and able to help in this area of substance abuse, and qualified to do so and they ought to have the same privileges that social workers and psychologists have.

The SPEAKER: The Chair recognizes the gentleman from Roque Bluffs, Mr. Nelson.

Mr. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: I realize that there is a law on the books that erodes parental control. This is only going to erode it more. I don't believe that we can pass a law making the parents responsible for the children's actions if the parents don't know what is taking place with their children. The way this is going, it is making parents seem like ogres and parents are not ogres. They love their children and they want to know what is happening to their children.

There are a lot of things irrelevant about what this bill says but, basically, we do not have to add to the bill as it is. We are just going to add more things for the parents to overcome to get back to their children. I think if a child loves its parents, and I know that most parents do love their children, they want to know what is going on with their children, and I think this is basically what is going on here this morning. We are adding another word or two into existing law that erodes the parental control that much more.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: Like so many of us, this bill hit me very suddenly and I have not had an opportunity to review it. I have been so busy with these labor bills that I haven't had time to read anything else anyway.

My initial reaction to this legislation was very negative, because I happen to believe very strongly in the institution of the family and I happen to believe also that wherever possible the state legislature ought to be passing legislation to strengthen the ties between parents and children. I did oppose the bill initially on those grounds, but as I have listened to the arguments, what I think are well-reasoned arguments of those who support this legislation, I think what we are faced with in so many cases is balancing out our desire to protect the rights of the parents, the rightful authority of the parents, which I certainly believe in and, on the

other hand, being concerned about helping young people who are afflicted with a very dreadful and debilitating disease, alcoholism. It seems to me that when you put those on the scales and in the balance, that in this particular case we ought to very seriously reconsider our opposition to the bill and support it. I have reconsidered my position and I am going to support this bill, because I think it is vitally important that we make it easier, that we encourage our young people and make it easier where we can for them to seek the kind of counseling that the bill offers.

I would only point out that as I understand the bill and as I have listened to the arguments of those supporting it and those opposing it, I don't believe there is anything in this bill which precludes the involvement of parents if they want to become involved. I don't think this bill prohibits that, it just says that the young people can seek the counseling without the parents. I think that is a very important distinction. I hope you will reconsider.

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I request a roll call when the vote is taken.

I would like to bring out one little point. I think it was the Representative from Farmington, Mr. Morton, that said it was just adding one word, 'alcohol,' and I wasn't paying attention but perhaps someone would address themselves to this, it is also to allow the licensed substance abuse counselors to do the treatment. Someone mentioned that they must be registered and have performed so many hours of work, if you will look at the law that was passed creating these people, these substance abuse counselors, the board apparently has a great deal of flexibility in allowing someone to be licensed.

Here are some of the requirements. The first one is that the counselor shall be at least 18 years of age, and that in view of so many hours of a year spent in the profession, the board can use something else as an equivalent. They may substitute for instance, volunteer work for some of the period, not the entire time but for some of the time. Those were basically my reasons for opposing the bill. I am sorry if I started something that created such a long debate.

I would just like to make one more point. I think we are also adding the word 'deceit', in a sense, to the law because we are telling our kids that it is all right to deceive parents and do something without their knowledge. I am not opposed, perhaps, if they are counseled by trained medical people, the medical profession, but as I read the qualifications of these abuse counselors, I am a little skeptical.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. McKean.

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I am also one of those who didn't get a chance to really study the bill prior to voting and I voted for the bill to start with, and as I have listened to the debate, I believe I have changed my mind to go the other way now. The reason I have is because I have gotten a look at it from both the teenager's standpoint and also the parent's standpoint. I have raised two boys and tried to do right by them. I would not appreciate the fact that one of my sons went to a counselor or to a hospital or to anybody else without going to me and discussing the problem with me. There may be some parents you can't discuss this with because they don't want to listen. Perhaps those are the people that should be brought into the problem at the start by either the counselor or the doctor. The counselor could maybe do them more good than they are going to do to the teenager. I have got to look at it from that standpoint.

Another standpoint I look at it from, if I am a teenager and if I am looking for help, fine, how

many times is the boy or the girl in the teenage bracket going to say yes, tell my parents. I will tell you, not very many of them. It may not be because they are really scared of what the parents might do, it is because it is just a little secret between them and the counselor. It is a method of deceiving the parents, like my good friend Mrs. Berube has said.

Another thing that worries me. I believe I could be more receptive to this legislation if there was an appropriation on it and if I was assured that parents a month down the line would not receive a bill, because all of the answers I have heard on that question yet is, well, there may be, there may be, there could be a grant, there could be this. But as it stands right now, if the teenager turned himself into a hospital, into a so called counselor who set up office in a town, I see no provisions for anybody to get the bill but the parents.

Put yourself in the parents' shoes. A month down the line and you receive a bill for \$200 from a doctor or a counselor and you look at it and you say, "good gracious, \$200. I just paid my taxes, I haven't got a dime in the bank and now I get a bill for \$200 for what?" So, you go to the teenager and ask him because his name is going to have to be on it. By the time you get it out of him and you have discussed it, one of two things may happen. You may make an alcoholic out of him again or you may become one. I think that the parents should be in at the start, unless you want to put an appropriation on it here and make it even more uncomfortable later on. So, this is the reason I have changed my mind on this particular bill.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: Like Billy Martin of the New York Yankees, I feel very strongly on both sides of this issue. I do agree with the proponents that a child who is in trouble through drug abuse, or what have you, should have the opportunity to get treatment without consent if certain conditions exist.

But I am very much disturbed by the wording of this bill. It says that any person licensed under this chapter who renders medical care to a minor for treatment of venereal disease of abuse of drugs or alcohol is under no obligation to obtain the consent of said minor's parent or guardian. I can go with it as far as it goes to that point. But then it goes on to say "or until we inform such parent or guardian of such treatment." I don't see what lasting benefit can ever be obtained either for the child or the parent or the treating agency to act in collusion with the child in the long run not to make this information known to the family.

I think that the existing statute which is written similarly is bad law. I think this would compound bad law. I would urge that we indefinitely postpone this, as has been moved, and in the next session we can come in and revise the existing law so that we will trick the problem with good law.

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

Mr. BRENERMAN: Mr. Speaker and Members of the House: The section that Mr. Leighton just read was, of course, from the present law. All this bill does in those four sections that are similar to the ones that he read is, they say that we recognize alcohol abuse is as much a problem as drug abuse and that we should encourage kids to seek help.

In some cases, young people will seek help and will not want their parents notified because of the physical violence that will occur to them when they return home. But in most cases, according to the people that appeared at the hearing, in almost 99 percent of the cases, the parents are informed because the best treatment for the child is when the parents are involved.

Now, Section 5 of this bill, which is Section 6221 of the law, says that nothing in this section

shall be construed so as to prohibit the licensed person rendering that treatment from informing that parent or guardian. The people that came to the hearing said that in almost every case, they informed the parents as soon as possible. We think that that is assurance enough that the parents will be involved or if the child feels that the parent is involved it will cause a problem, then the child will be able to receive help, and I think that is what the committee felt was the best way to pass this bill.

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

Mr. HICKEY: Mr. Speaker, I would like to ask the sponsor if there is any present medium of help and how it is expedited, whether the parent is involved or whether the youngster is involved?

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

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: Yes, there are ways of getting help presently. The person with the drug abuse problem may seek help from a doctor, a social worker, a psychologist, any of the programs that employ those people. Doctors, however, although certainly are qualified individuals, don't have a great deal of time to spend in drug counseling. It is not typically the kind of field which demands their expertise. And certainly if you want to talk about bills and expenses to the parents, if any place were going to generate such bills, it would be doctors' offices. They have had this kind of protection since 1973, and I don't think bills arriving on parents' doorsteps unbeknownst to them have been a problem, so, doctors aren't doing a lot of drug education out there, and that category is not terribly helpful except in the area of really intensive alcohol treatment programs which, of course, are run by doctors, and involve medical treatment as well as counseling kinds of service. But the average kid on the street does not go to see a doctor when he has a drug problem. He couldn't afford it and he would probably be intimidated and probably have trouble getting an appointment any way.

The people that we have set up as a state legislature to help young people are substance abuse counselors and social workers, principally, those categories. Most of the larger high schools now have available to them a drug counselor, and those people have been doing some counseling. It is a very nebulous kind of thing as to whether you say to a kid, amphetamines are bad for you. Are you doing drug counseling and can you be sued for saying that to them without parental consent? It is a very nebulous area. So what this legislature has done is to tighten up that field, first of all to require that a board be set up to license substance abuse counselors, so we will no longer have every Tom, Dick and Harry doing drug counseling. But they will have to go through this program, and the gentleman from Lewiston has given us some of the qualifications. They will have to have 30 college hours of credit in this area or an equivalent of work experience in the field. They will have to be tested, they will have to be orally examined by the board of registration which we set up last time, so for the first time we have some real handle on who is doing drug counseling.

All this bill does, it does two things, it includes alcohol, makes it very clear that this is a drug of abuse, and it allows this one additional category which was not even set up in 1973 when the law was originally passed; it allows that category to be added.

The average kid does not have access to many drug abuse programs now that involve doctors and social workers and psychologists because of the expense of those programs.

There are a number of increasing drug abuse programs available in the schools, and they

will be handled by people who will fall into the category of substance abuse counselors. If this bill does not pass, the situation will be rather ambiguous. At what point does talking to the kids become counseling and then open up one to liability to suit if this bill is not passed. But I think we ought to make it perfectly clear to the substance abuse counselor and to the kid that that is an additional avenue for him to take if he seeks help for drug abuse. To tell a kid otherwise, to say to the kid, no, you can't go to your drug abuse counselor in the high school, you have got to find a social worker or a psychologist or a doctor, that is the message that I guess would be carried forth if this bill were defeated. We have set up programs, we have put substance counselors in school programs, and then to say, you can't talk to that person without a note, find somebody else you can talk to with parental consent, it just doesn't seem to make sense.

If you are opposed to the whole concept, debate the whole concept and put in a bill to repeal the whole thing. I am not, because I think we are talking about counseling, we are talking about talking to people who can help you, and it is so very important that these people be encouraged to talk to people who can help them. When we begin to talk about medical treatment, okay, that is when I would get out, that is when I would say, all right, parental consent might be a very important criteria, but we are talking to people, and to say you can't talk to the counselor about it but you can talk to your teacher or your next door neighbor or the guy down the street who probably thinks he knows something but doesn't really, this doesn't seem to make a whole lot of sense, that would be the message I get for the defeat of this bill, and that is why I urge you to support passage of this bill and oppose indefinite postponement.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I really don't like to prolong the discussion any more than it has already gone, but I would feel a little bit guilty if I left today without expressing my feelings on what I consider to be a very pressing issue before the House this morning.

In the last few years, how many of us have heard a comment from friends of ours regarding the drug situation, something to the effect that, gee, if only my kids would go back to drinking and get away from the drug problem, wouldn't that really clean the situation up? We have seen a problem develop where parents are actually encouraging their children to drink rather than use drugs, and the kids are. They are drinking and drinking.

Two weeks ago, I witnessed a 13 year old boy who had been to a school dance and had consumed a half pint of whiskey at that dance, frightened out of his mind to go home because he knew what the consequences would be— a good, middle class, both parents working type family. Consequently, somebody took enough interest in that child so that he wouldn't have to go home and face consequences.

You know, I spent some time as an assistant principal in a high school. In that position, I saw many young people who were in my office who were on alcohol, who were on drugs, frightened out of their wits because of the kind of support or lack of support that they would get at home; I have seen that first-hand.

We are finally reaching a point in our society where we are addressing the drug problem where it should be addressed. For years now, we have all paraded off to the PTA meetings, we have smelled the marijuana burning as the local police chief has taught us what marijuana smells like, we have looked at the parade of pills, we have seen what the uppers look like, what the downers look like, we have had a tremendous education but we haven't addressed the problem. The problem is, ladies and gen-

tle men, very simply, a breakdown of the family unit. I listened to one member of this body this morning talk about the tie between the parents and the child. Ladies and gentlemen, we can come to this body and we can pass many many laws, but we can never legislate the tie between the parents and the child.

The gentleman from Limestone said that he would be very upset if his child were to go to an individual before going to him, and I concur. As a parent of two young boys, I would be very hurt if one of my boys had a problem and did not come to me first, but, ladies and gentlemen, I would be more hurt if I found that their life was ruined later on because they did not have that opportunity.

I urge you very strongly to vote against postponement of this bill.

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 Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, I rise to disabuse the gentleman from Limestone of any concern about there being dollars in state money to work in this area. We have been raising quite a bit of money over the past few years and the governor, in his wisdom, has seen fit to include even more money in 1980 and 1981.

I address you to Page 2-497 of the green bible, which points out that there is some \$2.5 million of funds for the Office of Alcoholism and Drug Abuse of the state and the federal government, half and half, roughly, and I won't read Page 2-496, but that tells what they do. We hire some 32-odd people in the State of Maine to work with the various agencies and support all these clinics and doctors and everything else that are out there trying to do something about it. So the money is there, a lot of money is being spent on it. Let's spend it wisely, as the young gentleman from Livermore Falls just very, very eloquently pointed out. I hope you all listened to what he had to say.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Westbrook, Mr. Carrier, that this bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Fort Kent, Mr. Barry.

Mr. BARRY: Mr. Speaker, I would like to pair my vote with the gentleman from Portland, Mr. Vincent. If Mr. Vincent were here, he would be voting no and I would be voting yes.

ROLL CALL

YEA — Austin, Berube, Bordeaux, Brown, A.; Call, Carrier, Carter, D.; Carter, F.; Cunningham, Dudley, Dutremble, L.; Fillmore, Gavett, Gowen, Gray, Hunter, Jacques, E.; Jacques, P.; Laffin, Lancaster, LaPlante, Leighton, Lougee, Lowe, MacEachern, Marshall, Martin, A.; McKean, Nelson, A.; Nelson, N.; Peterson, Reeves, J.; Roope, Silsby, Smith, Sprowl, Stover, Strout, Theriault, Tozier, Twitchell, Wentworth, Whittemore, Wood

NAY — Aloupis, Bachrach, Baker, Beaulieu, Benoit, Berry, Birt, Blodgett, Bowden, Brenerman, Brodeur, Brown, D.; Brown, K. L.; Brown, K.C.; Bunker, Carroll, Chonko, Cloutier, Connolly, Cox, Curtis, Damren, Davies, Davis, Dellert, Dexter, Diamond, Doukas, Dow, Drinkwater, Dutremble, D.; Elias, Fenlason, Gillis, Gwadosky, Hall, Hanson, Hickey, Higgins, Hobbins, Howe, Hughes, Hutchings, Immonen, Jackson, Jalbert, Joyce, Kane, Kany, Kiesman, Leonard, Lewis, Lizotte, Locke, MacBride, Mahany, Masterman, Mat-

thews, Maxwell, McHenry, McMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Norris, Paradis, Paul, Payne, Pearson, Post, Prescott, Reeves, P.; Rolde, Rollins, Sewall, Sherburne, Small, Soulas, Stetson, Studley, Tarbell, Tierney, Torrey, Tuttle, Violette, Vose, Wyman, The Speaker

ABSENT — Boudreau, Brannigan, Churchill, Conary, Fowlie, Garsoe, Gould, Huber, Kelleher, Lund, Masterton, Peltier, Simon

PAIRED — Barry-Vincent

Yes, 44; No, 92; Absent, 13; Paired 2.

The SPEAKER: Forty-four having voted in the affirmative and ninety-two in the negative, with thirteen being absent and two paired, the motion does not prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Mrs. Nelson of Portland was granted unanimous consent to address the House.

Mrs. NELSON: Mr. Speaker, I know that the reading of poetry is usually Mr. Gould's area, but this is a special poem written by a special person. It is Michael Mode. Perhaps you know him as one of the Pages here. He wrote this in his quiet time and it is quite interesting and I would like to share it with you. It reads:

You left me for that other Body
My pleas you did not heed
I could've tabled you
But Instead I set you free.
Now you're crawlin' back to my door,
You say my vote you need,
Well, My heart says concur,
But my brain says recede
That other body ruined you,
They changed you to the bone
Just when you thought you'd make it
Your papers were postponed.
You can't amend a broken heart
But I hate to watch it bleed,
Y'know my heart says concur,
But my brain says recede.
Now how can I pass you.
Or let you back in here?
I guess I'm just too blind to see
And too deaf to adhere.
You should be recommitted
And sent out this back door
And in my darkest dreams, I want to
KILL YOU ON THE FLOOR.
I sponsored you
You satisfied some other body's need,
Well, now my heart says concur
But my brain says recede.

(Off Record Remarks)

On motion of Mr. Vose of Eastport, adjourned until nine-thirty tomorrow morning.