

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
**OF THE**  
***One Hundred and Ninth***  
***Legislature***

**OF THE**  
**STATE OF MAINE**

**Volume II**

**First Regular Session**

**May 7, 1979 to June 15, 1979**

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**First Confirmation Session**

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## HOUSE

Thursday, May 17, 1979

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

Prayer by Lieutenant David Childs of the Salvation Army, Sanford.

Lt. CHILDS: Here assembled, Lord, in thy name, thy work to do, thy help we claim and pray for grace that we may be inspired by purest love to thee.

That is our prayer this morning, dear Lord, that you will be foremost in our thoughts, in our decision-making today, that you will give everyone here the guidance that they need in passing the bills and doing the work that they must do here in Augusta. Be with us now in all that we do today. In Jesus name we pray. Amen.

The journal of yesterday was read and approved.

## Papers from the Senate

The following Joint Order, An Expression of Legislative Sentiment recognizing that:

The drama group of George Stevens Academy of Blue Hill, directed by Robert Marshall, was the winner in all classes of the Maine State Drama Festival (S. P. 557)

Came from the Senate read and passed.

In the House, was read and passed in concurrence.

## Messages and Documents

The Following Communication: (S. P. 558)

State of Maine

SENATE CHAMBER

President's Office

Augusta, Maine 04333

May 15, 1979

Honorable Ralph M. Lovell

Honorable Merle Nelson

Chairmen, Aging, Retirement & Veterans

Committee

State House

Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating Nathan W. Watson of Bath to represent the Maine Retired Teachers Association on the Board of Trustees of the Maine State Retirement System.

Pursuant to Title 5, MRSA, Section 1031, this nomination will require review by the Joint Standing Committee on Aging, Retirement and Veterans and confirmation by the Senate.

Sincerely,

JOSEPH SEWALL

President of the Senate

JOHN MARTIN

Speaker of the House

Came from the Senate read and referred to the Committee on Aging, Retirement and Veterans.

In the House, was read and referred to the Committee on Aging, Retirement and Veterans in concurrence.

## Orders

An Expression of Legislative Sentiment (H. P. 1413) recognizing that:

Leo Murphy, President of Plummers Funeral Home, Inc., is the recipient of the Calumet Club's Outstanding Citizen Award for 1979

Presented by Mr. Paradis of Augusta.

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

On motion of Mr. Cox of Brewer, it was ORDERED, that Representative John Norris of Brewer be excused May 16, 17, and 18, 1979 for Legislative business

AND BE IT FURTHER ORDERED that Representative Darryl Brown of Livermore Falls be excused May 17 and 18, 1979 for Legislative business.

AND BE IT FURTHER ORDERED that Representative Barry Hobbins of Saco be excused May 17 and 18, 1979 for Legislative business.

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An Expression of Legislative Sentiment (H. P. 1414) recognizing that:

Gerard P. Conley, Portland's most "electable" citizen is retiring from service on the Portland City Council after 9 years

Presented by Mr. Connolly of Portland.

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

## House Reports of Committees

## Ought Not to Pass

Mr. Morton from the Committee on Appropriations and Financial Affairs on Bill "An Act to Increase Legislators' Salaries to Eventually Equal the Minimum Wage" (H. P. 1047) (L. D. 1300) reporting "Ought Not to Pass"

Mr. Fenlason from the Committee on Education on Bill "An Act Establishing a Procedure Under the Education Statutes for Withdrawal of a Municipality From a Vocational Region" (H. P. 945) (L. D. 1180) reporting "Ought Not to Pass"

Mr. Gillis from the Committee on Fisheries and Wildlife on Bill "An Act to Prevent Game Wardens from Trapping in the Area in Which They Work" (H. P. 699) (L. D. 876) 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. Carrier from the Committee on Judiciary on Bill "An Act to Incorporate the Common Law Doctrine on Charitable Immunity into Statute and to Study the Policy of that Immunity" (H. P. 561) (L. D. 708) reporting "Leave to Withdraw"

Mr. Silsby from the Committee on Judiciary on Bill "An Act to Provide a Mandatory Fine of \$250 for Persons Convicted of Operating a Motor Vehicle under the Influence of Alcohol or Drugs" (H. P. 1257) (L. D. 1513) reporting "Leave to Withdraw"

Mr. Brannigan from the Committee on Business Legislation on Bill "An Act Relating to the Reasonableness of Nongroup Rates Utilized by Health Insurance Companies and Nonprofit Hospital and Medical Service Organizations" (H. P. 1181) (L. D. 1456) reporting "Leave to Withdraw"

Mr. LaPlante from the Committee on Local and County Government on Bill "An Act to Provide Civil Service Status for all Deputy Sheriffs of the Several Counties" (H. P. 829) (L. D. 1030) reporting "Leave to Withdraw"

Mr. Carrier from the Committee on Judiciary on Bill "An Act Concerning Family Violence" (H. P. 665) (L. D. 825) reporting "Leave to Withdraw"

Mr. Stetson from the Committee on Judiciary on Bill "An Act to Increase the Penalty for Acquiring Drugs by Deception" (H. P. 415) (L. D. 530) reporting "Leave to Withdraw"

Mr. Joyce from the Committee on Judiciary on Bill "An Act to Compensate Police Officers for Testifying during Off Hours" (H. P. 339) (L. D. 438) reporting "Leave to Withdraw"

Mr. Kiesman from the Committee on Energy and Natural Resources on Bill "An Act to Require the Office of Energy Resources to Annually Submit to the Governor and to the Legislature the Current State Energy Plan and Policy" (H. P. 796) (L. D. 1003) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

## Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Increase the Funds for the Displaced Homemakers Program" (H. P. 779) (L. D. 981)

Report was signed by the following members:

Messrs. HUBER of Cumberland  
PERKINS of Hancock

— of the Senate.

Messrs. JALBERT of Lewiston  
SMITH of Mars Hill  
BOUDREAU of Waterville  
HIGGINS of Scarborough  
KELLEHER of Bangor

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-432) on same Bill.

Report was signed by the following members:

Mrs. NAJARIAN of Cumberland

— of the Senate.

Messrs. MORTON of Farmington  
CARTER of Winslow

Mrs. CHONKO of Topsham

Messrs. DIAMOND of Windham

PEARSON of Old Town

— of the House.

Reports were read.

On motion of Mr. Morton of Farmington, the Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-432) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

## Divided Report

## Tabled and Assigned

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Prohibit Housing Discrimination Against Families with Children" (H. P. 630) (L. D. 781)

Report was signed by the following members:

Messrs. COLLINS of Knox

DEVOE of Penobscot

— of the Senate.

Messrs. STETSON of Wiscasset

GRAY of Rockland

CARRIER of Westbrook

JOYCE of Portland

SILSBY of Ellsworth

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-435) on same Bill.

Report was signed by the following members:

Mrs. TRAFTON of Androscoggin

— of the Senate.

Messrs. LAFFIN of Westbrook

SIMON of Lewiston

HOBBINS of Saco

HUGHES of Auburn

— of the House.

Reports were read.

Mr. Laffin of Westbrook moved that the Minority "Ought to Pass" Report be accepted.

On motion of Mr. Simon of Lewiston, tabled pending the motion of Mr. Laffin of Westbrook to accept the Minority Report and specially assigned for Monday, May 21.

## Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by the Committee Amendment "A" (H-434) on Bill "An Act to Provide for a Method of Arranging Voluntary Meetings Between Adoptees and Adoptive Parents and Natural Parents" (H. P. 1190) (L. D. 1431)

Report was signed by the following members:

Mr. COLLINS of Knox

Mrs. TRAFTON of Androscoggin

Mr. DEVOE of Penobscot

— of the Senate.

Mrs. SEWALL of Newcastle

Messrs. SIMON of Lewiston

STETSON of Wiscasset

JOYCE of Portland

LAFFIN of Westbrook

HOBBINS of Saco

SILSBY of Ellsworth

GRAY of Rockland  
HUGHES of Auburn

— 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. CARRIER of Westbrook

— of the House.

**Reports were read.**

On motion of Mr. Laffin of Westbrook, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-434) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-425) on Bill "An Act Permitting Binding Arbitration for Public Employees in Critical Public Services" (H. P. 102) (L. D. 122)

Report was signed by the following members:

Mr. PRAY of Penobscot

— of the Senate.

Mr. BAKER of Portland

Mrs. MARTIN of Brunswick

Mr. McHENRY of Madawaska

Mrs. BEAULIEU of Portland

Messrs. TUTTLE of Sanford

WYMAN of Pittsfield

— of the House.

Report was signed by the following members:

Messrs. LOVELL of York

SUTTON of Oxford

— of the Senate.

Messrs. CUNNINGHAM of New Gloucester

FILLMORE of Freeport

Mrs. LEWIS of Lewiston

Mr. DEXTER of Kingfield

— of the House.

**Reports were read.**

On motion of Mr. Wyman of Pittsfield, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-425) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on State Government Reporting "Ought Not to Pass" on Bill "An Act to Establish a State Bank to Encourage and Promote the Development of Agriculture, Commerce and Industry" (H. P. 1150) (L. D. 1519)

Report was signed by the following members:

Messrs. MARTIN of Aroostook

AULT of Kennebec

SUTTON of Oxford

— of the Senate.

Mrs. KANY of Waterville

Mr. CONARY of Oakland

Mrs. DAMREN of Belgrade

Mr. LANCASTER of Kittery

Ms. LUND of Augusta

Mrs. MASTERTON of Cape Elizabeth

Mr. PARADIS of Augusta

Mrs. BACHRACH of Brunswick

— of the House.

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

Report was signed by the following members:

Mrs. REEVES of Pittston

Mr. BARRY of Fort Kent

— of the House.

**Reports were read.**

Mrs. Reeves of Pittston moved that the Minority "Ought to Pass" Report be accepted.

Whereupon, Mr. Marshall of Millinocket requested a vote.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: A friend of mine once asked me, why do you fight for so many losing causes? To which I replied in the words of the late Norman Thomas, I do not fight for losing causes but for causes not yet won.

The bill under consideration would create a state-owned and run bank. The principle behind the creation of such a bank is that the public should have greater control of public monies. Although this sounds like a radical idea, it is not terribly new.

In 1919, the Non-partisan League swept a victory in the State of North Dakota. A state bank was set up to assist the farmers of that hard-pressed, rural state. In its first year of operation, the bank made some \$20,000 in net profits. In 1977, the bank made somewhere in the neighborhood of \$11 million.

I have just received the annual report, and you can see, and it is unfortunate that most of you have not had time to see a lot of this information, but you will notice that for a public agency it does very well.

A North Dakota State Bank has coexisted with the private banks of the state of North Dakota for over 60 years. In Maine, interest in a state bank occurred in 1973 under the Curtis Administration, but the idea laid dormant until now.

Other states in which state bank bills were introduced were New York, Oregon, California, Nevada and Massachusetts, and this type of concept has received support from people such as Ralph Nadar, the economist, Eliot Janway, who testified in support of the state bank in New York in 1975.

Maine is a poor state and we should use our public monies where they will do the most good. Now, you may ask, that is very well and good but does the state have any business getting into the banking business in the first place? That is a question I hear all the time. I would say we already are, halfway. Consider that we already have several state agencies in the business of issuing bonds for economic development purposes—the Maine Housing Authority is one. We also have the Maine Municipal Bond Bank. Then there is the sometimes infamous Maine Guarantee Authority. When the banks are not willing to make a loan because the loan prospects are very risky, the Maine Guarantee Authority steps in to guarantee this risky loan with the public's money. If the enterprise goes sour, it is the public that picks up the tab. This is known, ladies and gentlemen, as socializing the losses of the so-called free enterprise system.

Currently, the state treasurer invests public monies in low-risk investments. So far this year, they have made five and a half million dollars for the General Fund. It is a perfect example of investing public money and making money.

And our last but not our least, let's not forget that the private banks that hold our state monies also invest them, but where they invest them, I don't know. In fact, the banking industry does not wish to relinquish the state monies in the coffers to a state bank. They claim for them to lose public funds would be disastrous to the economy. They say it would be taking money out of the economy. I say we are simply putting that money in a different place and distributing it differently.

I only wish all of you were able to hear the testimony by the president of the bank of North Dakota who spoke here at our public hearing on May 2. You would have been fascinated by the success of this type of operation. I wish the committee had taken the issue more seriously, put out a study order, and I wish that the majority of Democrats on the committee had taken the subject so seriously, had taken a section in our own party platform on page thirteen, which states, "We urge consideration of and research into the establishment of a state bank." I wish we had all taken it a little more

seriously, but I am afraid sometimes that a platform is made to run away from and not on in the American political system.

I wish many of you had taken the time to read an article in the March issue of State Legislatures magazine on economic development. There is a section in that magazine that talks about the role that public finance corporations can play in economic developments in states. They made several references to what some states are doing. Massachusetts, for instance, has a Community Finance Development Corporation, which is sort of a scaled down version of the state-owned bank, and they made a passing reference to the Bank of North Dakota, page 11 of that very same issue. I would like to refer you to it. If you get a chance, you should read it, it is very interesting. They cited these institutions very favorably.

Some of you would say that I can't vote for this because of the price tag. I would remind you that this is not just a grant, it is a loan that this bank would repay the same as the Bank of North Dakota has repaid its initial appropriation many times over.

There are those of you who will say, I can't vote for this because I don't understand it. I would simply ask that you take some time to consider this idea.

Ladies and gentlemen, it is very easy to kill a bill but it is not that easy to kill an idea. Good ideas keep coming around time and time again. After all, it has been 30 years since Harry Truman proposed that we would have a national health insurance plan; we are still waiting for it. It is a good idea. We needed it 30 years ago; we are still waiting for it.

As long as we remain a poverty stricken state, as long as we still lag behind the rest of the country in the area of economic development, providing jobs for all our citizens, we will have to look for new ways, new ideas, to stimulate our economy, new ways to help small, locally owned businesses and cooperatives. Perhaps then a state bank will play an important part of that development.

Mr. Speaker, I would ask for the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: You perhaps are wondering why an old farmer like me would have his name signed on as a cosponsor. I would like to tell you a mite of my concern, because in the area that I come from, it is mainly made up of small woodland owners and small farmers. It took me probably 30 years before I could go to the bank and borrow \$10,000 or \$5,000 or \$15,000 on my name, and the banks have always told me, we don't know much about the Christmas trees, we don't know much about farming, but when they look at a home or look at a tractor, they realize there are assets in it. Well, my problem has been in starting the co-ops and starting the small landowners to get going on their own, one of the big problems is getting financing. That is one of the hardest things you can do.

However, I have talked with many of the banks since this bill has come out, and they are earnestly thinking and taking into consideration putting more and more expertise into the banks to have knowledge on small landowners and a variety of businesses, particularly pertaining to agriculture.

I couldn't help but think the other day when I rode up to East Sangerville with the Commissioner of Agriculture, this was one of the things he is considering doing now, going to work for a bank in this very same phase. He is going to work for a bank up there as a mediator between the bank and the farmers in order for them not necessarily to know what they own but know the ability of the person himself, and this is why I was interested in this type of a bill.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I would have cosponsored the bill if I had known about it but I didn't. I remember asking our former state treasurer for an idea on this same principle that Mr. Baker has offered us.

I hope you will support this, because our tax money should be invested and should be returned to our people and put to the best use that it can be used, lower interest, and I think it would be the best deal that the people of the State of Maine could have.

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

Mrs. KANY: Mr. Speaker and Members of the House: This bill came before the State Government Committee and you notice the report on it, and even though some of us couldn't support the bill, I, for one, and I can only speak for myself on this, am glad that this bill did come before us because I do think that the sponsors were able to identify some real problems. I think there has been a prod, perhaps, given by Representative Hall as far as helping the agricultural industry within the State.

I think a lot of people have learned a good deal just from hearing about what they do in North Dakota. However, it was very interesting to hear the testimony from the gentleman who did come from North Dakota, and it was even more interesting to learn that Maine is probably much farther ahead in helping our state with our development than they are in North Dakota.

For instance, our Maine State Housing Authority, etc., they don't do any of that sort of thing as far as purchasing bank loans out in North Dakota. They do not do any of the development guaranteeing that we do through our Veterans Small Business Loan Authority, through the Maine Guarantee Authority and so on. We are actually much farther advanced than they are. Their bank is more of a commercial bank.

I won't go into details. It is up to you, if you want to vote for this, but I just thought I would pass that on to you.

I want to thank the sponsor for bringing this bill before us.

The SPEAKER: The Chair recognizes the gentleman from Monmouth, Mr. Davis.

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I am wondering if we are overlooking, this morning, the role of the Federal Land Bank and Farmer Production Credit and its role of helping the farm industry in Maine. I know they are expanding greatly, and I would like to point out that this Federal Land Bank is a non-profit cooperative banking system run by the farmers themselves. I have a feeling that they are doing a great job not only in crop farming but also are getting involved in forestry and the fishing industry. It is my feeling that they are doing well and I really can't see our creating another bank.

Also, many of us have heard of the infamous Farmer's Home Administration, who help not only the farmers who are supposedly presenting a good financial statement but also helping those who might be marginal but are striving to do something for our state industry-wise.

When we mention commerce and industry, again, we have the Small Business Administration cooperating with local commercial banks and my experience with them has been excellent. If a business is marginal, they have been more than cooperative in trying to get these businesses off the ground.

Personally, I do not feel that we need this additional bank with the current facilities that are available, and I would hope that we would vote "Ought Not to Pass."

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: The lady from Waterville, Mrs. Kany, has said that the State of Maine is ahead of the state that has a state-

owned bank. I would like to ask her, is the State of Maine ahead in generating money for the state in order to relieve the taxes of the state taxpayers compared to other states?

The SPEAKER: The gentleman from Madawaska, Mr. McHenry, has posed a question through the Chair to the gentleman from Waterville, Mrs. Kany, who may answer if she so desires.

The Chair recognizes the gentleman.

Mrs. KANY: Mr. Speaker and Members of the House: I would say that we definitely are far ahead because of our purchasing for instance, bank loans in the housing area and we are able to attract a good deal of outside capital into the state. This state owned bank, any state owned bank, could be developed in any way, it could be a development bank, an investment type bank or more of a commercial bank, as the one in North Dakota is.

I found it interesting that in North Dakota, for instance, they don't have branch banking so to speak, just a local bank. So, they probably don't even have the competition within their banking industry that we have in Maine. I think we are far ahead of them in those respects.

The idea sounds like a good one and perhaps there are elements of this bill or things that were suggested that come under there, but there isn't anything there other than commercial banking basically, which would be far different from what we do. We go far beyond that.

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. 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 pending question before the House is on the motion of the gentleman from Pittston, Mrs. Reeves, that the House accept the Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Baker, Barry, Beaulieu, Brannigan, Brennerman, Brodeur, Brown, K. C.; Carter, D.; Cloutier, Cox, Curtis, Davies, Doukas, Dow, Dutremble, L.; Elias, Gwadosky, Hall, Howe, Kane, Laffin, LaPlante, Locke, MacEachern, Mahany, Martin, A.; McHenry, McKean, Michael, Mitchell, Nadeau, Nelson, M.; Post, Prescott, Reeves, P.; Simon, Theriault, Tierney, Tuttle, Vincent, Violette, Vose, Wyman, The Speaker.

NAY — Alopis, Austin, Bachrach, Benoit, Berube, Birt, Bordeaux, Bowden, Brown, K. L.; Bunker, Call, Carrier, Carter, F.; Churchill, Conary, Cunningham, Damren, Davis, Delert, Dexter, Diamond, Drinkwater, Dudley, Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gould, Gowen, Gray, Hanson, Hickey, Higgins, Huber, Hunter, Hutchings, Immonen, Jacques, P.; Joyce, Kany, Kelleher, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, Masterton, Maxwell, McMahon, McPherson, McSweeney, Morton, Nelson, A.; Nelson, N.; Paul, Payne, Pearson, Peltier, Peterson, Reeves, J.; Rolde, Rollins, Sewall, Sherburne, Silsby, Small, Smith, Soulas, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Torrey, Tozier, Twitchell, Wentworth, Whittemore, Wood.

ABSENT — Berry, Blodgett, Boudreau, Brown, D.; Carroll, Chonko, Connolly, Dutremble, D.; Hobbins, Hughes, Jackson, Jaques E., Jalbert, Lizotte, Matthews, Norris, Paradis, Roope.

Yes, 45; No, 88; Absent, 18.

The SPEAKER: Forty-five having voted in the affirmative and eighty-eight in the negative, with eighteen being absent, the motion does not prevail.

Thereupon, the Majority "Ought Not to

Pass" Report was accepted and sent up for concurrence.

#### Divided Report Tabled and Assigned

Five members of the Committee on Judiciary on Bill "An Act to Increase the Good Time Deduction" (H. P. 1058) (L. D. 1308) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-436)

Report was signed by the following members:

Messrs. COLLINS of Knox  
DEVOE of Penobscot  
— of the Senate.  
Messrs. STETSON of Wiscasset  
GRAY of Rockland  
SIMON of Lewiston  
— of the House.

Five Members of the same Committee on same Bill report in Report "B" that the same "Ought to Pass" as amended by Committee Amendment "B" (H-437)

Report was signed by the following members:

Mrs. TRAFTON of Androscoggin  
— of the Senate.  
Mr. HOBBINS of Saco  
Mrs. SEWALL of Newcastle  
Messrs. SILSBY of Ellsworth  
HUGHES of Auburn  
— of the House.

Two Members of the same Committee on same Bill report in Report "C" that the same "Ought Not to Pass"

Report was signed by the following members:

Messrs. LAFFIN of Westbrook  
CARRIER of Westbrook  
— of the House.

The Reports were read.

On motion of Mr. Tierney of Lisbon Falls, tabled pending the acceptance of any Report and specially assigned for Monday, May 21.

#### Divided Report

Majority Report of the Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (H-442) on Bill "An Act Concerning Retirement for State Prison Employees" (H. P. 1138) (L. D. 1404)

Report was signed by the following members:

Messrs. SILVERMAN of Washington  
LOVELL of York  
TEAGUE of Somerset  
— of the House.

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

Report was signed by the following members:

Messrs. THERIAULT of Rumford  
REEVES of Newport  
— of the House.

The Reports were read.

On motion of Mrs. Nelson of Portland, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-442) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

#### Consent Calendar

##### First Day

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

(H. P. 1355) (L. D. 1591) Bill "An Act to Require the Reporting of Petroleum Inventories and Deliveries to the Office of Energy Resources" (Emergency) Committee on Energy and Natural Resources reporting "Ought to Pass"

(H. P. 499) (L. D. 635) Bill "An Act Concerning Persons Exposed to Diethylstilbestrol" Committee on Health and Institutional Ser-

vices reporting "Ought to Pass" as amended by Committee Amendment "A" (H-447)

(H. P. 960) (L. D. 1185) Bill "An Act to Exempt Farmland from Sewer Assessments When the Land Receives no Benefit from this Construction" Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-452)

(H. P. 913) (L. D. 1118) Bill "An Act Concerning Setting of Electric Rates by the Public Utilities Commission" Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-453)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 18, under listing of Second Day.

#### Consent Calendar

##### Second Day

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

(H. P. 1259) (L. D. 1507) Bill "An Act to Exclude Chainsaw and Skidder Allowances in the Computation of an Employee's Average Weekly Wage Under the Workers' Compensation Act."

(H. P. 1207) (L. D. 1540) Bill "An Act to Enable Delegation of the Prevention of Significant Deterioration of Air Quality Program" (C. "A" H-429)

(H. P. 1126) (L. D. 1396) Bill "An Act to Make Substantive Changes in the Forestry Statutes" (C. "A" H-428)

(H. P. 1185) (L. D. 1458) Bill "An Act to Allow Approved Conservation Plans to Satisfy the Requirements of the Water Pollution Abatement Licensing Program" (C. "A" H-427)

(H. P. 1130) (L. D. 1399) Bill "An Act to Amend the Split Sentencing Provisions of the Criminal Code"

(H. P. 1067) (L. D. 1348) Bill "An Act to Establish Standard Assessment Procedures for the Tax Laws" (C. "A" H-431)

No objections having been noted at the end of the Second Legislative Day, the House Papers were passed to be engrossed and sent up for concurrence.

#### Later Today Assigned

(S. P. 377) (L. D. 1157) Bill "An Act to Authorize the Provision of Services to Developmentally Disabled Children" (C. "A" S-163)

On the objection of Mrs. Prescott of Hampden, was removed from Consent Calendar, Second Day.

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

Committee Amendment "A" (S-163) was read by the Clerk.

On motion of Mrs. Prescott of Hampden, tabled pending adoption of Committee Amendment "A" and later today assigned.

(S. P. 140) (L. D. 316) Bill "An Act to Insure the Accountability of Counties in Expenditure of Federal Funds" (C. "A" S-175)

(S. P. 381) (L. D. 1213) Bill "An Act Concerning Insurance Consultants" (C. "A" S-178)

(S. P. 179) (L. D. 409) Bill "An Act Concerning the Maine Development District Law"

(H. P. 1144) (L. D. 1406) Bill "An Act Concerning Detentions, Public Proceedings and Recording Requirements under the Juvenile Code" (C. "A" H-433)

(H. P. 1167) (L. D. 1435) Bill "An Act to Clarify the Interstate Corrections Compact"

(H. P. 806) (L. D. 1009) Bill "An Act Relating to the Powers of Hospital and Medical Service Organizations"

(H. P. 724) (L. D. 911) "An Act Concerning Traditional Methods of Construction Under the Manufactured Housing Statutes"

(H. P. 270) (L. D. 344) Bill "An Act Concerning Licenses Issued by the Department of Inland Fisheries and Wildlife" (C. "A" H-438)

(H. P. 635) (L. D. 786) Bill "An Act Concern-

ing the Categories of 'Horseless Carriage' and 'Antique Motor Car' under the Motor Vehicle Statutes" (C. "A" H-439)

(H. P. 1043) (L. D. 1194) Bill "An Act to Provide Moneys for Snow Removal at Private Airports Open to the Public" (C. "A" H-440)

(H. P. 732) (L. D. 919) Bill "An Act to Update the Insured Value Factor in the Computation of Legal Tuition Fees under the Education Statutes" (C. "A" H-441)

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

#### Passed to be Engrossed

Bill "An Act Concerning Assistance to Blind or Disabled Voters in Marking Ballots" (S. P. 549) (L. D. 1611)

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

Bill "An Act Relating to Abortions" (H. P. 1394) (L. D. 1612)

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

The SPEAKER: The Chair recognizes the gentleman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I know that we had quite a debate on this yesterday and I will only hold this up for a minute for your consideration.

I am not an attorney but I am a woman and I was extremely offended by some of the things that were said here yesterday.

I would like to explain something to Mr. Laffin and possibly to some other people in this House, and it is probably something that he will never understand and possibly some other people will never understand but I will say it anyway.

Yesterday, he spoke about butchers and he spoke about sad people in desperate situations. Pregnancy can create a very desperate situation for many women, particularly a young, single woman. The sad thing is that with laws like this, if we pass them, we are no longer allowing safe, legal abortions for these women. We are going to send them to butchers because they already are in desperate situations.

As I talked to people this morning and in the last few days, I have been very surprised with some of the comments. A couple of men told me this morning that they wished only the women had to vote on this, that they didn't feel they had the background to vote on it. I don't know if that is true or not. I just really hope today that you consider what you are voting on and how it affects your constituency and the entire state.

When I was a Freshman in college, whatever year it was, I can't remember it, I got out in 1971, there was a young gal there who was pregnant, and in the State of Maine at that time, because of her financial situation, she could not have an abortion. She was desperate and she went in the back of a van and she got one and she died. I will never forget that. There are probably many people on that campus who won't.

This is a situation that you are going to create by passing bills like this.

I would like to move the indefinite postponement of this bill and hope you will all support me.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am a woman too, and I don't believe in abortions of any form. First, I must say to you that there are enough preventives on the market that no one should have to have an abortion. The only problem with these people is that they want their cake and eat it all at the same time. They don't want

to protect themselves, they are too lazy to begin with and there is no reason why they can't protect themselves. A girl in college should have enough brains to understand what she is doing. I am sorry, but I am a woman too and I feel just the opposite of Miss Brown.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I must respond to that. Being a school teacher, having taught in the fifth grade for five years, last year I spent a good deal of time in the Junior High and High School and, believe me, these are not college people that are getting pregnant out of wedlock. There are a great number of children in the sixth grade, seventh grade, eighth grade, on up, and don't tell me about sex education because there is very little sex education in the schools now. That is the last thing on the list. When they start cutting, that goes.

You talk about birth control devices—a lot of these kids don't know about birth control devices. They think you take one pill and you are all set. So, let's look at this realistically if we are going to talk about sex education and what other ways there are to prevent pregnancy. The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Brannigan.

Mr. BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: There is a great deal of confusion, I believe, about what we voted on yesterday, how we voted, and I would like to begin by clearing that up as best I can.

The Speaker cleared it for us yesterday but at least the press, and I am not sure that any of the press is here today, I hope that they will all get straight what we voted on yesterday. It was a confusing vote because the original bill was put in by Representative Laffin; it was put out in new draft. Representative Laffin got up and moved the new draft but then he spoke on his bill. We voted the New Draft.

The new draft deals with viability and most of the debate revolved around the word "viability." The press and the television people picked up that we voted viability but they combined that with Mr. Laffin's original bill and they are saying that we say viability is 12 weeks, the first trimester. I am sure that we did not do that viability was 12 weeks. Medical science has made great strides in neonatal care, but they have not been able to get to the 12 week issue.

I have great strong feelings about this issue. I have been dealing with this issue in professions, the pastoral profession and mental health profession for many years. My training is in ethics, philosophy, theology, mental health. I have had to deal with this in my own personal beliefs and with the beliefs of the people that I have counseled and led and worked with.

I hope the people who have questions about the issue of viability, first trimester, second trimester, third trimester, I wish we would all, at least, get it clear. It is very complicated legal issues, very complicated medical issues and very complicated moral issues.

Probably the best summary yesterday came at the early part of the discussion by the good gentleman from Farmington, Mr. Morton, but after things went on, I am sure that probably got lost.

Viability means that a child can live outside of the mother's womb in some way. Viability used to be considered I know very little about the legal, I know the medical because it ties in with the ethical and if other people know the medical better and can correct me, please do, but usually we think of 24 weeks when a doctor is trying to get a baby as close to term as they can when she is in danger of losing it, they try to get at least to six months. If we can get by six months, we have a chance. So, that is kind of viability, as someone said yesterday, "Kind of," but there is no definite line of viability, absolutely not. I believe the record is 21 weeks. a



one pounder born in the United States within the last four or five months. I haven't read down the road how the little person did but it was normal formation, so 24 weeks is not it, 21 weeks is not it. What is it?

The expression was used by Mr. Simon yesterday about being tarred by a broad brush on another issue, but he tarred some of us with a broad brush on this issue. He said those of us who would vote against this might be ones who wanted to see abortions right to the last day of term. That is not true. I would like to vote for a viability bill but it has to be definite. I told Representative Laffin yesterday, at least your bill was more honest because it named a time, 12 weeks, first trimester. I think that is too early, and if we were going to be voting on his bill this morning, we would have to talk about the whole problem of amniocentesis tests for deformed children, etc., but we are not voting on that, we are voting on viability, which is somewhere around 24 weeks. That is what we will have to be voting on again this morning. I have no doubt what the vote will be but I think we at least need to be clear on it.

Those of us who are going to be voting against this, please note why we are voting against it, not because we want abortions willy-nilly, abortions aren't done willy-nilly anyway, but because we can't vote for something that will put doctors in an impossible position of knowing what is viability and what is not, and they go to jail for it jail because they have to make a decision?

Many feel there should be no abortions, we are not dealing with that, supposedly. A doctor has to do these, should do these, under the Constitution, and they have to make decisions.

Personally, I believe that abortions are wrong and they are absolutely wrong somewhere between 12 and 24 weeks, but I don't know where.

Representative Brown has asked for indefinite postponement, I would encourage you to vote indefinite postponement for this indefinite bill.

The SPEAKER: The Chair would like to thank the gentleman from Portland, Mr. Brannigan, for attempting to raise the issue, which I will attempt again to respond to so the press does not get confused, as it can from time to time. We all can from time to time, I guess.

The only matter before us today, since we adopted the Committee Report yesterday, is the redraft, and that is why on the board now the only thing you see is L. D. 1612, that is the redraft, that is the only thing now before this body. For all practical purposes, L. D. 1061 is dead. It has been replaced and the only thing before us now would be the new draft, which is 1612, and as a result of that, the debate must be restricted and should be restricted to that particular version.

I hope that clarifies the situation a little bit for everyone and in particular for the press, so the correction can be made to members of the general public.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I did not intend to speak on this again this morning. I think the positions are very clear to the members of this House, but yesterday I thought I had said, if I have offended anyone in this House on my remarks because I believe so strongly against abortions, I apologize. I thought that I did that on the floor of this House.

Miss Brown, I am very sorry about your girlfriend that died because of an abortion but I am also sorry today for all the millions of babies that are also put to death which could be alive.

I didn't speak on abortions yesterday in the fashion that I was going to because there were young children in here as Pages. I wasn't going to talk on what I have for a report of how a live baby is murdered and I am not going to talk on

that this morning, but I am going to answer a few questions.

My good seatmate in front of me, the Representative from Portland, Mr. Brannigan, did talk to me about my bill, but we have before us today the second and third trimester bill; it is a good bill. Remember, doctors make decisions of life and death every day. That is what they are trained for. Whether you have some kind of a decision about a new heart or whatever we think is wrong and what we think is best for the people of Maine. That is what we are making our decisions on. I am sure there are going to be courts tested, and so be it.

Yesterday, we had a lot of lawyers in this House telling that my bill was unconstitutional, and that is their prerogative, nothing wrong with that. But according to Roe versus Wade and the decisions that were laid down by the Supreme Court, my bill, I believe, is constitutional because I have worked with an Attorney General and, by the way, the Attorney General that I worked with, I don't know how many meetings we had, we researched it, we dug up those decisions by the Supreme Court, we went all over it. I know the bill before us today is legal and will survive a constitutional test.

So many people said about my bill, you are forgetting the woman. No I'm not, I'm not forgetting the woman, God love them, we think the world of them, but I am remembering the babies that could be brought into this world, and that is all my bill addresses.

It is no disgrace—the lovely lady from South Portland makes you think it is a stigma for a child to make a mistake and get in the family way. It is a mistake. We are not back in the 18th century where we lock them in a closet and get rid of them. We face the facts of reality that young people do make mistakes. We are not arguing that question this morning.

That baby has a right to live and that baby has a right to be adopted. That was never brought out yesterday. Not one person that opposed my bill brought out adoption. I say it may be a hardship on the person that got themselves in that position in the first place, but we are not even discussing that. All we are trying to do is save those little babies' lives so they may be adopted and live a normal life, at least given a chance in this world. That is all I am asking.

We have a group of people in our society—no, I am not going to go into that this morning because if I do, I am going to get upset and I want to be very calm. I am just trying to answer a few questions that were brought up here yesterday.

Truthfully, I don't believe that I offended Representative Morton but he said I did, so I will accept that. I don't believe that in my heart, because Representative Morton can take more than what I gave him yesterday and I am sure before we get out of here, I will give him more than what I did yesterday. So, I don't believe he truly was offended. Maybe some of the people he knows might have been offended but not Representative Morton.

All I am asking is to pass this, keep it going. I have spoken so often about life being so precious, some people don't consider life precious at all, but I do. I consider life very precious and I am very glad to have lived in the State of Maine and I am proud, I am very proud and I am very humble.

I take exceptions when certain people say things to me, because I know in my heart how I feel, and I am not talking about religion. We will leave religion in the churches and let the priests and the preachers speak on religion, but what I am talking about is what is right, and that is to save these little babies' lives. I know that we have great reservations about the capabilities of doctors but I, for one, have an awful lot of faith in them. They know what they are doing and don't think they don't.

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

Mrs. KANY: Mr. Speaker and Members of

the House: I just heard from one of my favorite people in the House, I must say, and before that, we heard from what I think is one of our best and most eloquent speakers, Representative Brannigan.

I have a question to pose as a result of his statement and that is, must a physician perform an abortion? That is what I understood you to say, and it is my understanding that it is really a decision that a physician can make on his own if he ever wishes to perform abortions.

The SPEAKER: The gentleman from Waterville, Mrs. Kany, has posed a question through the Chair to the gentleman from Portland, Mr. Brannigan, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: Yes, Representative Kany, I tried to back off from that as I was saying it—physicians must, I believe, as a whole. I was thinking more of that than I was of individuals, who cannot go against their conscience, but I was trying to say that on the Supreme Court's ruling, it would seem to me that a physician as a whole must do this.

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

Mrs. KANY: Mr. Speaker and Members of the House: To follow through on this, I think some very good questions have been raised on the whole question of viability, but because a physician does have latitude on determining if they wish to perform that abortion, perhaps, if there is any question in the physician's mind as to viability, they could decline to perform an abortion and that might help with our problem trying to define viability.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. Silsby.

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: I know this is a very emotional issue. I would, however, like to respond to the gentleman from Portland, Mr. Brannigan's question concerning viability and the only way I can respond to that question is to read some of the language from the latest United States Supreme Court, which is Colautti against Franklin, decided January 9, 1979. This is a lengthy decision and it has many parts which are not relevant to the issue we are discussing right now but it does, in part, refer to viability specifically. I would like to read one paragraph, which is not too long, which is right on the point.

"In these three cases," which is Roe against Wade; Doe against Bolton and Planned Parenthood, which you heard about yesterday, "in these three cases, this court has stressed viability, has declared its determination to be a matter for medical judgment and has recognized that differing legal consequences ensue upon the near and far sides of that point in the human gestation period. We reaffirm these principles. Viability is reached when, in the judgment of the attending physician on the particular facts of the case before him, there is a reasonable likelihood of the fetus sustaining survival outside the womb with or without artificial support. Because this point may differ with each pregnancy, neither the legislature nor the courts may proclaim one of the elements entering into the ascertainment of viability, be it weeks of gestation or fetal weight or any other single factor as the determinant of when the state has a compelling interest of the life or health of the fetus. Viability is a critical point, and we have recognized no attempt to stretch the point of viability one way or the other."

That is the definition the Supreme Court has left us with. We know that the states have the power to enact legislation in this area. They have left the determination of viability up to the physician.

I can't find the other section which I was going to refer to at this moment, but it says in effect that the legislature has the power to take

judicial sanctions against the physician who does not perform the abortions within the scope of viability. That is, in one sense, the reason that the bill was drafted in Section B the way it was. Abortions after viability disregarded the viability of the fetus—it was stated that way because the physician, making that judgment, if he knowingly disregarded the viability, and it would be up to him to determine when the viability was. The word “knowingly,” which is used in this bill, is taken right from the Maine Criminal Code and has a specific definition and therefore gives us the element of knowledge that is required in this bill.

I hope that this clears up some of the questions that have been raised. I know that it won't change any minds.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I won't speak long this morning. I do want to let the gentleman from Westbrook know that he did offend me yesterday, he offended me personally and I think I delineated why at the time.

I just want to make two or three points. Abortion is a legal process in the United States today. It is a matter of law and there is no question about that.

It is true that we ask doctors to make decisions and doctors do make decisions day by day in matters of life and death, and those decisions are subject to very stringent ethic and canons of the profession and also subject to the laws of the state with respect to liability and all that sort of thing.

This bill does, however, put one particular medical technique under special notice and special knowledge and provides for a special sanction. I have heard the arguments that the gentleman just purported relative to viability and the legal terminology of “knowingly,” but I want you folks to know that facing the possibility of a jury, a jury trial, there is no doubt in my mind that the prospect of this kind of criminal sanction cannot help but chill a doctor's decision-making process.

It is definitely going to make the determination of viability which the gentleman from Portland so adequately and eloquently pointed out was not something you can determine on a precise basis. Every medical authority agrees to that. Many doctors do not have the sophistication that is available to university hospitals and the testing availability and hence will be subject to many, many suits with respect to their decision.

Therefore, I feel as though this is a very bad and unnecessary bill. Doctors are presently liable for what they do without this bill.

Finally, I want to make the positive point that a woman has a right to choose and she too should not be inhibited by the fact that her doctor has to say no because of his fear of a criminal sanction.

The gentleman from Westbrook pointed out that life is precious and I certainly agree with that. I would also like to mention the fact, and most strongly that we are a highly civilized society and the quality of life is precious. A woman should have the opportunity to make choices with respect to the quality of her life.

Mr. Speaker, if it has not already been requested, I would ask for the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Stetson.

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I think we are missing a very important point in the pending bill, L. D. 1612, that is now before you on the motion to indefinitely postpone. I would like to call your attention to section 3 of that bill, persons who may perform abortions, and it says right there, only a person licensed under Title 32, Chapter 36 or Chapter 48, to practice medicine in Maine as a medical or osteopathic physician may perform an abortion on another person. I don't think we want to indefinitely postpone a

bill that makes that provision in our law.

Mr. Morton says that doctors are liable for what they do without this bill, but the person in the back of that van that Miss Brown referred to, I warrant was not a doctor, and is going around scott free because there was no law under which he could be prosecuted.

I suggest to you that the medical profession was consulted through their representatives in the drafting of L. D. 1612. I sat with the Representative of the Maine Medical Association and we discussed at length whether or not this particular bill would have a chilling effect on a reputable physician's decision whether or not to perform the abortion. The answer we received, those of us who were working and working hard on the redraft that is now before you, the answer we received was no, there would not be such a chilling effect, that actually all this bill says is, good sound medical practice shall be the policy in the State of Maine. And before you indefinitely postpone this bill and all its accompanying papers, I would suggest that you direct your attention to all of the provisions of this bill. Before you indefinitely postpone all that, just stop and think who may perform an abortion in the State of Maine under our laws today.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I don't think that Mr. Stetson meant to say that the Maine Medical Association was in favor of abortion. I am sure he didn't, but I want to make sure that everybody understood that that was not the case, because I know a number of doctors who are on the Maine Medical Association who would not be in favor of it.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Stetson.

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentleman from Old Town for straightening that out. No, the doctors in the State of Maine, some of them, will perform abortions, other doctors will not perform abortions. Certainly I appreciate that remark, because I did not mean to imply that the doctors in the State of Maine are in favor of abortions or against abortions. I simply meant to point out that in the careful drafting of L. D. 1612, we were very much aware, as much as we could be, of whether or not this particular draft would have such a chilling effect on sound medical practice, that it would drive the perspective patient into an illegal or unprofessional type of procedure. That is all I meant to imply when I made mention of our consultation with the representative of the Maine Medical Association.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair if I might.

My question is to those people who have been doing a great deal of work in this bill and particularly those who have been doing the legal research, it is permissible, and have you really looked in to this question for anyone who would want to challenge the legality and the constitutionality of this proposed criminal statute to bring some form of an appeal in our federal courts prior to the actual legal effect or the effective date of the act so that the questions could be presented and could be answered through our courts of law short of the point of the criminal prosecution of physicians in our state to try to test the legality of the law?

I think one of the points that was raised here today is that this is a very grave and a very drastic way to write statutes and to test them to actually bring about a criminal prosecution and so my question is can we do that in another way?

After reading the Danforth case and the Colautti case, which are two cases which have been cited in this debate, in both of those cases

an action was brought by physicians against the states in which they were located prior to the effective date of the act so as to test them. I wonder if that has been looked into in this matter as well?

The SPEAKER: The gentleman from Bangor, Mr. Tarbell, poses a question through the Chair to any member of the House who cares to answer.

The Chair recognizes the gentleman from Lewiston, Mr. Simon.

Mr. SIMON: Mr. Speaker, Ladies and Gentlemen of the House: I would suggest that you have ample precedent for a court test of the type that he envisions, and that is Roe vs. Wade itself. Roe vs. Wade involved a Texas criminal statutes that was challenged in federal district court through a declaratory judgment action. Jane Roe, a person using a pseudonym, and others sued the district attorney in the county in which she resided seeking a declaratory judgment and an injunction restraining the defendant from enforcing the statutes. This is, I believe, a fairly common practice in federal courts and if that were deemed worthwhile by those who opposed this bill, I believe that would be the proper procedural course for them to take.

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

Ms. BENOIT: Mr. Speaker, Men and Woman of the House: If, as Representative Stetson has indicated, we are missing the point and that he sees it important or perhaps the most important point of this bill is that who may perform an abortion, then I would suggest that perhaps we could amend this bill and take out the sections that deal with viability and leave in the sections that deal with who may perform an abortion. I would further question representative Stetson and any other member of the legal profession if, indeed, right now, who can perform an abortion, I would think that anyone who performs a medical procedure, whether it be surgical or not, must be a member of the medical profession.

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

Mrs. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: I attempted to answer that question yesterday when I referred to a bill that was defeated in this chamber and at the other end of the hall about four years ago. In fact, there is no constitutional method of performing an abortion today. We have an illegal and unconstitutional law on our books. There is no definition of who may perform an abortion in statute and the reason there is no definition is because people who were opposed to abortion refuse to take that unconstitutional statute off our books.

I certainly agree with the gentlelady from South Portland that it would be fine if we wanted to define and, in fact, we have tried in the past to define who may perform an abortion, I would only say that by replacing one unconstitutional statute with another one, we have certainly made progress.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to reply somewhat to the gentleman from Wiscasset, Mr. Stetson. The gentlelady from Falmouth has done a good job of pointing out that there have been attempts made to pass laws since the Supreme Court decision here in the State of Maine which would recognize the fact that abortion was legal and to circumscribe how it should be done and by whom, and they have always been knocked down by the people who oppose abortion under any circumstances and hence don't want any law on the books which says that it is legal, even though it is the law of the land.

I would only point out with the respect to the remarks of the gentleman from Wiscasset, who very carefully described the way that this bill



was drafted in the smoke filled room, that they worked it up and they had several lawyers, presumably from the Judiciary Committee and a doctor. All I would suggest, ladies and gentlemen, that poor doctor should have had his own attorney there, because I am sure he was speaking from his professional points of view and I am sure that he was saying that doctors would make decisions based on their professional knowledge, but I doubt very much if it was pointed out to him that not necessarily his bad judgment but an allegation of his bad judgment would subject him to a trial in Superior Court before a jury when no longer would professional judgments be taking place but emotions, and all the full gamut of things we have heard in the debate in this House would be spread before the jury. I sincerely doubt if he would have been able to represent himself properly there. As I say, it is too bad he didn't have his own attorney.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset Mr. Stetson.

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I regret that my good friend from Farmington has seen fit to make such allegations as he has just made. The drafting of this bill was not done in a smoke filled room. I made no reference to any doctor being present. I made reference to a Representative of the Maine Medical Association being present, who happens to be a lawyer.

The people who assisted in the drafting of this bill were working conscientiously to try to arrive at a legal, constitutional law to replace the unconstitutional law to replace the unconstitutional provision that remains on our statute books. Why it still remains puzzles me. Section 1 of the pending bill would repeal that unconstitutional law and get it off the books, but this law is not unconstitutional, Mr. Morton.

You have heard Mr. Simon explain and quote to you from the decisions of the Supreme Court. You have heard the gentleman from Ellsworth, Mr. Silsby, quote to you the most recent decisions of the Supreme Court of the United States on this question of viability. I warrant to you, Mr. Morton, this bill is not unconstitutional, according to the word of the Supreme Court, which happens to be the supreme law of this land.

Now, I don't know how you draft legislation, but I do it with a great deal of care, and it is not in a smoke filled room anymore than it is in the back of a van. I ask you good people to look at this bill and if you feel that you want abortions performed in the State of Maine by every Tom, Dick, and Harry, go ahead and indefinitely postpone this bill, but if you want to limit abortions to be performed by physicians licensed in the State of Maine, then I urge you not to indefinitely postpone this bill.

Mr. Morton of Farmington was granted permission to address the House a third time.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry I misheard the gentleman from Wiscasset. I thought he said the physician was there. Be that as it may, my point was that the physician who is going to be subject to this law is still going to have to face the jury trial, not a lawyer. He is going to have to have a lawyer to defend him.

The gentleman said that the purpose of this bill was to limit non-professional abortions. I certainly support that, and as the gentlelady from South Portland pointed out, we could amend everything out except that portion of the bill and that would suit me fine. This bill was originally put in and drafted to limit abortions in the second trimester, very definitely, no question about it, that was the motive behind the bill. It still does that, ladies and gentlemen, if that is what you want to do, and I am sure I have no delusions about what the vote is going to be if that is what you want to do, then vote against the motion to indefinitely postpone. I am going to vote to indefinitely post-

pone the bill.

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

Mrs. KANY: Mr. Speaker and Members of the House: I voted for this bill yesterday and I do intend to vote for it today. Certainly, very substantial questions have been raised, and if people do believe that there is question of vagueness regarding the constitutionality of the word and term viability, since this is a major issue before our legislature, it would be a solemn occasion and we should ask our law court, our Supreme Court, to address that very question. I am just offering that as a suggestion to this House.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, Ladies and Gentlemen of the House: All we need is one more court decision, one more attorney's opinion, let's get back to the issue before us this morning. The decision to choose to have an abortion should be left to the woman and a trained medical physician. That is all we are asking. We already have a law on our books which tells the physician to take all precautions possible to save the life of an aborted fetus. That is the issue that you are all concerned about, it is already on our books. Please let's vote on this. We are not going to change anybody else's vote this morning. I urge you to support my motion to indefinitely postpone it.

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

Mr. SIMON: Mr. Speaker, Ladies and Gentlemen of the House: The good gentlelady from Bethel, Miss Brown, has pointed out that there is a statute on the books that requires a person in a responsible situation to take care to preserve the life of a live born child. This statute that is before us comes in before the child is live born and protects a viable fetus within the guidelines established by the Supreme Court. The gentlelady from Bethel, Miss Brown, has asked that we do one thing, make sure that such abortions as are done are done by licensed physicians.

L. D. 1612 does a second thing. It limits non-therapeutic abortions to the period before viability. Viability has been defined by the Supreme Court in one decision after another. It is not a question of vagueness. The Supreme Court of the United States would not waste its time deciding another case on the very same issue that it decided in *Planned Parenthood of Central Missouri vs. Danforth*. The issue before us is whether we want to replace an unconstitutional statute with a constitutional statute.

Many of us who worked on this statute are not zealous on the abortion issue. Many of us have approached this not as pro life or pro choice but have tried to approach it as pros. We have come up with a product. We submit it to your judgment. We would be happy to submit it to the judgment of the Supreme Judicial Court of Maine or the federal courts or the United States Supreme Court. We do ask, however, that you take a good look at the statute, take a good look at the Supreme Court opinions, and vote against the pending motion for indefinite postponement.

Mr. Speaker, if the yeas and nays have not been asked for already, I ask for them now.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. Silsby.

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly, I would like to clear up a remark made by Mr. Morton, who is not in his seat, to the effect that this bill was hammered out in a smoke-filled room. I would just like the gentleman to know that up in Judiciary, we have a no smoking rule.

The SPEAKER: The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker and Members of the House: I have been sitting here the

last couple of days and listening to this debate with great interest and anxiety. I might say.

It seems to me that the crux of our problem, my problem with this bill is Page 2, Subsection B, viability means the state of fetal development when the life of the fetus may be continued indefinitely outside the womb by natural or artificial life-supportive systems. In a sense, that is a definition, but it is a very broad definition. Practically speaking, the one who defines viability would be the doctor. And since in the course of our discussion it has been revealed that in all the court decisions there never has been a pinning down of weeks or days or a real good definition of viability that is workable legally for the legal and medical professions.

I say that this definition does us no good at all. Who is going to be responsible for deciding when a fetus can live outside the womb? How does the doctor know? The fetus is still in the womb. The only way to prove it is to take the fetus out of the womb. Is the lawyer any better at proving this? Are the juries? That is the sticky point of this whole issue that we have been debating. That is an obscure, ambivalent definition, and that is why I am going to vote against the 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 pending question is on the motion of the gentlewoman from Bethel, Miss Brown, 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 gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, I request leave of the House to pair my vote with the gentleman from Biddeford, Mr. D. Dutremble. If he were present and voting, he would be voting no; if I were voting, I would be voting yes.

#### ROLL CALL

YEA — Alopis, Bachrach, Baker, Benoit, Berry, Brannigan, Brennerman, Brown, K.L.; Connolly, Cox, Davies, Dellert, Doukas, Dow, Drinkwater, Fenslon, Garsoe, Gowen, Hall, Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Kiesman, Lowe, Lund, MacEachern, Masterman, Masterton, Maxwell, McKean, Morton, Nelson, M.; Nelson, N.; Post, Reeves, J.; Reeves, P.; Rolde, Sewall, Small, Sprowl, Tierney, Vincent, Whittemore

NAY — Austin, Barry, Beaulieu, Berube, Birt, Blodgett, Bordeaux, Boudreau, Bowden, Brodeur, Brown, A.; Brown, K.C.; Bunker, Call, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Cloutier, Conary, Cunningham, Curtis, Damren, Davis, Dexter, Diamond, Dudley, Dutremble, L.; Elias, Fillmore, Fowlie, Gavett, Gillis, Gould, Gray, Gwadosky, Hanson, Hickey, Higgins, Hunter, Jacques, E.; Jalbert, Joyce, Kane, Kany, Kelleher, Laffin, Lancaster, LaPlante, Leighton, Leonard, Lewis, Locke, MacBride, Mahany, Marshall, Martin, A.; McHenry, McMahon, McPherson, McSweeney, Michael, Nadeau, Nelson, A.; Paradis, Paul, Payne, Pearson, Peltier, Peterson, Prescott, Rollins, Sherburne, Silsby, Simon, Smith, Stetson, Stover, Studley, Tarbell, Theriault, Torrey, Tozier, Tuttle, Twitchell, Viollette, Vose, Wentworth, Wood, Wyman, The Speaker.

ABSENT — Brown, D.; Churchill, Hobbins, Jacques, P.; Lizotte, Lougee, Matthews, Norris, Roope, Soulas, Strout.

#### PAIRED — Dutremble, D.-Mitchell.

Yes, 46; No, 92; Absent, 11; Paired, 1.

The SPEAKER: Forty-six having voted in

the affirmative and ninety-two in the negative, with eleven being absent and two paired, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed.

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

Mr. SIMON: Mr. Speaker, having voted on the prevailing side, I now move the House reconsider its action whereby L. D. 1612 was passed to be engrossed and ask that all 90-odd members vote against me.

The SPEAKER: The gentleman from Lewiston, Mr. Simon, moves that we reconsider our action whereby this Bill was passed to be engrossed. All those in favor will say yes; those opposed will say no.

A Viva Voce Vote being taken, the motion did not prevail.

Sent up for concurrence.

#### Passed to be Enacted

An Act to Reimburse Municipalities for Expenses Incurred in Enforcing Statutes, Ordinances and Regulations Relating to the Operation or use of Motor Vehicles, Streets and Highways (S. P. 183) (L. D. 413) (C. "A" S-137)

An Act to Prevent Cruelty to Animals by Establishing Certain Licensing Categories and Restrictions (S. P. 206) (L. D. 538) (C. "A" S-153)

An Act to Allow Unions to Negotiate on Behalf of Former Employees of a Company with Which the Union is Negotiating (S. P. 319) (L. D. 949) (C. "A" S-151)

An Act to Clarify Inconsistencies in the Liquor Laws (S. P. 436) (L. D. 1367) (H. "A" H-395; S. "A" S-138)

An Act to Facilitate Operation of Department of Conservation Campsites (S. P. 454) (L. D. 1370) (C. "A" S-155)

An Act to Amend the Maine Veterinary Practice Act of 1975 (H. P. 291) (L. D. 388) (C. "A" H-361)

An Act Authorizing the Issuing of Ex Parte Orders by the Courts and Complaint Justices to Allow Humane Agents and Other Authorized Officers to take Possession of Neglected, Mistreated or Injured Animals (H. P. 292) (L. D. 389) (C. "A" H-362)

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.

#### Enactor

##### Later Today Assigned

An Act to Establish a Marijuana Therapeutic Research Program (H. P. 523) (L. D. 665) (C. "A" H-332)

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

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: The amendment that we have on this bill, L. D. 665, has put an absolute duty on the Department of Human Services in that they will have to analyze for the impurities of the marijuana they will be confiscating. The department has indicated that they do not have the expertise to do this analysis and they do not have the specific equipment that would be necessary. I am checking with the department to see exactly what will be necessary and whether or not it will require a fiscal note. So I would ask that someone table this until later in today's session, until I can resolve that issue.

Thereupon, on motion of Mr. Brenerman of Portland, tabled pending passage to be enacted and later today assigned.

An Act to Permit Juveniles in the Custody of the Department of Mental Health and Corrections to Receive Services from the Department of Human Services (H. P. 560) (L. D. 707) (C. "A" H-365)

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.

An Act to Require the Public Utilities Commission to Study the Safe and Proper Decommissioning of Nuclear Generating Facilities in Maine (H. P. 632) (L. D. 783) (C. "A" H-346)

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

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: This bill has been very thoroughly debated. I have no intention of debating it here this morning. I think it is an entirely unnecessary bill and I would ask for a roll call on it.

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 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 will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Bachrach, Baker, Barry, Benoit, Berry, Berube, Blodgett, Brannigan, Brodeur, Brown, K.C.; Carroll, Carter, D.; Chonko, Churchill, Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Dow, Dutremble, L.; Elias, Fenlason, Fowlie, Gillis, Gowen, Gray, Gwadosky, Hall, Hanson, Hickey, Howe, Hughes, Jacques, E.; Jacques P.; Kane, Kany, Kelleher, Laffin, LaPlante, Locke, Lowe, MacEachern, Mahany, Martin, A.; Masterton, McHenry, McKean, McMahon, Michael, Mitchell, Nadeau, Nelson, M.; Paradis, Paul, Pearson, Post, Reeves, P.; Rolde, Sewall, Simon, Tarbell, Theriault, Tierney, Tuttle, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

NAY—Aloupis, Austin, Birt, Bordeaux, Boudreau, Bowden, Brown, K.L.; Bunker, Call, Carrier, Carter, F.; Conary, Cunningham, Damren, Davis, Dellert, Dexter, Doukas, Drinkwater, Dudley, Fillmore, Garsoe, Gavett, Gould, Higgins, Hunter, Hutchings, Immonen, Jackson, Joyce, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lund, MacBride, Marshall, Masterman, Maxwell, McPherson, McSweeney, Morton, Nelson, A.; Nelson, N.; Payne, Peterson, Reeves, J.; Rollins, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Studley, Torrey, Tozier, Wentworth.

ABSENT—Beaulieu, Brenerman, Brown, A.; Brown, D.; Dutremble, D.; Hobbins, Huber, Jalbert, Lizotte, Matthews, Norris, Peltier, Prescott, Roope, Soulas, Strout, Twitchell, Whittemore.

Yes, 72; No, 61; Absent, 18.

The SPEAKER: Seventy-two having voted in the affirmative and sixty-one in the negative, with eighteen being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

An Act Concerning State Highways and Parking on State Controlled Property (H. P. 1109) (L. D. 1372)

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.

An Act Relating to Gifts in Contemplation of Death (H. P. 1145) (L. D. 1407) (C. "A" H-363)

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

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

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

tlemen of the House: I haven't really delved into this bill. I would like some sort of an explanation, especially as it relates to contemplation. What is the difference between a contemplated death and a non-contemplated death? I think I would like to have the version of what is meant under the federal statutes and what is also meant under the state statutes.

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

The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: Essentially what the amendment and the bill does is define what gifts in contemplation of death means. Essentially what it does, it was a bill suggested by the Bureau of Taxation and it brings us in line with federal statute in that any gift that is made within three years prior to the death of an individual is considered to be a gift in contemplation of death and therefore trying to get away from having to pay the inheritance taxes. So, if you give a gift of \$20,000 to an individual six months before you pass away, then that is considered to be a gift in contemplation of death and taxes have to be paid on it. There is a \$3,000 exemption made to—you can give \$3,000 to any one individual and not have to come under the subsection and not have to pay taxes on it.

At the present time, the contemplation of death statutes in the State of Maine are for six months' time, and this would bring us into line with the federal inheritance taxes and I think really a situation which is more reasonable, and put a three-year period before death as the time you would be liable for taxes.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I still have a problem with this three-year period of contemplated and non-contemplated death. I think three years is a rather long span of time. This means that if I give a gift to my son or daughter, or whoever may be in my family, and I have a heart attack or I am killed in any way in two years and six months and I was contemplating death when I gave that gift, I don't think I would have contemplated it, I hope I never have to, sooner or later it will come, I don't think this is a fair valuation of contemplation of death and I do believe that it is an awful gooiish way for the state tax assessor to come up with money.

I would like to see a roll call on this, Mr. Speaker.

The SPEAKER: The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: This is not a matter of the Bureau of Taxation trying to come up with a little bit of extra money. There will be about \$50,000 a year coming into the General Fund.

The situation is, under the present Maine statutes if you want to, it is very easy to get around in many instances from having to pay inheritance taxes by simply giving your assets away at a period of time when you reach an elderly age or, in some instances, when you find out that you do, indeed, although it is not an issue that we like to talk about, but you do indeed have a disease which is likely to be terminal.

I think it is an issue on whether or not you really want the state to have on the books a law which gives them the tools that they need so that people are not able to avoid having to pay inheritance taxes. So I would simply hope that you would support the bill.

I would mention that at the hearing, there was no opposition voiced.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would

like to thank the good gentleman from Lime-stone for bringing our attention to this item, because I, probably like all the rest of you, would have voted for its passage, but the previous speaker has just encouraged me to go the other way.

If there is one thing that we know people are, it is that they are just taxed to death, and there is no pun intended, believe me, and I hope that this bill will be indefinitely postponed.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I see this as another taxation on the poor people of the state who have earned their money so hard working in the mills, working as lumbermen, working in factories and so on, and if they want to leave a little something for their children, God bless them, and I hope this bill is defeated.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I didn't know this bill was going to cause so much trouble.

I would just point out to the members of the House that this was a unanimous committee report from the Committee on Taxation. It is certainly not meant to restrict people or as a revenue seeking approach. It is a method to provide equity and insure that all people are paying their due share when it comes to the inheritance tax. I don't particularly support an inheritance tax, but if it is going to be applied, it should be applied equitably and there should be no loopholes for certain individuals to get around it. That is what this bill addresses and it is the recommendation of the Bureau of Taxation and it is a unanimous committee report from the Committee on Taxation.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Stetson.

Mr. STETSON: Mr. Speaker, in the past, I have tried a good many contemplation of death cases in the federal court, some of them here in the State of Maine. And in answer to the good lady from Brunswick, I would just like to tell you that never did I see a poor mill worker's family involved in any such case.

Actually, all this does is prevent a wealthy person from avoiding the imposition of death taxes by simply funneling off his estate to his natural beneficiaries in order to avoid payment of inheritance state taxes.

Now, it does not prevent a person from making such transfers of his property, and if the defendant happens to die within the statutory three-year period; it does not create an irrebuttable presumption; presumption is very rebuttable. And I regret to admit that I lost some of those contemplation of death cases too, because in some cases where the gift was made within three years of the time of death, the estate was able to show that there were life motives in making the gift and that the property given away should not be included in the estate.

I just wanted to straighten on thing out, that this is not an incursion on the poor man's right to give his property to his loved one.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: The remarks I am going to make will probably put me in the Republican Hall of Fame. I hate to admit it, but the gentleman from Wiscasset, Mr. Stetson, is absolutely correct in his analysis of the bill. You have no idea how it hurts me to tell you that, but I am afraid he is.

This bill is a wash. I know it is a nice day and I know we are all loose today, but let me try to give you an honest explanation. I ran out and got the statute and read it.

First of all, to my good friend Mrs. Martin and the rest of you who are concerned about the poor mill worker. Death tax exemptions are quite high, especially under the federal taxes.

You have to have a substantial estate, especially if it is going from husband to wife, before you are going to have to worry about any death taxes at all; that is the first point.

The second question is, under present law, if you give away let's say \$2,000 to your son three months before you die, this is under present law, then this tax, if this bill passes, it grants a \$3,000 exemption per year for each of those three years. So, actually there is an exemption of up to \$9,000, which takes it out of the estate. For those of you who are concerned, if you have nine or ten thousand dollars to give away, I live at R. D. 2 Lisbon Falls. But, aside from that, if you do have up to \$9,000 to give away, you can do it over a period of time and it is not going to be taxed, okay?

So, what cuts the other way, however, you do go from six months contemplation to three years contemplation and this, again, is to avoid people who do have substantial estates from giving it all away and thus avoiding the taxes that they should pay, because all the rest of us are paying it. A lot of these people have had tax loopholes working for them all their lives and we finally have a chance to catch up to them, from my very Democratic point of view.

I think this is not a bad bill. It puts us in conformity with the federal statutes and please think about this bill before you vote on it. I think it is a good bill; it has been worked out very well.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I find myself in complete concurrence with the gentleman from Lisbon Falls, Mr. Tierney, and I hope you will not indefinitely postpone this. This is an attempt to conform the time period for gifts in contemplation of death at the state level with a comparable period at the federal level. It also does liberalize our present laws to a certain extent, as was pointed out, in that we now have the \$3,000 exclusion each year during the three-year period.

In my opinion, inheritance taxes and state taxes are very worthwhile taxes. This prevents the passing on of undue accumulations from one generation to another, and this is one tax that I, for one, am very much in favor of.

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

Mrs. KANY: Mr. Speaker and Members of the House: I wonder if some of these attorneys and these tax experts can answer a question for me. That is, on what basis do you think an individual would make a decision? Would they be making it on the basis of what is allowable to them under the federal law or on the state law? And whatever we do on the state level, is this going to make any difference to them? That is my question.

The SPEAKER: The gentleman from Waterville, Mrs. Kany, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, there is no clear-cut answer to that, because it would have to be counseled depending on how much money that individual person had. If there estate was very large, he would probably disregard the state law and deal with the federal law. If they have a smaller estate, then the state tax may be more important to them. There is no flat answer. It depends on that individual's account, and their attorney would give that advice.

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

Mrs. KANY: Mr. Speaker, to follow through, I would ask that it would seem that if we are interested in the large estates, then we perhaps would not want to 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 pose a couple of questions to some of the legal highlights here. All of the Oliver Wendall Holmes that are around here can crop up on some of this stuff when it comes up.

Let's suppose, for instance, that an individual has made out his will. Let's suppose that even since then that individual might, through death of someone, be the recipient of property or a sum of money and he goes to a lawyer — you have always got to go to a lawyer — that individual would say, I don't want this. I want to give it to somebody who might want to be a beneficiary or something like that — whose business is that but the individual's who wants to do it? The way I read this thing here, this precludes that individual from doing what he may want to do with his property, his stocks, his bonds, his money, whatever he wants to give away when he figures is going to breathe his last. That is the way I look at this bill, and that is why I am somewhat inclined to agree with Mr. Kelleher and Mr. Martin.

I would like to have those questions answered. Whose business is it who give to whom, when and what and how? There is something else that probably some of you don't know. There is something else that probably some of you don't know. There is always a case where some people take it with them. That has happened before.

The SPEAKER: The Chair recognizes the gentleman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: This bill does not preclude any individual from doing anything with his property. All it does is set up a system whereby when certain things take place, they are assumed to be actions in giving gifts — in essence, really, to try to get away from the inheritance tax and they are therefore subject to taxation.

I simply do not understand the gentlelady's question from Waterville, I guess, because she said if you are interested in getting some of the larger estates, why would you be concerned with this bill? Right now, you can have somebody give over his gifts on his estate of a million dollars seven months before he happens to die and there is no tax none. This bill is not going to hurt the working people, because those \$3,000 exemptions, along with the exemptions which are already in the statutes, are going to exempt the working people, the poor mill worker, from having to pay much in these inheritance taxes. What we are trying to get at with this bill is those individuals who have large inheritances, who are simply trying to get around having to pay Maine taxes on those inheritances through the giving of gifts. The question is whether or not you want to allow that to continue.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Stetson.

Mr. STETSON: Mr. Speaker and Members of the House: I thought the good gentleman from Lewiston had posed a number of legal questions, and if he wants to see me in the retiring room a little later, I will come out of retirement and answer those questions for him.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: This bill may do various things and may put us in concurrence and it may put us out of concurrence, it may make your friends happy and it may do a lot of things, but the basic line is, over the next two years it will raise over \$100,000 more for the state, and I think that is a tax increase.

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

Mr. JALBERT: Mr. Speaker, I can appreciate the remarks of the gentleman from Wiscasset, my good friend Mr. Stetson, but what good is it going to do me if I see him in the retiring room after this bill is acted upon. Besides that, I just got a note from my friend Mr. Tierney, and he can answer my question now at fifty ba-

nanas an hour. So what are you going to do?

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 and Members of the House: Obviously, I have received a lot of information from both the gentleman in the corner and the gentleman from Wiscasset, not only this morning but other times, but I must admit that they are right.

The gentelady from Owl's Head really laid it on the line. The only thing this bill does is prevent big estates from transferring funds in contemplation of death and hence avoiding taxes. So if you want to do something for the big boys, vote against this bill. If you want to control it, vote for the bill.

The SPEAKER: A roll call has been ordered. The pending question is on passage to be enacted. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Austin, Bachrach, Baker, Barry, Beau-lieu, Benoit, Birt, Bowden, Brannigan, Brennerman, Brodeur, Brown, K.L.; Brown, K.C.; Call, Carroll, Carter, D.; Carter, F.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Del-lert, Dexter, Doukas, Dow, Drinkwater, Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Garsoe, Gillis, Gowen, Gwadosky, Hall, Hickey, Higgins, Howe, Huber, Hughes, Hunter, Immonen, Joyce, Kane, Kany, Kiesman, Laffin, Lancaster, Leighton, Leonard, Locke, Lougee, Lowe, Lund, MacBride, Mac-Eachern, Mahany, Marshall, Masterman, Masterton, Maxwell, McMahon, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Paradis, Paul, Payne, Peterson, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Rollins, Silsby, Stetson, Stover, Strout, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Tuttle, Twitchell, Vincent, Wentworth, Whittemore, Wood, Wyman, The Speaker.

NAY—Aloupis, Berube, Blodgett, Bordeaux, Boudreau, Bunker, Carrier, Churchill, Conary, Cunningham, Damren, Davis, Diamond, Dudley, Gavett, Gould, Gray, Hanson, Hutchings, Jackson, Jacques, E.; Jacques, P.; Jalbert, Kelleher, LaPlante, Lewis, Martin, A.; McHenry, McKean, McPherson, Nelson, A.; Pearson, Sewall, Sherburne, Simon, Small, Smith, Sprowl, Violette, Vose.

ABSENT—Berry, Brown, A.; Brown, D.; Dutremble, D.; Hobbins, Lizotte, Matthews, Norris, Peltier, Roope, Soulas.

Yes, 100; No, 40; Absent, 11.

The SPEAKER: One hundred having voted in the affirmative and forty in the negative, with eleven being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair recognizes the gentelady from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, having voted on the prevailing side, I move we reconsider and hope you vote against me.

The SPEAKER: The gentelady from Owl's Head, Mrs. Post, moves that we reconsider our action whereby the Bill was passed to be enacted. All those in favor of reconsideration will say yes; those opposed will say no.

A Viva Voce Vote being taken, the motion did not prevail.

An Act to Allow the Board of Environmental Protection to Regulate Activities Affecting Sand Dunes under the Alteration of Coastal Wetlands Program (H. P. 1163) (L. D. 1468) (C. "A" H-360)

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

The SPEAKER: The Chair recognizes the gentelady from Millinocket, Mr. Marshall.

Mr. MARSHALL: Mr. Speaker, I had a couple of questions about this bill. I talked to the sponsor and she has allayed most of them. I really hesitated setting this bill aside because it doesn't affect my area, but one of the things that really bothers me is trouble with these regulatory agencies. I have a deathly fear and dislike for regulatory agencies, particularly when it involves the expansion of their regulatory authority.

I set this aside to give a chance to any members of the coastal area which may be affected by this to see if there was any registered opposition to that. As yet, I haven't been able to find any. Then, I would finally ask the Clerk to read the committee report, which I haven't been able to locate either.

The SPEAKER: The Chair would advise the gentleman from Millinocket that it is the unanimous "Ought to Pass" Report from the Committee.

The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I am a cosponsor of this measure and I can simply respond to the gentleman from Millinocket from the point of view of at least one coastal Representative.

As I said at the hearing, this bill actually came about 80 years too late for my town of York, because not having any protection for our sand dunes, we have basically built on them, we have built roads across them, we have built houses on them and, as a result, we have paid for it. We have paid for it and you have paid for it, because we have put at least \$200,000 into protection of our roads along the coast in trying to protect these homes that were built on sand dunes.

All this bill does, it just adds a function to an already existing law, it is not a new law, it is the law that protects coastal wetlands, which has been in existence for a number of years, and this bill just adds sand dunes and there aren't that many of them left, but they form a very important function in protecting the coast, and our coast is eroding and we have great difficulties every year in homes that are threatened to erosion. We feel that this is a very important measure, the committee felt it, too, by voting unanimously, and I hope that you will vote this bill through today.

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

Mrs. WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to disagree with my York County member, but I would be strongly opposed to this bill, because whatever they have done in our area has been very detrimental and when the vote is taken, I would request the yeas and nays.

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

Mr. MCMAHON: Mr. Speaker, Ladies and Gentlemen of the House: This is not an issue I intended to speak on, but in view of the speeches of my two colleagues from York County, I wish to go on record as strongly supporting this bill.

I also represent a coastal community. I think this is one of the most important bills to come along this session. It is not an earth-shaker; it will affect only those towns that have beaches, which mine does.

I want to tell you that in York County, where we do have a lot of beach area, there already has been ample evidence of a need for this bill—ample evidence. As the gentleman from York, Mr. Rolde, said, this does not create a new bureaucracy, it simply plugs into the existing law, which, I might add, is administered by the municipal officials, overview for beach, sand dunes. If that had been on the law, I might suggest that some of the problems that we are

facing in York County would not be there now.

At the very least, this procedure would insure that the municipal officials, in their capacity as a local wetlands authority, would have to be aware of and rule on any request to disturb or destroy existing sand dunes. This is a provision of this law that is long overdue, and as a legislator from a coastal area, I certainly beg of you to enact this. I might add that those of you who don't have beaches in your town, this doesn't affect you at all.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The gentelady from Wells may correct me, but I believe that what she is referring to is a program with federal assistance to help restore the sand dunes in her area. I don't think this bill would affect that in any way. In fact, I believe if we had had protection for sand dunes, what happened in Wells might not have been necessary.

The SPEAKER: The Chair recognizes the gentelady from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I do want to assure the gentelady from Wells that her predecessor made a special effort to come to the hearing and testify in favor of the bill.

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

Mrs. WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I will agree with Mr. Rolde that it was through the federal government that all the harm was done, but we haven't had any help with the local department in the same matter.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: In response to the last speaker, this is precisely, Mrs. Wentworth, why we need to have this bill, in order that the department may be able to address the problem so we won't have that problem anymore. There was no opposition to the bill.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I guess I should rise and just briefly tell you that I represent the area that includes Popham Beach, and obviously you have heard a lot of the problems that we have had at Popham Beach.

The people there are not totally against this particular piece of legislation. However, they don't like rules and regulations from the state level, but we have discussed it, and going back in history found that many times when we had erosion problems there in the past, we have called the state in for assistance in trying to remedy the problem and the problem, as Mr. Rolde has said, is one that has probably existed for a long time and it was a make-shift solution, if nothing better, to correct the problem.

So, I think right now we are willing to live with this particular legislation, and I can assure you that in the future, if the state is unreasonable in its implementation of regulation of sand dunes, then certainly I will be back here or somebody else will be back here to ask for repeal.

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

Mrs. WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: Inasmuch as I am vastly outnumbered, I will withdraw my request for a roll call.

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

An Act Protecting Security Deposits (H. P. 1378) (L. D. 1603)

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



and sent to the Senate.

#### Orders of the Day

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

An Act to Permit Municipalities to Issue Bonds Under the Municipal Securities Approval Act for Water Supply System Projects (S. P. 421) (L. D. 1315) (C. "A" S-146)

Tabled—May 15, 1979 by Mr. Davies of Orono.

Pending—Passage to be Enacted.

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be enacted and specially assigned for Monday, May 21.

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

Bill, "An Act to Establish a Mandatory \$200 Fine for any Minor Convicted of Illegally Purchasing Alcoholic Beverages" (H. P. 27) (L. D. 44)

Tabled—May 15, 1979 by Mr. Norris of Brewer.

Pending—Motion of Mr. Tozier of Unity to Reconsider Acceptance of Majority "Ought Not to Pass" Report.

Mr. Laffin of Westbrook requested a roll call on reconsideration.

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 pending question is on the motion of the gentleman from Unity, Mr. Tozier, that the House reconsider its action whereby it accepted the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Austin, Barry, Berube, Birt, Blodgett, Boudreau, Call, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Conary, Damren, Davis, Dexter, Doukas, Drinkwater, Dudley, Dutremble, L.; Fenlason, Fillmore, Gillis, Gould, Gray, Gwadosky, Hanson, Hickey, Higgins, Hunter, Jacques, P.; Jalbert, Kany, Kiesman, Laffin, Lancaster, LaPlante, Leighton, Locke, Lowe, Marshall, Nelson, M.; Nelson, N.; Paradis, Payne, Peterson, Post, Prescott, Rollins, Small, Sprowl, Stover, Studley, Torrey, Tozier, Twitchell, Vose, Wood, Wyman

NAY — Aloupis, Bachrach, Baker, Beaulieu, Benoit, Berry, Bordeaux, Bowden, Brannigan, Brennerman, Brodeur, Brown, K.L.; Brown, K.C.; Churchill, Cloutier, Connolly, Cox, Cunningham, Curtis, Davies, Dellert, Diamond, Dow, Elias, Fowlie, Garsoe, Gavett, Gowen, Hall, Howe, Huber, Hughes, Hutchings, Jackson, Jacques, E.; Joyce, Kane, Kelleher, Leonard, Lewis, Lund, MacEachern, Mahany, Martin, A.; Masterman, Masterton, Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Paul, Pearson, Reeves, J.; Reeves, P.; Rolde, Sewall, Sherburne, Sisby, Simon, Stetson, Strout, Tarbell, Theriault, Tierney, Tuttle, Vincent, Violette, Wentworth, The Speaker

ABSENT — Brown, A.; Brown, D.; Bunker, Dutremble, D.; Hobbins, Immonen, Lizotte, Lougee, MacBride, Matthews, Norris, Peltier, Roope, Smith, Soulas, Whitemore

Yes, 59; No, 76; Absent, 16.

The SPEAKER: Fifty-nine having voted in the affirmative and seventy-six in the negative with sixteen being absent, the motion does not prevail.

Sent up for concurrence.

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

SENATE DIVIDED REPORT — Majority

(10) "Ought to Pass" in New Draft under New Title Bill "An Act to Assess a Surcharge on Fines for the Operation of the Maine Criminal Justice Academy" (S. P. 545) (L. D. 1608) — Minority (3) "Ought Not to Pass" Committee on State Government on Bill, "An Act to Assess a Surcharge on Fines and Penalties for the Operation of the Maine Criminal Justice Academy" (S. P. 250) (L. D. 714) — In Senate, Majority "Ought to Pass" in New Draft under New Title Report Accepted and New Draft Passed to be Engrossed on May 5, 1979.

Tabled—May 16, 1979 (Till Later Today) by Mr. Boudreau of Waterville.

Pending—Motion of Mrs. Kany of Waterville to Accept the Minority "Ought Not to Pass" Report.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I would request the yeas and nays.

I rise to support this bill. The academy has done and is doing a good job in training our police officers. The federal funding through LEAA is obviously beginning to dry up and if we don't introduce new methods of funding, then the quality of training will, obviously, decline, so the choice seems to be between enacting new taxes or to place the burden on that segment of our society who make police officers necessary, those people who break the law, by surcharging their fines to pay the academy.

I urge your support for the bill.

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

Mrs. BACHRACH: Mr. Speaker, Men and Women of the House: I think that we would all agree that the training of law enforcement personnel is a very important function of state government, and I feel, for that reason, it should be paid for from the General Fund, rather than a small additional fine assessed against speeders and other offenders who are required to pay fines.

This is, in a way, a form of tax and certainly a partially dedicated revenue. If we are to pay for education of law enforcement personnel by a surcharge on fines, we might eventually get around to paying for the VTI's with a few cents on the gas tax and the university with another percentage point on the sales tax. I am opposed to the idea of dedicated revenues in general but, at least the gas tax pays for roads to drive over, the Fish and Game fees for the protection of wildlife. This bill requires some, not all, law breakers to pay for the training of the people who apprehend them.

In addition, this bill will cause some additional paperwork to fall upon the court personnel, which may or may not cost a bill more for operation of the courts.

In essence, I really feel that if we intend to wholeheartedly support the conception of training law enforcement personnel, we should be ready to pay for it out of the General Fund budget and not try to sort of collect little bits and pieces around to make up the amount of money necessary to fund this valuable part of state government.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I think the day has come when we are going to have to take a hard look from a point of finances on this measure. In my own community of Lewiston, there have been nearly a dozen enforcement officers who have gone from the school recently, and from their own employment of enforcement gone into private industry, so these people get the training in Waterville and then leave. I know one that left four months after he was appointed to the Lewiston Police Department.

Besides that, I put in a bill and I let the thing go, I got a "Leave to Withdraw" I don't know if I have yet but I will, to give the deputy sheriffs

civil service. We had a change two years ago in the sheriff's department, and 20 some odd deputy sheriffs, who had gone to the academy, were just quietly dropped from the rolls, and a new staff and a new crew came in. Now, the same thing could happen again, and I think if we change the sheriffs this time again, because of a possibility of our present sheriff going on to a better area, in his opinion, why, it might be that whoever is appointed, the new sheriff could possibly change crews, no matter how you look at it. I am not speaking for County Government. I used to be the greatest pro-county government person in this body and nothing would give me greater pleasure than to have a chance to vote on the elimination of county government now. I think it is overly expensive and, in my opinion, useless.

No matter what some people want to say, the sheriff's department, I look at today as I did 34 years ago or 40 years ago, it is partially enforcement and partially political. If you don't believe it, you elect a Democratic sheriff in a county with a Republican sheriff and see what happens to those deputies. They are going to go flying out of there December 1 like I would be thrown out of a Republican caucus if I decided to get up and speak.

So, somewhere along the line, we are going to have to look at how much this is costing us and how we can devise a way whereby we could arrive at a program that wouldn't be costing the taxpayers, be it on the state level or on the local level, all this money and then, boom, they go elsewhere and we rehire somebody, providing he has gone to the school, and then he may come back from the school and he may go into private industry if he is not satisfied with his salary.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I have, along with many other members of this House, consistently supported adequate training for law enforcement officers at all levels. I look at this bill, basically the same bill that has passed through here before, and I told many of you a few weeks ago when we debated the coyotes, I reminded you that the true bounty bill was yet to come. Well, it is here today, the real bounty bill, a bounty on the people who, and it is true, it is not a mystery, when you look at the social economic factors involved in arrest, you will see that these fines often are unjust to the people who least can afford them.

However, today, I think this is perhaps the best time that this bill could come before us, because I want to remind members of this body of what you are faced with when we go home this weekend.

Last Saturday, the judges, meeting in convention, agreed that they would put a 10 per cent surcharge on all traffic fines. That was last Saturday, five days ago. Now, this bill before us today, another 10 percent on those people who can least afford it. I think this is using the back door approach. But what could we tell our people at home if we pass such a bill as this? Two 10 percent gougings in five days? That is unreal.

If this bill gets through, and I might as well tell you how it is and you can understand this very easily, you pass this bill and I feel that you are going to put a quota system in. If anyone denies that, just for a moment let me make each one of you a state police captain, a chief deputy sheriff or a local police supervisor.

Police departments, as a management tool, use statistics and some of their most important management tools are the number of arrests in certain localities.

Be it a trooper or a local policeman who is assigned out here on Western Avenue, if he is out there 30 days and has made three arrests for speeding and a look at that record by the supervisor shows that the trooper or the officer out there last month made 21 arrests, what do

you think they are going to say to the fellow out there this week, this month, who has only three arrests? You know what they are going to say? If you don't get the message, you might as well start packing because you are going up to the valley, or we are going to put you down in the other end of town where you can talk to the seagulls and you won't see people, if that is the way you operate.

Yes, this is a bad bill. It is a bad bill I think, and if it were passed, many in law enforcement would hang their head in shame.

I ask only that you pass the motion before us that will kill this bill.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to support the provisions of this L. D. and I urge each and every one of your support to this bill.

L. D. 714 will raise in the area of between \$300,000 and \$400,000, in accordance with the measure that they have used, and I believe that the State of New Hampshire has a similar bill. If this revenue is realized, this would place the Maine Criminal Justice Academy on a self-supporting basis. Further, it will delete the \$125 charge that is levied against the municipalities for each officer that they send to the academy.

In addition, any excess funds that may accumulate at the end of the fiscal year would revert to the General Fund and not to the academy.

However, the main reason I am supporting this bill is that the training required and received by our law enforcement officers, now paid for from the General Fund and the local communities by the student charge, will now be paid for by the users of this system, those convicted of crimes, and that brings about the necessity of law enforcement agencies.

Without this revenue that this bill will generate, criminal justice training in Maine could be drastically reduced or could come to a standstill.

We must maintain the training of our law enforcement officials to combat the criminal element, with their criminal acts ever on the increase in our state.

To extend the privilege of paying for this law enforcement training to those committing the criminal acts is, in itself, justice of the finest kind.

I urge you to support L. D. 714.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I, too, rise today to support this L. D. for some of the same reasons and few different ones.

The state now mandates that each of our officers attend this academy. Yet, with the funding the way it is now, only one out of three applicants are accepted.

In my city of Waterville, we haven't had the problem that Mr. Jalbert has had in Lewiston. Out of all the young people that have gone to the academy and became police officers, we have only lost one and that was for reasons of his own and I don't think it was because the place he went to was any better than the Waterville police force. I know a lot of the Waterville police officers personally and I think if you all ask your police officers back home what they thought of the academy, they will all tell you the same thing. It makes the difference between night and day.

I don't know about you, but I don't like the idea of on-the-job training for police officers. It can be a very sticky situation at times.

It now costs the towns \$125 for each one of these police officers that they send. This is probably all right for Waterville, Augusta, Lewiston or Portland, but if you think about the smaller towns that only have a few police officers or a local sheriff or whatever, I am sure you would like to have him as properly trained as possible. Think of the pressures that it puts

on them. \$125 doesn't sound like much, but with the revisions and reclassifications that go along with criminal justice training, he has to go back, and each time he goes back it is \$125 and the costs will go up.

Another point I would like to bring out is that this bill has a two-year sunset provision. If it doesn't work out, it doesn't work out. Unlike one of the previous speakers, I have no problem going back home and talking to my people about this bill, I have. Most of them support the idea. They believe that the people that are utilizing the service the most obtain most of the bill, and I think that is just fine.

My good friend Mr. Joyce said that he always supports adequate training for police officers. Yet, we always have the same problem with adequate funding. We always talk about giving proper funding but the first time a cut has to be made, where is the cut made? In training. I think we are hurting ourselves in the long run. And as far as it being cumbersome, as the good lady, Mrs. Bachrach, said, I think a 10 percent simple surcharge is only as cumbersome as you want to make it.

I also believe that the General Fund, as we all know, gets more and more pressure every year and it is very easy to say, well, I am against dedicated revenue, I think we should go to the General Fund, but you know as well as I do, when you go to the General Fund, you are taking your chances and I don't think we should leave it up to that.

I think the basic idea of this bill is a good idea. It is not my bill, I wish it were, because I think it is a great idea and I hope that you will all vote against the Minority Report and go with the Majority Report of "Ought to Pass."

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: Those of us who have been here awhile have seen this bill several times before. It always come in, usually from the Waterville delegation, and it sometimes becomes sort of a referendum on the Maine Criminal Justice Academy, which it ought not to be.

I am a strong believer in education for police agencies and a strong supporter of that academy and that approach, but I think the gentleman who just spoke put it well when he said, when you talk about the General Fund, you are taking your chances, and that is what this bill is about. The Criminal Justice Academy has taken its chances with the hard legislative set of priorities that we have established and the process for setting those priorities and they feel they haven't done as well as they deserve to do. We can understand that. I am sure there are dozens of state agencies who have that same feeling, that they didn't get as much money out of that process as they deserved to get, and I certainly don't blame them for that feeling.

But the point is, we have a hard set of priorities that we have to establish as legislators, and every state agency ought to be able to come up to that set of standards that we imposed upon them, make their claim, make their case and then we have to make the judgment through our Appropriations Committee on which agencies have the best case made.

As the gentleman said, they have taken their chances and evidently they lost on those chances, so they come up with this end run proposal which we see every two years. It is a way to get around that priority setting process which we have established and I think it ought to be defeated on that measure alone.

Secondly, it ought to be defeated on another very important criteria, and that is, we have a principle in our Maine Criminal Justice system, one which does not exist in every state in this country and we know of states that abuse this principal, but that principle is that there are no vested interests within the criminal justice system which have a financial interest in the efforts of those criminal justice

agencies in apprehending law breakers. I think we need to maintain that principle because the people that we represent need to know that the criminal justice system has no vested interests except doing the job that they are entrusted to do, which is enforcing the laws of the State of Maine.

This is just one small criminal justice agency, but there are many other just as worthy criminal justice agencies who might also want to say, let's tack a little additional fine onto what the defendant has to pay if he is convicted. Then our people begin to see a criminal justice system which perhaps gets judges salaries funded by a surcharge on fines, for example. We all know judges are underpaid in Maine and it would be a nice way to fund that. You probably have your other pet causes in the system that would like to short-change the process that we have set up and be funded through a special surcharge to the defendants. That is not the way criminal justice works in Maine and never has and it ought not, so let's keep our revenues from the criminal justice system as undedicated revenue, going into the General Fund, and then our Appropriations Committee and our legislature can make those priority decisions.

For those two reasons and a host of others, I hope we will defeat the bill before us now.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Gould.

Mr. GOULD: Mr. Speaker, Ladies and Gentlemen of the House: I shall read from the June 6, 1977 Horseblanket, what I said about this bill and I feel the same way today.

"Without any equivocation and mental reservation, I support this bill. I think it is the best thing since the Trac II razor. Those of us who break the laws are the ones who will pay.

"The good gentleman from Portland, Representative Joyce, has so much compassion for those arrested, it is difficult to conceive how he could be a policeman for 27 years.

"I urge you to go along with this bill and it is pretty nearly time that those who dance must help pay for the music."

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

Mr. BARRY: Mr. Speaker, Ladies and Gentlemen of the House: I want to quickly clarify a misunderstanding this morning during the debate and it was mentioned by the good gentleman from Brunswick, Mrs. Bachrach, and Mr. Hughes from Auburn.

Basically, this is not a dedicated revenue, and I would like to read to you the Statement of Fact under the new draft, Number Three: "It requires that amounts assessed and deposited to the credit of the Criminal Justice Training Fund be appropriated by the legislature on an annual basis. This will continue the opportunity for legislative review and control of academy funding."

So, you assess the 10 percent, and if the total amount is more than what the academy needs, it is up to the Appropriations Committee to decide and the remainder goes into the General Fund. So, this is not dedicated revenue.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Conary.

Mr. CONARY: Mr. Speaker and Members of the House: I was just going to make the remarks that the previous speaker just made.

This is a brand new draft. I would be the first one to admit that the original bill had quite a few wrinkles in it. But I think, at least from the opposition I heard today, that most of these arguments are correct.

The fact of the matter is, we aren't funding the academy properly, so what are we to do? Are we going to run down to the Appropriations Committee each year and one by one get up and demand that it is funded properly, because we do mandate that these people receive training. So this is a new draft, and I know many of you may not have it right in front of you because recently a couple of bales of new amendments



and drafts have been placed on my desk, but this is L. D. 1608 — it is completely different from the 714. Maybe you should take a look at that before we vote and really consider this. It is probably the most important thing, if you can get around the objections, to go for a couple of years with this thing because we have a sunset provision on it, and keep in mind that the Appropriations Committee does have the final say in this funding.

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

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to emphasize, very briefly, one very important point for my fellow colleagues here.

It is a fact of life that most police officers have to earn a decent living and oftentimes go onto better paying salary positions in larger communities. It is the small towns who must pay the burden of sending these new officers to the Criminal Justice Academy for training. It is a law that they have to pay a certain assessment for the training of these new officers, but then they go onto our larger communities.

I would urge all of you here who have small towns, who represent small areas in Maine that need officers, that have to have them trained, to support this bill, because your communities pay the cost of training these officers and then they go on and give protection to the larger communities where the pay is better.

So, I am very proud, representing the larger community of Augusta, to be able to support this bill, because it is a fair bill and it places the right assessment on those who have to be protected.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: The main objection to this bill, last time it was around, was that there was an inconsistency in the taxes on the surcharge on the fines. They were as high as 40 percent and down to 10 percent, and when you get the dedicated fines in Fish and Game Department and Fisheries and Wildlife, they had total dedicated fines last year of \$259,000.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I hope that we do accept the "Ought Not to Pass" Report.

I remember five years ago, I went to visit the academy when we had Colonel Hennessey. I said to him, what are you going to do, are you going to train all the town policemen, the sheriffs and everybody in this state to do the same job and then you expect them to ask for the same salary, I suppose, and then ask for the same suit and ask for the same retirement benefits? He said, why not?

Another bill we just got through is 9-1, that is a bounty bill also, if you look at it. We talk about local control, we want local control, well, let's pay for it. If we want to send our town police for training, let's pay for it, let's not put a fine on people and get the police to pick up anybody and everybody.

The difference today with their training is that—I remember one of my buddies getting stopped for speeding by a state trooper then and the state trooper did talk and they listened to what you had to say. Today, the difference is, they will look at you, they will write out the ticket, they hand it over to you and they ask for your registration before all of this, they put their hand on their gun and they give you a big smile, that is the difference.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: Just a couple of more points. First of all, to address myself to one of the points made by Representative Joyce, wouldn't this be a bounty bill and result in more arrests by individual officers. I would just like to read briefly from the fact sheet that the aca-

demy has sent around. They raised this question themselves. They say, wouldn't this result in more arrests by police officers? The answer that they cite is no. Significant increases have not resulted in other states which use this method of funding training, since it is difficult for the individual officer to derive personal benefits from arrests he makes, as the funds generated would be deposited in the Criminal Justice Training Fund. Also, such increases have not occurred in similar systems, such as funds dedicated to the Department of Inland Fisheries and Wildlife.

Finally, I would remind you that the motion on the floor is the minority position and that the committee voted ten to three, "Ought to Pass." I urge you vote against the pending motion.

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 Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, Men and Women of the House: Someone mentioned that the academy, this year, was underfunded. In the Part I Budget, they are getting for the next biennium \$701,560 and, in the Governor's Federal Funding Bill, they are assigned \$34,518 and I would like to know how much funding they received last year?

While I am on my feet, I noticed they also are eligible for federal grants and that last year they received a substantial amount. I will clarify by saying, obviously not all of this money went to the Criminal Justice Academy, but last year there were federal grants in the amount of \$679,605 specifically earmarked for planning grants in criminal justice, discretionary grants improving and strengthening the law enforcement and criminal justice technical assistants, etc.

My question is, how much were they funded last year?

The SPEAKER: The gentlewoman from Lewiston, Mrs. Berube, has posed a question through the Chair to any member who may respond if they so desire.

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

Mr. BARRY: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question raised, in 1978, they only got \$268,968. I am a little bit puzzled as to the figures she has given. I don't know whether that is for some other areas dealing with law enforcement or is that just Criminal Justice Academy? The estimate for 1979 is \$334,000; 1980, \$370,000; 1981, \$383,000, and maybe she could clarify that for me, please?

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I quoted from L. D. 687. I realize I don't have a calculator and I can't operate very well without one, but I have added this very quickly and in the Part I Budget for the next biennium, we are getting \$701,560 and in the L. D. 1557, the Governor's Federal Funding bill, there is assigned \$34,518. I am not aware yet of what federal grants will be coming in specifically earmarked to the academy, but what I quoted from were figures for 1978, some of which, not the entire \$600,000, obviously went but a great part of it went.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: To respond briefly to Representative Berube, I can't be specific but as I understand the problem, the problem in-

volves the loss of federal funds in whole or in part and therefore the curtailment of the program unless we decide to refund it. So, the question then becomes, do we maintain a quality police training facility, and if we do, how do we fund it? Do we fund it out of the General Fund or do we fund it in the way suggested in this bill? I suggest that the way suggested in this bill is the best way to go.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly on what is a non-partisan issue but is something I feel strongly about, I do think this is a bad bill. I think this is bad from the matter of public policy for a lot of reasons.

Now, Mr. Leighton just pointed out to you the fact that we may be losing some federal money. He is most likely correct. But if you were on the Appropriations Committee, you would know that we are losing federal money all across the state government. The question he raised, are we going to have a quality Criminal Justice Academy, are the same questions we ask, are we going to have a quality state university or are we going to have a quality health institute, are we going to have quality nursing homes, are we going to have quality state government? All these questions have to be turned in to our regular appropriation process in order to make a rational prioritization of where we want to put our scarce dollars.

This bill is nothing but an end run of that process.

The Criminal Justice Academy is trying to turn this entire legislature, in essence into a kind of appropriations committee in trying to give them some kind of super priority, and I just don't think it's right. It doesn't mean you are against the Criminal Justice Academy, it just means we have to weigh all of our needs to our regular budgetary process and I think that is very important.

The second problem is that our judges are going to continue to give out fines based on how much they think they can collect and whether the fine meets the burden and puts the penalty where it belongs, on the individual.

What you are doing with the 10 percent surcharge, I would be surprised if all the fines went up to 10 percent, maybe they will, but I will be surprised. What would happen if they don't actually increase the fine is, you are going to have, in essence a decrease in the amount of money which is going to the General Fund.

Now, on top of that, my friends, look at Item 9-1, which we enacted this morning, which says that 25 percent of the fines raised for the violation of any law of the statutes, ordinance or regulation relating to the use of motor vehicles which is the bulk of our money, is going to go back to the municipalities, 25 percent of it. Now, we enacted that today. It just sailed on down to the other body I would assume. So, you see what is happening here, you may be able through the combination of these two bills take care of those two problems but you have reduced the amount of money which is coming into the General Fund and that is going to cost us more money down the line. It is bad fiscal planning.

This bill came from the State Government Committee, not from Taxation, not from Appropriations, not from the people who are going to have to make the hard appropriation decisions. This is a bad way to go. It is not the way to fund the Criminal Justice Academy, it should take its chances along with everything else.

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

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Leighton said something about the Fish and Game laws and my question through the Chair is, is this surcharge applied to all the Fish and Game convictions

also?

The SPEAKER: The gentleman from West Gardiner, Mr. Dow, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: The answer is yes to all crimes and traffic offenses and of course, as Representative Churchill indicated a little over \$250,000 in fines was received by the department last year.

There would be 10 percent on those fines, since they are primarily for misdemeanors, and then if there was anything left over, that would go into the General Fund.

I also understand that none of the wardens are trained at the Criminal Justice Academy.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I didn't have a copy of the Part I Budget with me awhile ago but I do now. In the Part I Budget for the Criminal Justice Academy it calls for \$418,000, and in 1978 it was \$345,969 and it is estimated that this year, 1979, would cost \$447,000.

The SPEAKER: The pending question before the House is on the motion of the gentlewoman of Waterville, Mrs. Kany, that the House accept the Minority "Ought Not to Pass" Report. A roll call has been ordered. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Austin, Bachrach, Baker, Benoit, Berry, Berube, Blodgett, Bowden, Brannigan, Brennerman, Brodeur, Call, Carrier, Carroll, Carter, F.; Cloutier, Connolly, Cox, Cunningham, Curtis, Davies, Dellert, Doukas, Dudley, Dutremble, L.; Fowlie, Gowen, Hickey, Howe, Hughes, Hutchings, Immonen, Jacques, E.; Jalbert, Joyce, Kane, Kany, Kelleher, LaPlante, Locke, Lund, Mahany, Martin, A.; Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paul, Pearson, Post, Prescott, Simon, Stover, Strout, Tarbell, Tierney, Tozier, Violette, The Speaker.

NAY—Aloupis, Barry, Beaulieu, Birt, Boudreaux, Boudreau, Brown, K. L.; Brown, K. C.; Bunker, Carter, D.; Chonko, Churchill, Conary, Damren, Davis, Dexter, Diamond, Dow, Drinkwater, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gray, Gwadosky, Hall, Hanson, Higgins, Huber, Hunter, Jackson, Jacques, P.; Kiesman, Laffin, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, MacBride, MacEachern, Marshall, Masterman, Masterston, McMahon, McPherson, Morton, Nelson, A.; Paradis, Payne, Peltier, Peterson, Reeves, J.; Reeves, P.; Rolde, Rollins, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Studley, Theriault, Torrey, Tuttle, Twitchell, Vincent, Vose, Wentworth, Whittlemore, Wood, Wyman.

ABSENT—Brown, A., Brown, D., Dutremble, D., Elias, Hobbins, Lizotte, Matthews, Norris, Roope, Soulas.

Yes, 64; No, 77; Absent, 10.

The SPEAKER: Sixty-four having voted in the affirmative and seventy-seven in the negative with ten being absent, the motion does not prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted, and the Bill read once and assigned for second reading tomorrow.

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

SENATE DIVIDED REPORT — Report "A" (8) "Ought to Pass" as Amended by Committee Amendment "A" (S-182) — Report "B" (3) "Ought Not to Pass" — Report "C" (1) "Ought to Pass" as Amended by Committee Amendment "B" (S-183) — Committee on Judiciary on Bill, "An Act to Insure that Informed Consent is Obtained before an Elective Abortion is

Performed" (S. P. 484) (L. D. 1482) — In Senate, Report "A" Accepted and Bill Passed to be Engrossed as Amended by Committee Amendment "A" (S-182) as Amended by Senate Amendment "A" (S-190) thereto on May 15.

Tabled—May 16, 1979 (Till Later Today) by Mr. Garsoe of Cumberland.

Pending—Motion of Mr. Carrier of Westbrook to accept Report "A"

Mrs. Sewall of Newcastle requested a roll call.

Mrs. SEWALL: Mr. Speaker, Members of the House: This is a second in the series of abortion bills we have had. This one also is aimed at the doctors.

Report "A", which was accepted in the other body, would make a physician start filing a whole new form on the abortion business for consent by a woman. If you will read the bill, "no physician will perform an abortion unless prior to the performance the attending physician certifies in writing that the woman gave her informed, written consent freely and without coercion. He shall also certify that not less than 48 hours prior to her consent, he informed the woman of the information contained in Subsection II; he shall further certify in writing the pregnant woman's age based upon proof of age offered by her." This is adding this whole new procedure that a doctor 'must' now do.

Then it goes on to say what things he must inform the woman of. I think in medical practice today, this information has already been given. I signed on this, the "Ought Not to Pass" — doctors are already giving women information on this sort of thing and this is just adding a tremendous encumbrance having these forms and they have to be filed and you know what that is going to mean, that is going to mean more expense to everyone, more hassle for the doctor and it is just another bill trying to get in the way of a woman's right, guaranteed by the Constitution, to have an abortion.

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

Mr. SIMON: Mr. Speaker and Members of the House: This is a pro-truth bill. In *Mayer vs. Roe*, in 1977, the Supreme Court established a doctrine that the states need not show a compelling interest for all regulations concerning abortions but only for those imposing an absolute obstacle for an undue burden on the decision to have an abortion.

Clearly, L. D. 1482 does not impose an absolute obstacle. So, the question arises, does it constitute an undue burden? In *Planned Parenthood of Central Missouri versus Danforth*, the Supreme Court has already upheld the general concept of informed consent and, furthermore, the Supreme Court has already upheld the notion that the state may impose that requirement on abortion if it does not require it on any other medical procedures.

The Supreme Court, in *Planned Parenthood*, did so over the very same objections that my dear friend, the gentlelady from Newcastle has brought up concerning tying the hands of the medical profession. However, L. D. 1482 as amended, and as the gentlelady will concede requires little if anything of the physician that responsible practitioners are not doing already. Most physicians are careful to obtain informed consent in order to avoid malpractice suits.

There are some institutions of a medical nature in this state that are bidding for a different clientele and these don't always observe the standard operating procedures of the healing arts.

Insofar as L. D. 1482 goes beyond the informational process that precedes most medical procedures and does it in a manner that enhances the pregnant woman's concrete freedom of choice. First, the 48 hour waiting period in non-emergency cases is analogous to a waiting period before buying encyclopedias or having siding put up on one's house. It is a con-

sumer protection measure. Many people may choose to have an abortion rapidly and I do not mean to cast aspersions on their human integrity when I say that, but if you put yourself in the position, I think you can see how you might have one rapidly. The 48 hour waiting period only extends to them the same protection that we extend to people who buy encyclopedias from traveling salesmen or have siding put on their houses.

Second, the bill goes beyond what we ordinarily expect in informed consent by requiring that there be some information given about alternatives. This implies no duty of the physician to advocate the use of these alternatives and it does nothing to prevent his or her from urging the pregnant woman to reject the alternatives and have the abortion. It can be done by a mimeographed list of agencies and addresses. It is a minimal, modest requirement, and to find an undue burden here is to find it anywhere.

This bill expands the woman's right to choose by giving her the facts about concrete alternatives open to her.

I would ask the members of the House, who is so dead set on promoting abortions as to deny the woman the right to such information from a person uniquely situated to provide it to her?

This issue should separate the pro-choice euphemism from the pro-abortion reality, because a vote for this bill is a vote for choice, only a choice made with a knowledge of what abortion entails and what alternatives are available, not a phony, pressured, uninformed choice for the one action that some people are representing to us as the final solution to the welfare problem.

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

Mrs. HUBER: Mr. Speaker and Members of the House: I realize the argument about constitutionality doesn't seem to have many believers in this body, but I feel required to put it on the record, regardless of how you react to it.

In fact, the good gentleman, Mr. Simon, has pointed out that good doctors provide the kind of information asked for in this bill right now. That is absolutely correct. The difference, obviously is that this bill would require by the state that the physician provide the information. It is voluntary versus mandatory, I think that is quite clear, too.

My concern with this bill and the reason I say it is unconstitutional is because it is my understanding the Supreme Court Decision in 1973 was in the first trimester, the decision to have an abortion is made between the woman and her doctor, and no state can prescribe or contain or mandate anything in that period of time. To me, it is quite clear that this bill applies to any abortion at any time and therefore it is unconstitutional. I would hope that you would not pass this lawyer's relief act, because that is all it is.

The SPEAKER: The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker Men and Women of the House: I don't usually get involved in the debates over the issue of abortions. It, to me, is a very personal issue and I think that it is one that I am not sure this legislature should be dealing with. However, these bills are here before us and I guess I feel more strongly about this bill than I do at least the other two that are coming out of committee.

I am not a lawyer and I am not particularly concerned in this instance on the Supreme Court decision, but I am concerned with the legislature involving themselves in what is to be or what is a medical decision. I have very great problems with this legislature deciding that they have the right to come between a doctor and a patient in mandating a 48 hour waiting period for any kind of action or any kind of medical treatment that the doctor and the patient has agreed that they want to take. I can say that, and I think that probably anybody who was here when I was on Health and Institu-

tions — I say that not as a great friend of the medical profession.

If you want to take a very close look at this bill, this bill is going to be no problem for those individuals who have their own private doctors and they can afford to pay for those private doctors and they can afford to — they are regular practitioners — and have the abortions at that time. The type of people that this bill is aimed at, and one of the previous speakers actually said it, if for those individuals who have to go to the clinics. The people in the rural areas who are not able to get abortions locally, who have to travel great distance and who go to clinics are going to wait for 48 hours before they are able to receive that kind of treatment. It is, as far as I am concerned, a bill that is very clearly going to discriminate against one class of women, and that is low income women.

The other problem that I having the bill is in Section D, and what we are talking about there is a medical doctor, a medical professional having to give information, economic information, social information. We don't ask our doctors to give information that they might — that **another alternative to treatment is if they go to a chiropractor.**

We don't ask our medical professions if they give economic information that they might be able to get lower fees if they go to a rural health center. We don't ask our doctors to provide on demand from the patient a list of all other doctors in the area. It is not an issue of choice. If I really felt as though the people on the other side were presenting this bill because it was a pro choice bill, then I guess I would ask why they haven't included in there that all the other and private and public information agencies which are anti-abortion have demanded that they give to their clients information of the alternatives of abortions that are available to them. It is not pro choice, it is interfering between the medical decision between a doctor and his patient, it is very clearly geared to low-income women.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: Being poor is no excuse for abortion and being rich is no excuse to commit murder. I certainly take exception to people saying that this legislature is not interested in the legality of what we do, because that is our first concern, that is what is before us today.

I should think that a woman would be proud and honored to have the facts laid before her as to what choice she might make, whether it could be harmful or not, instead of going to a butcher. That is what we are talking about. I should think a woman would want to know those facts. Women don't know too much about abortions. I challenge any women in this House to tell me — I have got a four-page report on abortion. I think I can tell you women some things that you would be shocked about if you knew what a true abortion was, but I am not going into that this morning. I think this is probably one of the best bills for the protection of a woman that this House will ever see to give her the understanding and the medical knowledge that she is entitled to know.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: It certainly gets to be a very emotional issue, and I agree with Mrs. Post that it is a very personal matter which is being made very public. I think that women know a lot about pregnancies and possibly some know a lot about abortions, Mr. Laffin.

I do think there is one thing that needs to be said before I get to the reason why I got up. There has been a lot of rhetoric about pro life, pro abortion, pro choice. I think we ought to keep in mind that a lot of people who support the right to choose do not necessarily condone abortions. They, themselves, might not ever

even be able to have an abortion. A lot of us have never been faced with that decision, maybe some of us in here have.

But we still respect the right of every woman to make that decision for herself. That decision is between her and her doctor.

I do have a question that perhaps someone on the Judiciary Committee could answer for me. Are there any other instances of a medical procedure or a medical surgery that require written consent or that require a 48-hour waiting period? Secondly, if this should ever pass, this apparently applies to women who are no longer minors, women who are adults, and they have to be told that they have to wait 48 hours to have an abortion if they are an adult and so desire to have one?

The SPEAKER: The gentlewoman from South Portland, Ms. Benoit, has posed a question through the Chair to any member of the Judiciary Committee who may care to answer.

The Chair recognizes the gentleman from Lewiston, Mr. Simon.

Mr. SIMON: Mr. Speaker, Ladies and Gentlemen of the House: I do not mean to wear out the House with the sound of my voice but since no one else has risen, I will.

There is a section in the Maine Revised Statutes Annotated that establishes civil liability, a right of action by a patient against a physician if he or she does not obtain informed consent to an operation or analogous procedure. This does not create an affirmative duty on the part of the physician to obtain that, the written informed consent; however, most reputable physicians seek this whenever they are doing the medical procedure that would be equivalent to an abortion in terms of manipulating a person's body.

With respect to the 48 hour waiting period, to the best of my knowledge and belief, there is no analogous requirement in the Maine Revised Statutes. And I would simply come back to the principle that the Supreme Court has upheld that the simple answer to the argument that is similar requirements are not imposed for other medical procedures is that such procedures do not involve the termination of a potential human life.

This illustrates that although the state does not have a right to proscribe abortions before viability, the state does not cease to have a regulatory interest in those decisions before viability. The state may treat them differently and this has been well established by the Supreme Court.

If you don't believe that this bill is good public policy, you have nothing to do but vote against it. I address myself, as I have throughout the abortion debate and will continue, principally to the constitutional issues, because I was assigned to do so by the Chairman of the Judiciary Committee from the other body.

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

Mr. BARRY: Mr. Speaker, Ladies and Gentlemen of the House: We are not here today to debate the pros and cons of the abortion issue. Due to the Supreme Court's Decision in 1973 nullifying all state abortion laws, abortion on demand has been legal for the past six years. It has now become obviously imperative that states pass regulatory laws for the protection of women who seek abortions.

Nothing expresses this need more tragically than the recent abortion clinic expose in Chicago. The Chicago Sun Times and the Better Government Association, after a 5-month in-depth investigation, revealed the following:

12 deaths following legal abortions in Chicago clinics.

Dozens of abortions performed on women who were not pregnant.

Massive infections and other complications so severe that all the reproductive organs of the women involved had to be removed.

Unsterile conditions and incompetent doctors.

Doctors who raced to perform abortions in an excruciating 2 minutes, not even waiting until the anesthetic took effect.

Falsified records and reports.

It should be noted that the results of the investigation were not printed by a right-to-life group but in 48 pages of continuous reporting by the Chicago Sun Times. The issue of abortion regulation must be addressed.

As noted by the Illinois delegation calling for a congressional investigation into the Chicago situation, "These problems are not limited to Chicago or the State of Illinois."

From the Presque Isle teenager who wept after learning about fetal development because no one told her "it was a real baby" before her abortion, to the young Lewiston mother of two who suffered severe physical complications and psychological depression following her abortion, women in Maine are entering into abortions totally uninformed.

I view L. D. 1482 as a consumer protection bill. This is the time for pro-life and pro-abortion forces to band together for the passage of legislation for the protection of Maine women. Surely those who favor the pro-choice philosophy would want the woman to have the right to a truly informed consent.

The need for a short waiting period prior to an abortion has been documented in a study done at Yale University School of Medicine and reviewed in the Obstetrics and Gynecology Survey. The report stated:

"It is significant that 5 to 6 per cent of patients who apply for abortion re-think their preliminary decision and go ahead to have their babies. . . It is probably a good thing that several days elapse between the original counseling session which ends in acceptance of elective termination of pregnancy by the patient and the actual performance of the procedure. During this time, unresolved reservations can be contemplated. It seems to be that with a few days of reflection, a patient can be more certain in her mind about what is best for her. The other course is that of immediate action. This can lead to many regrets."

The vast majority of people know very little about fetal development. Knowledge of this development by a pregnant woman can have a decisive influence on her decision to abort or to carry her pregnancy to term. A study was done in Hungary at the University Medical School, on 327 women about to undergo abortions. One hour before their first trimester abortions, they were allowed to hear the heartbeat of the babies. Fifty-two of the women changed their minds completely, refused the abortion, and decided to carry their pregnancy to term.

The young teenage girl who finds herself with an unwanted pregnancy is particularly susceptible to this lack of knowledge. She has often heard of abortion as a "termination of pregnancy" or "menstrual extraction." The unborn child has been referred to as the "product of conception" or "a piece of tissue." She is left totally in the dark as to the humanity of the child she is carrying and all too often suffers the consequences of learning about fetal development after the abortion has taken place.

Informed consent is encouraged and recognized in all areas of consumer protection, and the Supreme Court has already ruled favorably on the issue of informed consent prior to an abortion. I urge you to put aside the pros and cons of the abortion issue itself and vote in favor of L. D. 1482 for the protection of Maine women and children.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I have nothing against informed consent. I myself, have had ten surgical procedures, none of them abortions, and every time I have had informed consent. My doctor sat down and spoke to me, as any good physician would, as to what would happen if I had the operation and what would happen if I

did not have the operation — nothing against that. But here it states specifically you must have 48 hours prior to her consent, you need some time. Now, if we are talking about viability and that is such a delicate area, how do we know within those 48 hours that time of viability has already passed?

Second of all, in most surgical procedures it takes a few days just to get the room in the hospital and then the operating room, so there is never any problem with that, you always have to wait a little longer.

I think that we just have to look at this and also it talks here about the doctor, he or she shall further certify in writing the pregnant woman's age based upon proof of age offered by her. I have never had to go to a doctor's office with my birth certificate. So, I don't know how long it takes to get a doctor's appointment where you live, it takes a long time where I come from. If you go to a doctor's office and not bring your birth certificate, then you have to go back home and bring it back to the doctor. Look, this is sheer harassment. Let's call a spade a spade.

We have informed consent in all surgical procedures, as far as I know, you are just putting this into the books is sheer harassment for the woman and for the doctor.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I have a question which I would like to direct to anyone who might care to answer. This is in regard to this certification that the physician makes in writing. Who is the physician going to certify to? Is this a certificate that has to be filed with someone? It seems rather vague about who is going to certify them.

The SPEAKER: The gentleman from Brewer, Mr. Cox, poses a question through the Chair to any member who cares to answer.

The Chair recognizes the gentlewoman from Newcastle, Mrs. Sewall.

Mrs. SEWALL: Mr. Speaker and Members of the House: In reply to Mr. Cox, that is a very good question.

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 gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I know you are annoyed with us, but I do have another very specific problem with this bill and that is subsection 2 under 1597. In order to insure that the consent for an abortion is truly informed consent, the attending physician shall inform the woman in a manner which in his professional judgment, is not misleading and which will be understood by the patient of at least the following — and a list. I submit that this is unenforceable. Who is to say that the doctor actually sits down and informs the woman in these various categories unless a nurse comes in as a witness?

Now, I am not a lawyer, I have never served on a jury, but a doctor has a confidential relationship with his patients. This privacy, this right to privacy has been upheld in Supreme Court decisions dealing with abortions. So if the nurse comes in, there is a privacy there so that she can later serve as a witness in a trial perhaps? This is ridiculous, it's fuzzy, it's just ridiculous.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Simon, who may answer the question posed by the gen-

tleman from Brewer, Mr. Cox.

Mr. SIMON: Mr. Speaker and Members of the House: The physician would keep the certification form in his files and that would be the proof that the gentlelady from Cape Elizabeth requires.

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

Mr. MORTON: Mr. Speaker, I would like to reply to the rather lengthy remarks of the gentleman from Fort Kent, Mr. Barry. One of the remarks he made was that the abortion on demand has been legal since 1973, and that is an incorrect statement. It is not abortion on demand, because the woman must consult with her physician, and the physician must agree to the procedure. That is not abortion on demand.

It is very interesting that the gentleman quoted a great many statistics, and would think that we would all agree in this House that statistics can be derived to prove many things. And what happened illegally in Chicago, what happened in Hungary, is very interesting information, but I think information a little bit closer to home is perhaps more pertinent.

I have in my hands a piece that appeared in the New England Journal of Medicine and it is reproduced with permission from the New England Journal, from Volume 298, No. 26, June 29, 1978, Pages 1474 and 1477. This deals perhaps primarily with the subject of the bill we had before Appropriations yesterday, but I would like to lift something from it because these are statistics.

The gentleman's remarks would imply that there are tremendous risks involved in abortion, and I am sure there are risks. I don't know if I would characterize them as tremendous, but I would quote from this report on Page 1475, that mortality in pregnancy and childbirth is greater than that of legal abortion regardless of maternal age or race.

It goes on—delay is, in obtaining legal abortion, occurring while a woman attempts to raise money or convince two physicians she will suffer long-lasting physical health damage by carrying her pregnancy to term and mean exposure to the increased risk of death associated with advancing gestational age. And it goes on to cite the table. The point here, ladies and gentlemen, is that statistically in the United States, in 100,000 cases in 1972 and 1974, as reported by Dr. Lawrence R. Berger at the University of Washington and reproduced here in the New England Journal of Medicine, statistically you can prove that carrying of a pregnancy to term, the mortality is greater than in legal abortion procedures that have been performed in this country.

Those are statistics. You can use them or not as you can see fit, but it is a statistic applying to this country. So I think it is important we have those things to consider along with the rather sensational information that is sometimes disseminated.

I would like to get back for a moment to the gentleman from Lewiston, Mr. Simon, in some of his very earliest remarks in the debate this afternoon. The gentleman has said that it is his responsibility to be informing us in connection with the constitutional matters in this particular debate, and he likes to cite Planned Parenthood in Missouri vs. Danforth, and I have it in my hands. You will note that this amendment calls for the physician to take some action and to obtain a certificate prior to the performance of the operation. I would just read here from the decision where it says "the woman is the one primarily concerned and her awareness of the decision and its significance may be assured constitutionally by the state to the extent of requiring her prior written consent." That is all it says. It has nothing about any other information.

I submit that the standard that the gentleman discussed, which was the standard of undue burden, is breached by this amendment.

I would further call your attention, and I am

sure he has read it, to the footnote that follows that. "The appellant's vagueness argument centers on the word 'informed'. One might well wonder off hand just what informed consent of a patient is."

The three Missouri judges who composed the three-judge district court, however, were not concerned, and we are content to accept as the meaning "the giving of information to the patient as to just what would be done and as to its consequences. To ascribe more meaning than this might well confine the attending physician in an undesired and uncomfortable straight-jacket in the practice of his profession." Those, ladies and gentlemen, are quoted from this U.S. Supreme Court Report. The gentleman neglected to read them to you, but there they are.

I feel as though this bill goes much too far.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Westbrook, Mr. Carrier, that Report "A" be accepted in concurrence. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Austin, Barry, Berube, Birt, Blodgett, Boudreau, Brodeur, Brown, K.C.; Bunker, Call, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Cloutier, Cox, Cunningham, Curtis, Damren, Diamond, Dutremble, L.; Elias, Fillmore, Fowlie, Gavett, Gillis, Gould, Hanson, Hickey, Hunter, Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, Laffin, Lancaster, LaPlante, Leighton, Lewis, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Maxwell, McHenry, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson, N.; Paradis, Paul, Payne, Pearson, Peterson, Prescott, Rolde, Rollins, Sherburne, Silsby, Simon, Soulas, Stetson, Strout, Studley, Theriault, Tierney, Torrey, Tuttle, Violette, Wentworth, Wood, Wyman, The Speaker

NAY — Aloupis, Bachrach, Baker, Beaulieu, Benoit, Berry, Bordaue, Bowden, Brannigan, Brenerman, Brown, K.L.; Conary, Connolly, Davies, Davis, Dellert, Doukas, Dow, Drinkwater, Dudley, Fenlason, Garsoe, Gowen, Gwadosky, Hall, Higgins, Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Kiesenman, Leonard, Locke, Lowe, Lund, Masterman, Masterton, McKean, Morton, Nelson, A.; Nelson, M.; Peltier, Post, Reeves, J.; Reeves, P.; Sewall, Small, Sprowl, Stover, Tarbell, Tozier, Twitchell, Vincent, Vose

ABSENT — Brown, A.; Brown, D.; Dexter, Dutremble, D.; Gray, Hobbins, Jacques, E.; Lizotte, Lougee, Matthews, McPherson, Norris, Roope, Smith, Whittemore  
Yes, 80; No, 56; Absent, 15.

The SPEAKER: Eighty having voted in the affirmative and fifty-six in the negative, with fifteen being absent, the motion does prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (S-182) was read by the Clerk.

Senate Amendment "A" to Committee Amendment "A" (S-190) was read by the Clerk and adopted in concurrence.

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

The Bill was assigned for second reading tomorrow.

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

Bill, "An Act Concerning Arbitration Involving Municipal Fire and Police Departments" (H. P. 1191) (L. D. 1463) (C. "A" H-415)

Tabled—May 16, 1979 (Till Later Today) by Mrs. Mitchell of Vassalboro.

Pending—Passage to be Engrossed.

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

Mr. TUTTLE: Mr. Speaker, I move the rules be suspended for the purpose of reconsideration.

Whereupon, Mr. Tarbell of Bangor objected.

The SPEAKER: The Chair will order a vote.



All those in favor of the rules being suspended will vote yes; those opposed will vote no. This requires a two-thirds vote of all those present and voting.

A vote of the House was taken.

Whereupon, Mr. Tierney of Lisbon Falls 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 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 Sanford, Mr. Tuttle, that the rules be suspended for the purpose of reconsideration. This requires a two-thirds vote of all the members present and voting. All those desiring that the rules be suspended will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Blodgett, Brannigan, Brennerman, Brodeur, Brown, K.L.; Brown, K.C.; Carrier, Carroll, Chonko, Churchill, Cloutier, Connolly, Cox, Curtis, Davies, Delbert, Diamond, Doukas, Dow, Dutremble, L.; Elias, Fowlie, Gowen, Gwadosky, Hall, Hickey, Howe, Huber, Hughes, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kelleher, Laffin, Lancaster, LaPlante, Locke, Löwe, MacEachern, Mahany, Marshall, Martin, A.; Masterton, Maxwell, McHenry, McKean, McMahon, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Paradis, Paul, Payne, Pearson, Peltier, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Simon, Soulas, Theriault, Tierney, Tozier, Tuttle, Vincent, Vose, Wood, Wyman. The Speaker

NAY — Aloupis, Austin, Berry, Bordeaux, Boudreau, Bowden, Bunker, Call, Carter, D.; Carter, F.; Conary, Cunningham, Damren, Davis, Dexter, Drinkwater, Dudley, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Hanson, Higgins, Hunter, Hutchings, Immonen, Jackson, Kiesman, Leighton, Leonard, Lewis, Lund, MacBride, Masterman, Nelson, A.; Peterson, Rollins, Sewall, Sherburne, Small, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Torrey, Twitchell, Wentworth

ABSENT — Brown, A.; Brown, D.; Dutremble, D.; Gray, Hobbins, Kany, Lizotte, Lougee, Matthews, McPherson, Norris, Roope, Silsby, Smith, Violette, Whitemore

Yes, 84; No, 51; Absent, 16.

The SPEAKER: Eight-four having voted in the affirmative and fifty-one in the negative, with sixteen being absent, and eighty-four being less than two-thirds, the rules are not suspended.

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

Mr. GARSOE: Mr. Speaker and Members of the House: I would hope that we would not pass this bill to be engrossed today, and I would like to give you just a few reasons why.

When you stop to consider the affairs of your local municipality and the questions come up that are being answered in this bill, I would just like to call to your attention as to who should make the determination of the following questions: the lawful authority of the employer; the value of the services performed by the members of the bargaining unit to the citizens in a municipality; the financial ability of the unit of government to meet the proposed cost increases; I would just like to ask you, who do you think should be making these determinations?

If you think that your locally elected officials should be making these determinations, then I think you will vote no on the passage of this bill. If, on the other hand, you feel that there is someone who has been cloaked with infallibili-

ty, someone from outside the municipality, then you can, in good conscience, vote yes. But until you reach that decision, until you are convinced that there is a need on the part of unions to have someone such as this come in and make these determinations and impose upon your local municipality the cost items that have, up until now, been kept apart from binding arbitration, until you can reach that decision, I suggest that you can't vote to pass this piece of legislation.

When collective bargaining was brought in, very piously it was pointed out that wages, salaries, pensions and insurance were not subject to binding arbitration. That was for two very good reasons. One, of course, was to get the legislation on the books. The second was that it would have been flying in the face of common sense for them to have come in and expected in one lump sum, in one swoop, to remove from the elected officials of the municipalities such powers.

This is the process of erosion that is taking place here today. You are being asked, and since these people can't strike, certainly there should be binding arbitration, and just remember who the binding arbitration is going to be imposed on. It is going to be imposed on the people at the local level by non-elected individuals, by people just arbitrarily chosen as arbitrators, who are going to come in and make these determinations for you.

Another deadly section of this bill is that the only evidence the arbitrator can consider in arriving at this infallible decision is the evidence presented to that arbitrator in the hearing. So, again you are going to place the skill of your municipal officers, or whoever they have acting for them, on the line as the basis on which your citizens are going to be taxed. A bad day at the corral and you lose.

Also, in another section this bill says that the fact-finders report is now to suddenly float up as a revered document. Let me tell you, in the normal course of events, you sometimes insult an arbitrator by waving the fact-finding report in his face, they are usually so unconvincing.

This is placing some real restrictive iron bands on your locally elected municipal officials, and I just hope you will hear something here today that will convince you that you should take such an extreme step.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker and Members of the House: I rise this morning opposed to this L. D. I am opposed to it, as I am firmly convinced that the rights of citizens and their elected officials to establish the budget and tax rates must be foremost in our minds and our actions. The rights of labor in this issue must be shoved to one side.

Binding arbitration, when it comes to the wasting of the rights of voters to set local budgets and taxes, must be wiped out. Binding arbitration is and always will be a very expensive item and process. Once binding arbitration comes into an issue, there is far less bargaining and a great deal more arbitration and usually ends up with the taxpayer having to pay for the mistakes in the decisions of the third party.

An individual who has little interest or knowledge of local conditions, and usually couldn't care less, he is the one who will decide. The arbitrator will make his decision and it must serve his purpose and his purpose alone.

We are still in the midst of a hassle on the Maine State employees' pay bill, and we have had a prime example of how binding arbitration can split this body right down the middle. We, as members of the legislature, have refused to let go of our right to determine final action on monetary affairs by not allowing binding arbitration to step on or restrict our final action. Yet, with the passage of this bill, we will turn our backs on the people that we represent, our home folks, their rights to be

subordinated to the desires of a union. I cannot, in all conscience, support a bill that will deny my constituents the same rights that we so zealously protect here in the legislature.

Here in this august body we have heard time and time again the rhetoric that we as Representatives of the people, must be held responsible and accountable for our use of legislative powers. You know that we must be accountable to the people. Why, then, can we as the people's elected Representatives, deny the same people we represent the right to hold their elected local officials responsible and accountable? Why can we delegate these powers without responsibility and accountability over to arbitrators, not elected by the people, who are not accountable to the elected officials and with no continuing responsibility? If we can do this, is this legislature ready and willing to accept the same type of arbitration? I think not.

I urge you, ladies and gentlemen of the House, to deep six this insidious bill and allow the municipalities to run their own business and settle their own problems. They have been doing so for some time and they have been doing a very nice job. Please vote against this bill.

Mrs. Huber of Falmouth requested a roll call.

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

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

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

Mrs. HUBER: Mr. Speaker, Members of the House: A question through the Chair, if I may? Did the committee consider adding to this bill a provision for a referendum by the registered voters of the community involved? If they did, and rejected it, I would like to know why.

The SPEAKER: The Gentlewoman from Falmouth, Mrs. Huber, has posed a question through the Chair to any member of the Committee who may respond if they so desire.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: In response to the gentlelady's question, I would just say that, yes, we did consider that in committee and rejected that proposal because we felt that submitting arbitration, an arbitration proposal to the voters in an election, would be costly to the community, because unless you have required that, it seems to me that depending on when the contract came up you could very well be required to hold a special election rather than have the election held at a normal time. I think that was one consideration that the committee made.

I think it was also the feeling if we are going to support in principle as that I do, the concept of binding arbitration, then it ought to be binding arbitration and not advisory arbitration. Advisory arbitration would be something where the arbitrators would make a recommendation but it would have to be something that would have to be approved by the voters. That is not really binding arbitration; that is the second reason.

The third reason is that in our investigation, and we did some extensive investigation on this and there was extensive testimony at the hearing on these bills, both this bill and other bills concerning this subject, it was the consensus of those supporting binding arbitration that the referendum route was being used less and less by other states and communities. For those reasons, among others, we decided to reject that particular approach.

Also, while I am on my feet, I will just take a moment to respond to some of the remarks

that have been made. It seems that it is going to be very difficult for us to amend this bill in any fashion at this point, since objections have been raised to amending it.

I would say in response to some of those who have criticized this particular proposal, first of all, in response to the gentleman from Cumberland, Mr. Garsoe, who has stated repeatedly in his remarks that this proposal, would bind the community with a certain financial settlement, **to a contract to which they were not financially able to sustain. I would correct him because that is not what the bill does.**

The bill very clearly says that the panel of arbitrators that is involved in a particular situation must consider the community's financial ability to sustain any recommendation that the panel of arbitrators might be making. So, to say that they are going to make this recommendation with no consideration at all to the community's financial situation is an entirely erroneous conclusion to draw and an entirely erroneous remark to make on the floor of this House. It is simply not the case...

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe, and inquires for what purpose he arises?

Mr. GARSOE: A point of order? I don't appreciate the gentleman misstating what I have said and then belaboring me for it.

I asked this body who they wanted to make the determination of what a community could afford and he is misstating my position and I resent it.

The SPEAKER: The Chair would advise the gentleman from Cumberland, Mr. Garsoe, he will have the opportunity to respond to those remarks after the gentleman from Pittsfield, Mr. Wyman, is through and can correct him if there were in fact errors made at the time.

The gentleman may continue.

Mr. GARSOE: Mr. Speaker, it is my understanding and always has been that one of the reasons you interrupt another speaker is when he is making a misstatement.

The SPEAKER: Then the gentleman should have stated that he was rising on a point of information.

Mr. GARSOE: Thank you.

Mr. WYMAN: Mr. Speaker, I would apologize to the gentleman from Cumberland, Mr. Garsoe. My interpretation of his remarks is that he was certainly implying that that was the case. It was certainly not intended to question or misconstrue any of the remarks that he made, but I think the record will speak for itself.

I feel very strongly that the bill in its amended form — and the committee did consider several amendments and if you will notice the amendments, I think they put the bill in a much more acceptable form — makes this bill a very reasonable, very fair, very just solution. It may be just a partial solution, but it is moving in the direction of a solution to what is, by all accounts, by both people on labor side and people on management side, a very bad situation. There is just not the kind of ultimate resolution provisions that are in the private sector.

There was a feeling on the part of the committee and those who support binding arbitration that we need to have an ultimate resolution, an ultimate dispute mechanism, that will resolve the situation when the two parties find themselves in an irreconcilable position. This bill will do that. It will require that the only arbitrators will be Maine arbitrators, they may not be living in the community but they will be in the State of Maine. This bill has a sunset provision on it so that if it is not working, then it certainly is going to have to be reenacted by future legislatures. There is nothing permanent in this proposal. It is, I think, a very just and fair way of resolving a totally unacceptable situation.

I also think that the gentleman from Calais, Mr. Gillis, made some remarks about the per-

nicious quality of this bill, that is certainly not the case. This bill is fair, this bill is just, this bill will get at the problem that we are trying to get at and I hope you will support it.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker and Members of the House: I would like to speak on this bill since it is from the committee that I served on.

The big difference between binding arbitration in the public sector and the private sector is that in the private sector, if wages have been determined and the arbitration is binding and they are going to go up and if it is a company that manufactures something, then it will increase the cost of its product and pass that cost on to the consumer. If the consumer can't afford the product and the business cannot absorb this increased cost any other way, then the business will go under. If it can afford it, then it passes it on to the consumer, the price for that particular item is higher, but the company still stays in business.

However, in the public sector, the only way to go is to increase taxes or lay off people. In most cases, most people are adverse to laying off people, so we would increase taxes.

Mr. Wyman said that we must take into consideration the community's ability to pay. How many of you in your communities have found that your taxes have gone up and up and has it really been considered whether the community could afford that increase? Not in any town I have ever heard of do they stop to consider, can they afford the increase in taxes, they just assume that of course they can and they increase taxes. That is the only way to go with binding arbitration in the public sector, lay off people or increase taxes. So, if you do vote for this bill today, you are actually increasing the taxes in your local communities.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: The bill which is before us today was voted on by this body a couple of days ago and received a very favorable vote.

For those of you who probably know me from the 108th, you know that my voting record on labor was hardly — yes, you are right, it was terrible, but that didn't bother me. Coming from a labor town, I was reelected because I think I generally reflected the concerns of the working people.

I believe I would have opposed this bill in the 108th, but you know, the more consideration that I gave that, and that is what I ask of you today, folks, is to give this some consideration this is a one way street. The state is saying on one hand that is tying the hands of the individuals by saying you cannot strike and apparently in the eyes of the municipalities and the municipal officials, they are saying, well, the state doesn't allow you to strike but then they don't require us to bargain in good faith either. This is what this bill is all about.

It is a geared toward police and fire on the municipal level of government and I think if you have a cognizant — perhaps I won't use that word, if you have a genuine fear that this will result in higher taxes because of this bill's passage, there may be some truth to that, but consider the alternatives. Everything has gone up and I am losing track, and I am also upset with my leadership—I think I will sit down.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I think I will simply say that perhaps the reason Mr. Marshall is upset with Republican leadership is the same reason that I am, for not allowing the suspension of the rules. By sustaining the objection, you have prevented the placing of an amendment on this bill which would have allowed certainly me to vote for it and perhaps others as well. Without that amendment, the bill is now

less desirable than I would have liked to have seen it go out of here.

I think Mr. Marshall's frustration, and certainly mine, was at the tactic used, not necessarily at the goal. I think if you were going to pick a time to use this tactic, this was not the time to do it.

On motion of Mrs. Post of Owl's Head, the rules were suspended for the purpose of reconsideration.

On motion of Mr. Tuttle of Sanford, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-444) was read by the Clerk.

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

Mr. TARBELL: Mr. Speaker, I hope my requesting a full explanation of the amendment at this point in time is not viewed by people of this body as an unfair tactic, and I so request to the sponsor of the amendment.

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

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

Mr. TUTTLE: Mr. Speaker, Ladies and Gentlemen of the House: I will make this brief. Essentially what this amendment does, it attaches a \$100 fine to those collective bargaining units for going on strike. This puts the pressure on those collective bargaining units, those people in critical public service, not to go on strike but to negotiate in good faith and to reach a contract. This is the reason for this amendment.

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

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

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

Mr. GARSOE: Mr. Speaker, I move the indefinite postponement of this bill and all its accompanying papers.

Mr. Wyman of Pittsfield requested a roll call.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to thank the Republican leadership for their most recent decision not to oppose the request for suspending the rules, because now I think the outcome of this issue, however it goes, will have been reached in a correct manner.

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

Mrs. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: For what it is worth, I would just like the committee to know that, had the provision for a referendum been included, I could have voted for this bill. If somebody wants to reconsider that and perhaps consider tabling it for a day, that would be fine with me.

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

Mr. GARSOE: Mr. Speaker, in response to the gentleman from Kennebunk, Mr. McMahon, I don't know where he got the idea that the Republican leadership had engineered any activity that had offended him. I think if he recalled the signals that we discussed earlier in the session, he would realize that he was mistaken.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I hope that this debate has not generated into a partisan debate because I think it should be a bipartisan one.

I think Representative Gillis has said it much



more eloquently than I ever could. This bill, pure and simple, seems to me to take budget items out of the hands of duly elected local school boards and selectmen and puts it in the hands of unelected, outside people, who might be acting in diametric opposition to the majority of the citizens involved.

This is even worse than socialized flossing. I hope you will support the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I just want to say very briefly, that I am very proud of my leadership because they offered Mr. Tuttle the chance to come back and put the amendment on and obviously it is a good amendment, if we have to have the bill. I am not for the bill necessarily, as a matter of fact, I am very much against it, but at least the amendment is on it and it does clean it up a little bit.

I just want to bring to your attention that that same courtesy was not afforded me by the other corner awhile back on one of my bills, so you owe us one.

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

Mr. TUTTLE: Mr. Speaker, Ladies and Gentlemen of the House: As was said a few days ago, the reason why we need final best offer arbitration, not binding arbitration, is because under the present system the law is not doing its job. In my town, as well as many other towns, particularly in my town, the taxpayers are picking up the tab to the tune of \$60,000 and that is very important. Some towns, from doing a lot of research, as of last year picked up a tab of \$3.5 million. Arbitration, by final best offer, makes each side move to make a decision. It strongly encourages each side to negotiate, it saves money.

I do not know about the debate of the last session, but I do know that because a law was not enacted, because of this, a tremendous amount of money that might have been saved was not. Having been involved in collective bargaining as a fireman, having seen the collective bargaining process, all we are asking is to give this bill a chance as exists in 18 other states in the nation. This will be an important step in the right direction for the collective bargaining process in this state.

Over the long run, this bill will save money—I will reemphasize that. Don't vote on fear, vote for something that is going to work and vote for this bill.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: I am glad we are finally getting on the track and we are starting to talk about the bill instead of talking about each other.

I will just relate an experience. My last year on the city council, we went through a fact-finding, we went through trying to make a contract with our policemen, we had quite a time. And believe it or not, when it was all over, the fact-finding, the so-called collective bargaining, was in favor of the city, so it is a two-way street. It doesn't mean that collective bargaining is always going to be against the city. So, I feel that you should give this bill a lot of consideration and I, for one, will be voting for it.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker and Members of the House: I don't think there is anybody in this House who can question my record on labor.

Some of you are aware that I also serve on the local town council and have been for years, and this bill really troubles me, and I will tell you why very briefly.

Number one, if you look on Page 5 of the House Register, Section 22 of the Constitution, it reads: "No tax or duty shall be imposed without the consent of the people or their rep-

resentatives in the Legislature." This is one section that troubles me.

The other section is on Page 21, Article VIII, Part Second, Municipal Home Rule. Section 1 reads: "The inhabitants of any municipality shall have the power to alter and amend their charters on all matters not prohibited by Constitution or general law. . . ." I am wondering if we are not operating under double standards by enacting this bill.

I would hope that you would vote to indefinitely postpone 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 Wiscasset, Mr. Stetson.

Mr. STETSON: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Sanford, Mr. Tuttle, or to anybody else who may choose to answer. I would like to know if it would not be possible for the citizens of Sanford to adopt the provisions of this L. D. and make them applicable to the City of Sanford without imposing these same conditions on every other municipality in the State of Maine?

The SPEAKER: The gentleman from Wiscasset, Mr. Stetson, has posed a question through the Chair to the gentleman from Sanford, Mr. Tuttle, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. TUTTLE: Mr. Speaker, Ladies and Gentlemen of the House: No!

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

#### ROLL CALL

YEA—Aloupis, Austin, Barry, Birt, Bordeaux, Bowden, Brown, K. L.; Bunker, Carrier, Carter, D.; Carter, F.; Churchill, Conary, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Drinkwater, Dudley, Dutremble, L.; Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Hanson, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Joyce, Kany, Kiesman, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lowe, Lund, MacBride, Masterton, McPherson, Nelson, A.; Peltier, Peterson, Reeves, J.; Rollins, Sewall, Sherburne, Small, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Torrey, Tozier, Twitchell, Wentworth, Whittemore.

NAY—Bachrach, Baker, Beaulieu, Benoit, Berube, Blodgett, Boudreau, Brannigan, Brennerman, Brodeur, Brown, K.C.; Call, Carroll, Chonko, Cloutier, Connolly, Cox, Davies, Diamond, Doukas, Dow, Elias, Fowlie, Gray, Gwadosky, Hall, Hickey, Howe, Hughes, Jacques, E.; Jacques, P.; Jalbert, Kane, Kelleher, Laffin, Locke, MacEachern, Mahany, Marshall, Martin, A.; Maxwell, McMahon, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M., Nelson, N.; Paradis, Paul, Payne, Pearson, Post, Prescott, Reeves, P.; Rolde, Simon, Soulas, Theriault, Tierney, Tuttle, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT—Berry, Brown, A.; Brown, D.; Dubremble, D.; Gowen, Hobbins, Lizotte, Lougee, Masterman, Matthews, McKean, Norris, Roope, Silsby, Smith.

Yes, 67; No, 69; Absent, 15.

The SPEAKER: Sixty-seven having voted in the affirmative and sixty-nine in the negative, with fifteen being absent, the motion does not prevail.

Thereupon, the Bill was passed to be en-

grossed and sent up for concurrence.

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

Bill, "An Act to Provide a Grant to Community Health Services, Inc. for a Long-term Care Demonstration Project" (H. P. 1087) (L. D. 1343) (H. "A" H-421 to C. "A" H-390)

Tabled — May 16, 1979 (Till Later Today) by Mr. Kelleher of Bangor.

Pending — Passage to be Engrossed.

On motion of Mr. Tierney of Lisbon Falls, the rules were suspended for the purpose of reconsideration.

On motion of Mrs. Nelson of Portland, the House reconsidered its action whereby Committee Amendment "A" was adopted.

On motion of the same gentlewoman, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" to Committee Amendment "A" was adopted and on motion of the same gentlewoman, the Amendment was indefinitely postponed.

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

House Amendment "B" to Committee Amendment "A" (H-455) was read by the Clerk.

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

Mrs. NELSON: Mr. Speaker, basically I just wanted to say that I hope this amendment will address the concerns that those people had yesterday. It says that they will establish at least four pilot programs in both urban and rural areas of the state, that the eligibility standards would be set by the Commissioner of Human Services and that there be a report to the Committee on Health and Institutional Services following one year.

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

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

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

Mr. KELLEHER: Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed. The reason I am doing it, ladies and gentlemen, is that it does not satisfy my objections that were raised the other day. I think the bill is still earmarked for one community in Southern Maine, and I have the highest respect for that community and its members, but I don't believe that the State of Maine at this time can afford to spend \$100,000 on this program that Mrs. Nelson is asking us to spend it on.

Thereupon, on motion of Mr. Tierney of Lisbon Falls, tabled pending the motion of Mr. Kelleher of Bangor to indefinitely postpone and especially assigned for Monday, May 21.

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

Bill, "An Act to Extend the Period of Tax Abatement From One to 5 Years if the Abatement is Justified by an Admitted Error in Assessment Records of Procedure." (H. P. 1172) (L. D. 1432) — In House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-349) on May 9, 1979. — In Senate, Bill and Accompanying Papers Indefinitely Postponed.

Tabled — May 15, 1979 by Mr. McMahon of Kennebunk.

Pending — Further Consideration.

On motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending further consideration.

By unanimous consent, the Chair laid before the House the third tabled and today assigned matter:

Bill, "An Act to Provide a Special Restaurant Malt Liquor License in the Town of Georgetown" (S. P. 547) (L. D. 1614)

Tabled — May 15, 1979 by Mrs. Mitchell of Vassalboro.

Pending — Passage to be Engrossed.

On motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending passage to be engrossed.

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(Off Record Remarks)

On motion of Mr. Jalbert of Lewiston, adjourned until twelve o'clock noon tomorrow.

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