

# 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**

**INDEX**

**First Confirmation Session**

**August 3, 1979**

**INDEX**

**First Special Session**

**October 4-5, 1979**

**INDEX**

**Second Special Session**

**October 10-11, 1979**

**INDEX**

**Second Confirmation Session**

**December 7, 1979**

**INDEX**

STATE OF MAINE  
One Hundred and Ninth Legislature  
JOURNAL OF THE SENATE

May 14, 1979

The Senate called to order by the President.

Prayer by Pastor Jacky Willhoite, United Pentecostal Church of Augusta.

Pastor WILLHOITE: Father, we thank you for your kindness, we thank you for your love and tenderness and mercy, longsuffering and gentleness.

We recognize you as the chief lawmaker, you gave us your word. We ask you Lord that you would touch our hearts, and that we would adhere and be mindful of your laws above everything else. Your laws were made to serve, not to be a burden to us.

Jesus, wacy, longsuffering and gentleness.

Jesus, we ask you to move and touch in this group of men today, and ladies, speak to our hearts and our minds, make us mindful of righteousness, holiness, your ways. We do believe that your prides are in God, and that you will answer prayer. Therefore, we have confidence in talking to you, that you will speak to these people, and stir our hearts and move us in the direction of holiness, morality that would be pleasing to you.

Guide us we pray, touch our minds, touch our hearts, and our spirits. Give us the strength to do those things that you would have us to do, after you've shown them to us, and we'll be careful to praise you for it. In Jesus name, Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

Senator Katz of Kennebec, was granted unanimous consent to address the Senate, Off the Record.

Senator Conley of Cumberland, was granted unanimous consent to address the Senate, Off the Record.

On Motion by Senator Pierce of Kennebec, Recessed until the sound of the bell.

(Recess)

(After Recess)

The Senate called to order by the President.

**Papers from the House**  
**Non-concurrent Matter**

Bill, "An Act to Establish Assessments Upon Certain Public Utilities and to Authorize Use of the Funds Generated by Those Assessments to Pay Certain Expenses of the Public Utilities Commission." (H. P. 380) (L. D. 487)

In the House May 7, Passed to be Engrossed as amended by Committee Amendment "B" (H-322).

In the Senate May 9, Passed to be Engrossed as amended by Committee Amendment "A" (H-321), in non-concurrence.

Comes from the House, that Body having Insisted.

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

Senator DEVOE: Thank you, Mr. President. Mr. President, I move the Senate Adhere.

The PRESIDENT: The Senator from Penobscot, Senator Devoe, moves that the Senate Adhere.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I always like to start Monday morning off right. I'd move that the Senate Insist and Ask for a Committee of Conference.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that the Senate Insist and Ask for a Committee of Conference,

with the House.

The Chair will order a Division.

Will all those Senators in favor of the Motion to Insist and Ask for a Committee of Conference, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

11 Senators having voted in the affirmative, and 16 Senators in the negative, the Motion does not prevail.

Is it now the pleasure of the Senate to Adhere?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I'd move that the Senate Recede and Concur with the House.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves the Senate Recede and Concur.

The Chair will again order a Division.

Will all those Senators in favor of the Motion to Recede and Concur, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

12 Senators having voted in the affirmative, and 16 Senators in the negative, the Motion to Recede and Concur does not prevail.

Is it now the pleasure of the Senate to Adhere?

The Motion prevailed.

**Non-concurrent Matter**

Bill, "An Act to Require the Public Utilities Commission to Study the Safe and Proper Commissioning of Nuclear Generating Facilities in Maine." (H. P. 632) (L. D. 783)

In the House May 9, the Majority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-346).

In the Senate May 10, the Minority Ought Not to Pass Report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Adhered.

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

Senator DEVOE: Thank you, Mr. President. Mr. President, I'd move that the Senate Adhere.

The PRESIDENT: The Senator from Penobscot, Senator Devoe, moves the Senate Adhere.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I move the Senate Recede and Concur.

The PRESIDENT: The Senator from Penobscot, Senator Pray, moves the Senate Recede and Concur.

The Chair will order a Division.

Will all those Senators in favor of the Motion to Recede and Concur, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President, I request a Roll Call.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is the Motion by the Senator from Penobscot, Senator Pray, that the Senate Recede and Concur, with the House.

A Yes vote will be in favor of the motion to Recede and Concur.

A No vote will be opposed.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

**ROLL CALL**

YEA—Carpenter, Chapman, Clark, Conley, Cote, Danton, Farley, Huber, Najarian, O'Leary, Perkins, Pray, Shute, Silverman, Sutton, Trafton, Usher.

NAY—Ault, Collins, Devoe, Emerson, Gill, Hichens, Katz, Lovell, McBreairty, Pierce, Redmond, Teague, Trotzky.

ABSENT—Martin, Minkowsky.

A Roll Call was had.

17 Senators having voted in the affirmative, and 13 Senators in the negative, and 2 Senators being absent, the Motion to Recede and Concur does prevail.

**Non-concurrent Matter**

Bill, "An Act to Clarify Inconsistencies in the Liquor Laws." (S. P. 436) (L. D. 1367)

In the Senate May 3, Passed to be Engrossed as amended by Senate Amendment "A" (S-138).

Comes from the House, Passed to be Engrossed as amended by Senate Amendment "A" and House Amendment "A" (H-395), in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I move that the Senate Recede and Concur with the House.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that the Senate Recede and Concur, with the House.

The Chair recognizes the Senator from York, Senator Danton.

Senator DANTON: Mr. President and Members of the Senate: I notice there's been an amendment added to this Bill, H-395, I would like to have the Chair look at that amendment, and rule on its germaneness to the bill.

On Motion by Senator Katz of Kennebec, Tabled until later in today's session, pending the motion by the Senator from Cumberland, Senator Conley.

The Senator from Cumberland, Senator Clark, was granted unanimous consent to address the Senate, Off the Record.

**Non-concurrent Matter**

Bill, "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)

In the Senate May 4, the Minority Ought Not to Pass Report Read and Accepted.

Comes from the House, the Majority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-137), in non-concurrence.

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

Senator MINKOWSKY: Mr. President, I now move the Senate Recede and Concur with the House.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The Motion Prevailed.

**Joint Orders**

Expressions of Legislative Sentiment recognizing that:

Mrs. Lillian Hill of Waterboro, a dedicated and beloved citizen of that community, recently celebrated the 85th anniversary of her birth... (H. P. 1385)

Roger Bondeson, son of Mrs. Janet Bondeson of Washburn, has been selected Salutatorian of 1979 graduating class of Washburn District High School... (H. P. 1389)

Jeff Allen, son of Mr. and Mrs. Murray Allen of Washburn, has been selected Valedictorian of the 1979 graduating class of Washburn Dis-

trict High School... (H. P. 1390)

Geraldine LeBlanc of Sanford, former Town Clerk and Tax Collector and presently Deputy Clerk of that community, has served with great dedication for the past 25 years... (H. P. 1391)

Come from the House, Read and Passed.  
Which were Read and Passed in concurrence.

#### Joint Resolution STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Seventy-nine

#### JOINT RESOLUTION RECOGNIZING INTERNATIONAL HUNGER PROJECT WEEK

WHEREAS, starvation is responsible for the deaths of more than 15 million people every year and some 21 children every minute; and

WHEREAS, there is a sufficient amount of food to feed the world's population and workable solutions to the problem of hunger do exist; and

WHEREAS, all citizens have an opportunity to assume some responsibility for solving the perennial world hunger problem; and

WHEREAS, the Hunger Project, an international nonprofit organization, is sponsoring International Hunger Project Week, May 13 through May 30, 1979, with appropriate ceremonies and activities; now, therefore, be it

RESOLVED: That we, the members of the 109th Legislature of the State of Maine, respectfully recognize the observance of International Hunger Project Week and encourage all citizens to commit themselves to the elimination of starvation in the world; and be it further

RESOLVED: That duly attested copies of this resolution be transmitted forthwith to the Honorable Jimmy Carter, President of the United States, to the Honorable Joseph Brennan, Governor of the State of Maine, to the President of the Senate and Speaker of the House of Representatives of the United States Congress and to the Hunger Project.

(H. P. 1388)

Come from the House, Read and Adopted.  
Which was Read and Adopted, in concurrence.

#### Communication SENATE CHAMBER President's Office

May 11, 1979

Honorable Roland Sutton  
Honorable Jasper Wyman  
Chairmen, Labor Committee  
State House  
Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating Cynthia A. Murray-Beliveau of Augusta to be a member on the State Personnel Board.

Pursuant to Title 5, MRSA, Section 591, this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,  
JOSEPH SEWALL  
President of the Senate  
JOHN MARTIN  
Speaker of the House  
(S. P. 548)

Which was Read and Referred to the Committee on Labor.

Sent down for concurrence.

#### Orders

Expressions of Legislative Sentiment recognizing that:

Carol Ludwig, a senior at Gardiner Area High School who received the second highest National Merit score recorded by a Maine student, has been named a finalist in both the National Merit and Presidential Scholar competitions... (S. P. 546) is presented by Senator Ault of Kennebec, cosponsored by Repre-

sentative Dellert of Gardiner.

Mr. and Mrs. Ralph Hutchins of Wells celebrate their 55th wedding anniversary on May 17th... (S. P. 551) is presented by Senator Hutchins of York, cosponsored by Representative Wentworth of Wells.

Which were Read and Passed.  
Sent down for concurrence.

#### Committee Reports House Leave to Withdraw

The Committee on Public Utilities on, Bill, "An Act to Provide for the Establishment of Water Levels on Impoundments Controlled by Beneficial Use Dams, to Provide for the Establishment of Water Level Rights by Eminent Domain, and to Provide for the Improved Clarification in Determining Abandoned Dam Ownership." (H. P. 868) (L. D. 1074)

Reported that the same be granted Leave to Withdraw.

Come from the House, the report Read and Accepted.

The Committee on Aging, Retirement and Veterans on, Bill, "An Act to Provide an Additional Retirement Fund for Public School Coaches." (H. P. 1072) (L. D. 1327)

Reported that the same be granted Leave to Withdraw.

Come from the House, the report Read and Accepted.

The Committee on State Government on, Bill, "An Act to Simplify and Clarify the Maine Administrative Procedure Act." (H. P. 177) (L. D. 224)

Reported that the same be granted Leave to Withdraw.

Come from the House, the report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act to Require Counselor Licensing and to Regulate the Practice of Counseling." (H. P. 971) (L. D. 1260)

Reported that the same be granted Leave to Withdraw.

Come from the House, the report Read and Accepted.

The Committee on State Government on, Bill, "An Act to Clarify the Conflict of Interest Statutes to Include Law Associates and Former Law Associates and to Include both Classified and Unclassified State Employees." (H. P. 1056) (L. D. 1307)

Reported that the same be granted Leave to Withdraw.

Come from the House, the report Read and Accepted.

The Committee on Marine Resources on, Bill, "An Act to Clarify the Scientific Research Authority of the Department of Marine Resources." (H. P. 1273) (L. D. 1477)

Reported that the same be granted Leave to Withdraw.

Come from the House, the report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act to Create a Pre-petition Settlement Phase in the Juvenile Justice System by Utilizing a Panel of Juvenile Peers." (H. P. 1241) (L. D. 1488)

Reported that the same be granted Leave to Withdraw.

Come from the House, the report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act Creating a Workers' Compensation Fund." (H. P. 689) (L. D. 908)

Reported that the same be granted Leave to Withdraw.

Come from the House, the report Read and Accepted.

The Committee on Transportation on, Bill, "An Act Making an Additional Allocation from the General Highway Fund to the Ski Access Roads Account to Improve the Approach Road to Evergreen Valley." (H. P. 574) (L. D. 722)

Reported that the same be granted Leave to

Withdraw.

Come from the House, the report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act Concerning the Physical Therapists Statutes." (H. P. 386) (L. D. 521)

Reported that the same be granted Leave to Withdraw.

Come from the House, the report Read and Accepted.

Which reports were Read and Accepted, in concurrence.

#### Ought to Pass

The Committee on Election Laws on, Bill, "An Act to Improve Election Laws and to Make Equal Application of Legal Requirements for Independents, Democrats, and Republicans in all Respects." (H. P. 898) (L. D. 1136)

Reported that the same Ought to Pass.

Come from the House, the Bill Passed to be Engrossed.

Which Report was Read.

Come from the House, the Bill Passed to be Engrossed.

On Motion by Senator Katz of Kennebec, Tabled 2 Legislative Days, pending acceptance of the Committee Report.

The Committee on Public Utilities on, Bill, "An Act to Extend until July 1, 1980, the Date for the Newport Water District to Purchase the Property of the Maine Water Company." (H. P. 1334) (L. D. 1581)

Reported that the same Ought to Pass.

Come from the House, the Bill Passed to be Engrossed.

The Committee on Judiciary on, Bill, "An Act Relating to Revisions of the Adoption Law." (H. P. 242) (L. D. 287)

Reported that the same Ought to Pass.

Come from the House, the Bill Passed to be Engrossed.

The Committee on Taxation on, Bill, "An Act to Amend Certain Property Tax Exemptions and to Require Continuing Periodic Review of Tax Exemptions." (H. P. 768) (L. D. 855)

Reported that the same Ought to Pass.

Come from the House, the Bill Passed to be Engrossed.

The Committee on Judiciary on, Bill, "An Act to Ensure Firefighters may use a Reasonable Degree of Nondeadly Force to Carry out Their Firefighting Duties." (H. P. 815) (L. D. 1017)

Reported that the same Ought to Pass.

Come from the House, the Bill Passed to be Engrossed.

Which Reports were Read and Accepted, in concurrence, and the Bills Read Once and Tomorrow Assigned for Second Reading.

#### Ought to Pass — As Amended

The Committee on Judiciary on, Bill, "An Act Concerning Writ of Possession." (H. P. 669) (L. D. 829)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 379).

Come from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Education on, Bill, "An Act to Exempt Teacher Certification Records from the Freedom of Access Statutes." (H. P. 953) (L. D. 1186)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 378).

Come from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Reports were Read and Accepted, in concurrence, and the Bills Read Once. Committee Amendments "A" were Read and Adopted, in concurrence, and the Bills, as amended, Tomorrow Assigned for Second

Reading.

The Committee on Judiciary on, Bill, "An Act to Clarify Certain Provisions Relating to the Statistical Reporting of Abortions." (H. P. 545) (L. D. 676)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-339).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Report was Read and Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" Read and Adopted, in concurrence. The Bill, as amended Tomorrow Assigned for Second Reading.

#### Ought to Pass in New Draft

The Committee on State Government on, Bill, "An Act to Increase the Salaries of the Workers' Compensation Commissioners." (H. P. 756) (L. D. 938)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Provide for Full-time Workers' Compensation Commissioners and to Organize the Administration of the Commission" (H. P. 1379) (L. D. 1604)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed.

Which Report was Read and Accepted, in concurrence, and the Bill, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act Concerning Part-time Licenses under the Liquor Statutes." (H. P. 1215) (L. D. 1494)

Reported that the same Ought Not to Pass.

Signed:

Sensor:

COTE of Androscoggin

Representatives:

DUDLEY of Enfield  
McSWEENEY of Old Orchard Beach  
DELLERT of Gardiner  
STOVER of West Bath  
CALL of Lewiston  
VIOLETTE of Van Buren  
MAXWELL of Jay  
SOULAS of Bangor  
BROWN of Gorham  
GAVETT of Orono

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "A" (H-374).

Signed:

Sensors:

SHUTE of Waldo  
FARLEY of York

Comes from the House, the Majority Report Read and Accepted.

Which Reports were Read.

On Motion by Senator Farley of York, the Minority Ought to Pass, as amended, Report of the Committee, Accepted in non-concurrence, and the Bill Read Once. Committee Amendment "A" Read and Adopted, in non-concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Education on, Bill, "An Act to Increase the Initial Local Share of School Construction Projects." (H. P. 695) (L. D. 873)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

TROTZKY of Penobscot  
MINKOWSKY of Androscoggin

Representatives:

LOCKE of Sebec  
CONNOLLY of Portland  
ROLDE of York

GOWEN of Standish  
BEAULIEU of Portland

Comes from the House, the Majority Report Read and Accepted.

Which Reports were Read.

On Motion by Senator Trotzky of Penobscot, the Majority Ought Not to Pass, Report of the Committee, Accepted, in concurrence.

#### Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act to Eliminate the Boards of Visitors within the Department of Mental Health and Corrections." (H. P. 1143) (L. D. 1405)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-366).

Signed:

Representatives:

PRESCOTT of Hampden  
BRENERMAN of Portland  
PAYNE of Portland  
MATTHEWS of Caribou  
NORRIS of Brewer  
BRODEUR of Auburn  
MacBRIDE of Presque Isle  
CURTIS of Milbridge  
CLOUTIER of South Portland

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "B" (H-367).

Signed:

Sensors:

GILL of Cumberland  
HICHENS of York

Comes from the House, the Majority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Gill.

Sensor GILL: Mr. President, I would move Adoption of the Minority Ought to Pass Report, and I'd like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Sensor GILL: This bill was brought before us, because we have now set up a Board of Visitors in institutions through the State. The Governor has never seen fit to nominate people to these Boards of Visitors, and I felt that the piece of Legislation in the statutes was unnecessary and should be removed. The only Board of Visitors that is functioning, that they'd like to function is the Board of Visitors connected with the Baxter School for the Deaf.

This bill that I am in favor of would allow Baxter School for the Deaf to have their Board of Visitors. The amendment as stated, Amendment "B", House Paper 367, all it does, is it takes the reporting away from the Health and Institutional Committee, and where the Baxter School of the Deaf under the Education of Committee, it gives the reporting to the Education Committee instead.

The Board of Visitors of the Institutions have not been active recently, and their function has been largely supplanted by the Governor's Advisory Committee for each of the Bureaus in the Department, accordingly the Board of Visitors is no longer needed.

We now have many volunteer groups serving the institutions and being watch dogs, which is what the Board of Visitors was supposed to be. We have the Maine Association for the Retarded Citizens, we have the Pineland Parents of Friends, who have been very instrumental in changing Legislation and upgrading the conditions at Pineland. We have Advocates for the Developmentally Disabled, which is a volunteer group. We have the Levinson Center Parents Association. We have the Bangor Mental Health Volunteer Advisory Committee. We have a Mental Planning Task Force. We have an Inmate Advisory Committee. We have a Governor's Mental Health Advisory Commit-

tee. We have many groups that are acting as watch dogs for the institutions.

They act, in this way, because they have a vested interest, there are people who are part of their families, or who they are involved with and they want to see that they get the best care possible.

So we'd like to have this bill, as written, go through with that one amendment that will allow the reporting back to the Committee on Education as far as the Baxter School for the Deaf is concerned. There is an active Board of Visitors there at the Baxter School for the Deaf now. Under this bill, if this bill becomes law, the Department of Education and Cultural Services would promulgate the regulations and guidelines relating to the composition of the Board, and the authority for nominating the members and officers.

We submit that all-board recommendations should be sent to the Department of Education there. It's just a housekeeping bill. We'd like to see the bill passed.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Sensor CARPENTER: Mr. President, I would oppose the pending motion. I didn't get to sign the bill, because I was away for the day, but I prefer Ought to Pass, as amended, by Committee Amendment "A" (H-366).

What the Amendment 366 and the Majority Ought to Pass, Report would do, would be to clean up and standardize some of these Boards of Visitors, set up a staggered system of terms for the individual people on the Board of Visitors, and equalize membership on all the Boards of Visitors to 7 years, and require that the various Boards of Visitors who I think serve a very definite function, require them to report back to the Committee on Education, as to their functions for the previous year.

As the good Senator from Cumberland, Senator Gill, has said, the previous Governor, didn't see fit to make appointments to the various Boards of Visitors. But I think they are a very important part, a very important watchdog system that we have set up over our various institutions. If we allow the other organizations, which were listed just a moment ago, to take their place, basically, these are volunteer organizations, with a vested interest. In other words, they have children, they have friends, they have concerns at this particular time, and there is a great turnover in these Boards. They don't have a Legislative mandate, they don't have the blessing of the Legislature, in some cases. Some of them do, the Governor's Committee obviously have a State blessing, if you will. But I think it's important that we standardize and set up these Boards of Visitors to actually go into the institutions and watch over.

The Majority Report would also allow Legislators to serve on these various Boards of Visitors. I think personally I have no problem with that, I think that would be a healthy situation to be into. I would oppose the pending motion, and hope that we could Accept the Majority Ought to Pass Report.

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

Sensor HICHENS: Mr. President, for the benefit of those who are not familiar with the Boards of Visitors, I'd like to give a brief history, as to how they came about, and what has been accomplished, since they were designated into law.

In 1954, a law was passed stating that, "The Governor may appoint a Board of Visitors to various institutions throughout the State of Maine." Up to 1971, no Governor had ever seen fit to appoint these Boards. In 1971 the word "may" was changed to "shall". Then Governor Curtis appointed Boards of Visitors for these institutions.

Of the several Boards appointed, only 2 are active and reported to the Commission of Mental Health and Corrections. It was discov-

ered that the Commissioner was using one of these boards to assist him in circumventing recommendations and Legislation acted upon on the Legislative Health and Institutional Services Committee. In order that the Institutional Services Committee be aware of Advisory Committee's recommendations, the law was changed requiring the Board of Visitors to send copies of all reports to the Committee rather than have the Board be eliminated as the submitted bill read.

Since 1973, only 5 copies of reports were received by the Committee of Health and Institutional Services, from the Stevens School Advisory Board, which has since been eliminated, due to closing of the facility.

In 1975 the Governor's Select Committee on Corrections included in the recommendations that the Board of Visitors be abolished. It had no useful function. Rather than present a bill addressing the one board, the sponsor included all the Boards of Visitors, and the bill was defeated.

Governor Longley did not appoint any members to the Board during his term of office, and all former members' terms had expired so there have been no active boards since 1976, when several statutory Advisory Committees of volunteer groups as listed by the good Senator from Cumberland, now in existence, I do not feel that these Boards of Visitors are now needed.

The good Senator from Aroostook mentioned the fact that they would serve for 7 years, I think he meant the Boards would have 7 members. I did not grab the amendment, but I do not believe that any Legislators are included in those Boards of Visitors. We discussed that in the Committee, and it was made very emphatic that they did not want Legislators on those Boards of Visitors.

I think for the good of the State of Maine with all these Advisory and volunteer groups that to eliminate the Boards of Visitors would be in the best interest of our State.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the Motion to Accept the Minority Ought to Pass, as amended, Report of the Committee, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places, to be counted.

16 Senators having voted in the affirmative, and 10 Senators in the negative, the Motion to Accept the Minority Ought to Pass, as amended, Report of the Committee in non-concurrence does prevail.

The Bill Read Once.

Committee Amendment "B" Read and Adopted, in non-concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act Pertaining to the Motor Vehicles Passing Stopped School Buses." (H. P. 1041) (L. D. 1278)

Reported that the same Ought Not to Pass.

Signed:

Senators:

USHER of Cumberland  
O'LEARY of Oxford

Representatives:

JACQUES of Lewiston  
HUNTER of Benton  
HUTCHINGS of Lincolnville  
McKEAN of Limestone  
McPHERSON of Eliot  
STROUT of Corinth

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Senator:

EMERSON of Penobscot

Representatives:

BROWN of Mexico  
LOUGEE of Island Falls  
ELIAS of Madison  
CARROLL of Limerick

Comes from the House, the Minority Report Read and Accepted and the Bill Passed to be Engrossed as amended by House Amendment "A" (H-368).

Which Reports were Read.

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

Senator EMERSON: I move we accept the Minority Ought to Pass Report.

The PRESIDENT: The Senator from Penobscot, Senator Emerson, moves that the Senate accept the Minority Ought to Pass, Report of the Committee.

The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President, the bill that is before us now is really House Amendment "A" under Filing Number H-368.

The original bill called for just the operator of a bus to give the officers the vehicle registration number. There was an opportunity, we'll say the license plate number was 200-989, and he made a mistake and called it 200-898, something such as this. You're going to lose your license and your right to operate, and they're going to take your plates, for a certain period of time.

Now if you look at this amendment, it's not quite as bad as the original bill. But I do find problems with it, in summons, your suspension, which is for a period of 3 months. Then under Section 4, Unlawful Possession, I have a problem with this because say, in my own family I have 3 vehicles, and there is 3 of us in the house, all of us with operator licenses. I have a truck, 2 cars, and if I were using my truck, my wife was off to work with the car, and the boy was at home alone, and he used my other car. He passed one of these stopped school buses, and the vehicle registration number was taken and it was the correct one, and my boy denied it to me, I would be without an operator's license. My vehicle would be taken off the road and such. I have a problem with this. I don't think this is in our best interest. I'm in opposition to the Ought To Pass Report, and hope you will then vote to go with the Ought Not To Pass Report.

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

Senator EMERSON: This is an attempt to place the responsibility on some one for passing a stopped school bus. As the law is currently if you pass a stopped school bus, the driver of the bus or somebody has to identify the driver. Under this law he would get the license number, and then the burden would be on the person to whom the vehicle was registered to find out who the driver was. I believe that this is an attempt to save lives and I think that we ought to pass this Bill.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate: I commend the good Senator from Penobscot, Senator Emerson, for his remarks. I think that every member of this body is interested in saving lives, but as I read the first section of the Bill, under Suspension. "If the identity of the operator alleged to be in violation of Section 2019, sub-section 2, cannot be determined the registration of the vehicle shall be suspended, after a hearing and finding by the district court for a period of not less than 3 months and not more than 1 year."

As I read this Committee Amendment each of the sub-sections of the Bill, starts off with if, which leads me to believe that it is a very very if'y Bill. Although as I stated earlier, I commend the Senator from Penobscot, for his intentions I think that the legislation itself has a lot to be desired. It really leaves too much hanging up in the air, therefore I am going to

join the remarks by the Senator from Oxford, Senator O'Leary in the Indefinite Postponement.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Silverman.

Senator SILVERMAN: Mr. President and Members of the Senate: I know that in my area, and I think also, in many of your areas, that a bus driver of a school bus carrying school children, can stop put out his stop signs and his red lights. Then all of a sudden out of nowhere, an innocent child is crossing the street and some driver goes right by, it is just fortunate that there isn't a fatal accident.

Now I think that this body could be responsible enough to come up with a law that could protect those children, from someone who has violated a school bus stop, and goes by them. It is very easy to say that this Bill is not exactly correct, if it isn't correct, then pass it and amend it to be a correct Bill.

I know that I have had school bus drivers in my area who time and time again, reported a license number that passed their school bus when it was stopped letting out children. Time and time again the State Police have said that there is nothing that we can do about it, unless you can identify the driver. Now what bus driver, who is watching children get off the bus, who has the many problems of seeing to the safety within this own bus can personally, out of no where, see a car that has illegally passed that bus and recognize the driver. The present law is a farce.

The only way that it is going to be corrected, to protect young children getting out of a bus a stopped school bus, is coming up with something similar to what Senator Emerson has brought out. I hope that you will pass this and if you disagree with it amend it to where it is a safe and needed law. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President, I would remind the good Senator from Washington, County, that in each of the last two sessions, I sponsored a bill, for flashing lights on Sunday School Buses, I am interested in saving lives Senator, very much so. But I do have problems with this Bill and I do not think that it is exactly what we want, if you can think of an amendment fine, I would be glad to go with it.

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

Senator HICHENS: Mr. President and Members of the Senate: Along with the remarks just made by the good Senator I was co-sponsor of the Bill to put flashing red lights on Sunday School Buses. A few years ago, I also sponsored a Bill to have flashing yellow lights for the buses so that the motorists would be aware that they were coming to a stop, as they do in Canada which has worked out very well. That Bill was defeated because of the excessive costs that the school boards felt it was going to put upon them installing these lights.

I drove a school bus for 22 years. I know just what the problems are, confronted with trying to identify the drivers of cars that go by a stopped school bus. I was concerned with the welfare of the youngster getting off that bus, and quite often I couldn't identify the person except by what they were wearing, a cap, or whether the man or woman or so forth. That would not hold up in court naturally and I think probably that out of the 15 or 20 people that I reported only 2 were ever brought into court as a result that I could not fully identify them.

This is a good bill I think that it maybe ought to be amended somewhat but I think that we should pass it and go on for the amendment.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Washington, Senator Silverman.

Senator SILVERMAN: I would like a Roll Call.

The PRESIDENT: A Roll Call has been re-

quested.

Under the Constitution in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate: I personally believe that everyone should take a very hard look at this Bill. I know that it is an extremely emotional issue, for anyone to try to interject in debate, that there are some of us opposed to trying to make the law strong with respect to people going by school buses, that is not my intent.

I just believe that the Bill as it is presently written, certainly needs a great deal more attention given to it. I just personally feel that it is going to be an extremely difficult time for someone to try, in the event of a bad number, or license number taken, I concede now that it is almost impossible to make identification of the operator of the vehicle that is a problem, there is also the problem of getting the correct registration of the vehicle, as well. If someone thinks that he saw a certain number, and all of a sudden we are getting State Police baring down upon us and into the courts, and so forth and so on. It just seems to me that the Bill should be written in a manner that one is not by reading this, convicted because of circumstances that allegedly took place in this incident. I just feel very uncomfortable when the law is written in this manner.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, the Bill, says "that if the identity of the vehicle is authenticated by a preponderance of the evidence, there is nothing very automatic about this, in the House Amendment.

If an automobile is used, I am trusting my memory, in the transportation of "pot," it seems to me that the Legislature has already said that the car, irrespective of who is driving can be impounded by the police.

If a car is involved in an accident and there is personal injury, it seems to me that the injured party is going to sue the owner of the vehicle irrespective of who is driving the vehicle.

We already have some very clear indications that previous Legislatures held the owners of vehicles liable irrespective of whether they were driving the car or not. We have said that before you permit your vehicle to be operated by somebody else, you must be held personally responsible for the operation of that vehicle, we have said so on a number of previous occasions.

I guess that that is what that Bill is trying to say now. I hope that the Senate would send this Bill one more step, on its way so that everyone can read the blue sheet in our books, which is the House Amendment and see if any additional work has to be done. Certainly there is an awful lot of evidence that previous Legislatures have sensibly moved in this direction.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Shute.

Senator SHUTE: Mr. President and Members of the Senate: I rise with a little bit of fear and trepidation at this particular point, but I find that this Bill makes me very nervous also.

It reminds me a little bit about what they say about hunters all the time, that it is not guns that kill, it is hunters that kill, and it is not cars that kill, it is the drivers that kill. I am very sympathetic with it, I drive 30, to 50 thousand miles a year. School Buses are one of the problems that all of us that drive a lot in Maine are faced with, and I have come around more than one corner and had a school bus come along and all of a sudden the red lights go on and you

have got all that you can do to stop, it is a problem. I have never passed one, I never intend to, but I think that the problem could best be faced by something that Senator Hichens, already said something that gives the driver a little bit more warning where a School Bus is going drive.

I think that some School Bus drivers think that they own the road because they have the children in there. I guess in good right that they should have, but by the same token it makes it a real problem. I think that the way to do this is to give the drivers of the car a little bit more warning and certainly not to start to indiscriminately, and I do not know what preponderance of evidence means either, but it is not the cats but the people that we need to worry about, plus I think that we need to do something about making it easier for drivers to know that school buses are in the area, and getting ready to stop. I do not see that this is going to do it or an amendment to it. I would certainly support something, but I do not see it in this Bill.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Penobscot, Senator Emerson, that the Senate Accept the Minority Ought to Pass Report of the Committee.

A Yes vote will be in favor of Accepting the Minority Ought to Pass Report.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Ault, Carpenter, Chapman, Clark, Devoe, Emerson, Farley, Gill, Hichens, Katz, Lovell, Pierce, Redmond, Shute, Silverman, Trotzky.

NAY — Collins, Conley, Cote, Danton, Huber, McBearity, Minkowsky, Najarian, O'Leary, Perkins, Pray, Sutton, Teague, Traf-ton, Usher.

ABSENT — Martin.

A Roll Call was had.

16 Senators having voted in the affirmative and 15 Senators in the negative, with 1 Senator being absent, the Motion to Accept the Minority Ought to Pass, as amended, Report in concurrence does prevail.

The Minority Ought to Pass, as amended, Report of the Committee, Accepted, in concurrence. The Bill Read Once. House Amendment "A" Read.

On Motion by Senator O'Leary of Oxford, Tabled for 1 Legislative Day, pending Adoption of House Amendment "A".

#### Senate

The following "Ought Not to Pass" report shall be placed in the legislative files without further action pursuant to Rule 22 of the Joint Rules:

Bill, "An Act to Extend the Deer Season through the Second Saturday following Thanksgiving." (S. P. 228) (L. D. 643)

Bill, "An Act Relating to Vocational Education Regions." (S. P. 396) (L. D. 1214)

#### Leave to Withdraw

Senator Gill for the Committee on Health and Institutional Services on, Bill, "An Act to Facilitate the Dispensing of Generic Drugs." (S. P. 410) (L. D. 1269)

Reported that the same be granted Leave to Withdraw.

Senator Gill for the Committee on Health and Institutional Services on, Bill, "An Act to Require the Inspection of Hospital Pharmacies Prior to Licensure." (S. P. 432) (L. D. 1297)

Reported that the same be granted Leave to Withdraw.

Senator Traf-ton for the Committee on Public Utilities on, Bill, "An Act Relating to the Basic Monthly Charge of Electric Utilities." (S. P. 349) (L. D. 1095)

Reported that the same be granted Leave to Withdraw.

Senator O'Leary for the Committee on

Transportation on, Bill, "An Act to Prohibit Motor Trucks from Passing Moving Motor Vehicles When Visibility is Low." (S. P. 279) (L. D. 841)

Reported that the same be granted Leave to Withdraw.

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

Senator Pray for the Committee on Labor on, Bill, "An Act to Prevent the Simultaneous Collection of Both Workers' Compensation and Unemployment Compensation Benefits." (S. P. 167) (L. D. 375)

Reported that the same be granted Leave to Withdraw.

Which Report was Read.

On Motion by Senator Sutton of Oxford, Tabled for 2 Legislative Days, pending Acceptance of the Leave to Withdraw Report of the Committee.

#### Ought to Pass

Senator Emerson for the Committee on Local and County Government on, Bill, "An Act Concerning the Maine Development District Law." (S. P. 179) (L. D. 409)

Reported that the same Ought to Pass.

Which Report was Read and Accepted and the Bill Read Once and Tomorrow Assigned for Second Reading.

#### Ought to Pass — As Amended

Senator Cote for the Committee on Local and County Government on, Bill, "An Act to Insure the Accountability of Counties in the Expenditure of Federal Funds." (S. P. 140) (L. D. 316)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-175).

Senator Emerson for the Committee on Local and County Government on, Bill, "An Act to Correct Certain Obsolete Reference in Title 30 of the Maine Revised Statutes and to Make County Policies Concerning Pay Schedules, Vacation and Sick Leave Consistent with State Policies." (S. P. 307) (L. D. 903)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-176).

Senator Clark for the Committee on Business Legislation on, Bill, "An Act Concerning Insurance Consultants." (S. P. 381) (L. D. 1213)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-178).

Which Reports were Read and Accepted and the Bills Read Once. Committee Amendments "A" were Read and Adopted and the Bills, as amended, Tomorrow Assigned for Second Reading.

#### Ought to Pass in New Draft

Senator Pierce for the Committee on Election Laws on, Bill, "An Act Concerning Assistance to Blind or Disabled Voters in Marking Ballots." (S. P. 255) (L. D. 729)

Reported that the same Ought to Pass in New Draft under same Title (S. P. 549) (L. D. 1611)

Which Report was Read and Accepted and the Bill, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

On Motion by Senator Katz of Kennebec, the Senate voted to take from the unassigned table:

SENATE REPORTS—from the Committee on Education — Bill "An Act Concerning Postgraduate Education in the Field of Medicine, Dentistry, Optometry and Veterinary Medicine." (S. P. 259) (L. D. 789) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

Tabled—May 9, 1979 by Senator Katz of Kennebec.

Pending—Acceptance of Either Report.

On Motion by Senator Katz of Kennebec. The Majority Ought Not to Pass Report of the Com-



mittee, Accepted.

Sent down for concurrence.

There being no objection, all items previously acted upon were sent forthwith.

On Motion by Senator Pierce of Kennebec, Recessed until 4:30 o'clock this afternoon.

(Recess)

(After Recess)

The Senate called to order by the President.

#### Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act to Insure Parental Participation in a Minor's Decision to have an Abortion." (S. P. 220) (L. D. 604)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-181)

Signed:

Senator:

DEVOE of Penobscot

Representatives:

CARRIER of Westbrook

GRAY of Rockland

SILSBY of Ellsworth

HOBBINS of Saco

LAFFIN of Westbrook

JOYCE of Portland

STETSON of Wiscasset

SIMON of Lewiston

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

Signed:

Sensors:

COLLINS of Knox

TRAFTON of Androscoggin

Representative:

SEWALL of Newcastle

Which Reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I move that we Accept the Minority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Knox, Senator Collins, moves that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Gill.

Sensor GILL: I oppose the pending motion and may I speak to the reason why I oppose the pending motion.

The PRESIDENT: The Chair would advise the Senator very definitely in the affirmative.

Sensor GILL: Thank you. This bill that we have before us on Parental Notification is a bill strictly intended to have parents involved by notification. It's not a bill intended to prevent people from having an abortion.

It is improper for parents to infringe and give consent regarding this delicate private matter of a minor. We are discussing minors, though, girls living at home, 14, 15, 16, 17 years old. Girls who are living at home must get parents permission, permission to have their ears pierced, to give blood, to give authorization to attend a school trip, or an overnight with the Girl Scouts, to smoke on the grounds of a school, to swim in another school's pool. Parents must give a doctor permission to perform surgery after an accident.

Parents, to my knowledge, have no School of Parenting, as for engineers, schools for teaching, schools of nursing, schools where you can go to become an attorney, but where are we to learn this, proper parenting? Do we allow some third party out there to judge whether I or my neighbor is a fit parent or able to pass a parent test? I maintain we are all individuals and have certain personalities and traits and these will

carry over to our parenting job.

No one wants to face an untimely pregnancy, a death in the family, an accident, loss of a job or a stressful situation. There are many instances where children think they know better or know it would be hurtful or uncomfortable to tell Mom or Dad about a car accident, about a baseball going through a window, about warning notices from school. I have a son who when he gets a warning notice, he waits until the day before he has to go back to school before he gets me to sign it. I'm not an abusive parent, I wouldn't beat him about that but he is afraid of what the consequences might be, even though he knows that he's never got beaten under those circumstances.

I think it's only human nature not to want to tell an unpleasant or want to hear one, as a matter of fact. If I had my choice, I wouldn't have wanted to hear that my drug store burned down, or that my husband died, or that my mother had cancer, let alone that my battery wouldn't start the car, or that my son flunked a subject.

We deal with these things as parents. An abusive parent does not start abusing when he has heard a child is pregnant. It seems parents are responsible for everything their children do, except when it comes to an abortion. We are responsible for their housing, for their food, their education, their medical care, and actions if they get into trouble with the law. Yet, any day of the week, a 14 year old or a 15 year old can drop in at their Local Abortion Clinic, without telling school officials or parents or anyone and go through a very traumatic experience, and experience that may haunt them for years to come, because with only a brief counselling session with an individual, a stranger, who has met this child for 10 minutes, or 30 minutes, to help them decide something like this.

I maintain that parents are the best people to deal with their own children. They, first of all, brought them into the world. Besides feeding, clothing, and so on, helped them to grow and develop with their guidance. Life is not easy. It's not a Fantasy Island, where we wish only the beautiful or the good to happen. We daily face problems and pleasures which are responsible for our growth. We cannot bury our heads and hide from problems. If we cannot handle them, there are professionals that can help us work together with our problems.

I have some court cases that the State of Massachusetts heard when it comes to Planned Parenthood Case, and it's Central Missouri versus Danforth. One of the justices says that there can be very little doubt that the State further an Un-constitutionally permissible end by encouraging a married pregnant minor to seek the help and advice of her parents in making the very important decision whether or not to bear a child. That is a grave decision, and a girl of tender years under emotional stress may be ill-equipped to make it without mature advice and emotional support.

Another justice said: "the abortion decision is unquestionably important and has irrevocable consequences, whichever way it is made. The State is entitled to protect the minor unmarried woman from making the decision in a way which is not in her own best interest."

In the case that I spoke about earlier in Massachusetts, the case of Ballott versus Baird, one of the justices felt that the deep interest and concern that parents naturally have in the welfare of their children constitutes a human resource of great value. It's utilization should be encouraged. It is common sense to assume that many pregnant minors would be reluctant to confront their parents with their pregnancy. The majority of judges have raised that reluctance to Constitutional Status, by giving the minor the right to conceal her pregnancy from her parents.

This action not only encourages concealment and deception within the family unit, but also wastes vast and valuable parental resources. I

maintain that we don't want to encourage concealment and deception. We're trying to build a family unit. There are a great many instances where children are not, they are just afraid to approach, because they just don't know what the answer of the parent is going to be.

In Maine in 1977, I have a letter written by the Maine Coalition for Choice and it states that there were 5,000 pregnancies in Maine to females under 20. It talks about the social and emotional and educational, psychological tragedies involved. They call your attention to the considerable risk, health risk to these women and girls, and the risk of maternal death is 60% higher in adolescents. The babies born to adolescents are 2 to 3 times more likely to die in their first year. It says "clearly the health considerations alone often make abortion the wisest decision for children with unwanted pregnancies." It talks about the death rate from legal abortion, was per 100,000 over a 3 year period from 1972 to 1975 in less than 8 weeks, it was .6%. They don't talk about out of the 100,000 legal abortions that were performed, they're not including that those potential human beings were also part of the death rate and should be included in that.

I think that in WGAN, we talked about how different communities feel. WGAN-TV conducted a poll and the question was put on the poll: "Do you feel a parent should be notified, prior to an abortion on a minor?" Out of that poll there were 1,548 in favor of a parent being notified and 710 opposed.

I agree teenage pregnancy in Maine is a problem. It's obvious that agencies have focused their attention only on preventing or aborting pregnancies, but they haven't succeeded, because of a quick abortion.

I think the biggest factor is that parents can work with teenagers and it has proven highly successful, parents have, in dealing not only with the pregnancy but with the total person involved. It has been proven that pregnant adolescents handled in this comprehensive manner do finish their education, do form stable families, do have healthy children, and don't get pregnant again. They don't end up in the welfare roles. I think this Legislative Document is a step toward comprehensive care and it puts the pregnant adolescent back in touch with her family, and others who can supply that care.

I happen to have read when this bill came up for hearing, and article in the New York Times Magazine. It talked about, the title of it was "The Malpractice of Parenting". It got me to thinking that in some future time, I wonder if some of the parents who didn't get involved with their children, upon the notification of a pending abortion, if in fact in the future times, that child might turn around and sue that parent for Malpractice of Parenting. I was saying it with really 'tongue in cheek'. But the day after the hearing some one sent me a newspaper clipping that a case in fact out West had been brought by a child who was suing her parents with a malpractice suit. The case didn't go anywhere at that time, but that doesn't preclude that in the future, some sort of case may be developed and with all the malpractice suits that we face, I'm sure that we'll see this sometime.

There's a group of people in the Legislature that have met on Thursday mornings since the beginning practically every Thursday morning, and they came up with some proposed principles. We were interested in the family unit and how Legislation of this Legislature impacted that family unit. I might read some of the proposed principles that we decided upon.

It says, "Whereas although the structure of the family in our contemporary world has undergone a great deal of change, the family remains the most important unit of society and the primary bearer of our culture's values and traditions, and Whereas the family is the most natural, affective, efficient provider of care and assistance to our members, and that the



right to the family in one of the basic human rights. The right of the family integrity is Constitutionally protected. The State has the basic responsibility not only to the public at large, and to its clients but also to the family of its client and to the family it serves. Therefore, to respect and protect the family integrity and unity and to support family health and wholeness and the capacity and ability of families to provide for the economic, social, and cultural needs of their members, and to preserve and strengthen family ties, especially those between a family and a dependent member receiving supportive, supplemental, protective and substitutive service; and to enhance the quality of life of Maine families; and to honor the values that pertain to family life, the values that pertain to value life."

I look on the family as a provider of service. Since the family is the most natural, affective and efficient provider of care and assistance to its members. I think programs should be designed to help individuals by helping families help their own members. Problems experienced by one family member affect and involve other family members. I think where possible services should focus on the whole family. I would hope that you would vote against the pending motion on this bill.

The PRESIDENT: The Chair recognizes the Senator from Cumberland. Senator Huber.

Senator HUBER: Mr. President and Members of the Senate: This bill purports to promote family solidarity. Unfortunately I think it is a well-meaning but misguided attempt to mandate this desirable end.

In fact, those children in the unfortunate situation dealt with by the bill who can talk to their parents probably will do so, and hopefully will get their support in whatever decision they may mutually decide upon.

Those children who are unable to communicate with their parents may seek illegal abortion, to avoid parental notification or may suffer the results of sometimes severe parental reaction. An example is outlined in a Philadelphia case reported in the March 20th New York Times. In this instance, the father of an 18 year old girl was notified of her intention to seek an abortion. The results were and I quote: "Her father beat her when he learned that she wanted an abortion, she eventually obtained an abortion elsewhere, and is still estranged from her father."

That's togetherness, and I'm afraid it's the kind of togetherness that may be promoted by this bill. I think this result will be more usual than the strengthening of the family unit. It is the intent of the bill.

The Statement of Fact on this bill points out that "abortions like any other medical procedure entail some risk of post-operative complications. The complications may occasionally seriously threaten the life or health of the patient, if the parents of the unanticipated minor are unaware that she has undergone an abortion. They may be unaware of the onset of complications and thus further endanger the life or health of the patient. Since the minor's parents are responsible for the child they should not be ignorant of the abortion and possible ensuing complications."

I'd like the Senate to note L. D. 736 also passed out and I believe unanimously by the Committee on Health and Institutional Services, which is Chaired by the Senator from Cumberland, Senator Gill. Sub-section 6221 referring to the treatment of minors, reads as follows: "Any person licensed under this chapter renders counselling services to a minor for the treatment or abuse of drugs or alcohol is under no obligation to obtain the consent of that minor's parent or guardian or to inform that parent or guardian of that treatment."

This is the one new section of language in this bill, the other amendments in the bill include alcohol among drugs which were formerly dealt with by the bill. So that Committee has

specifically exempted from any notification in the case of drug or alcohol abuse which I contend could be equally dangerous as an abortion procedure. There seems to be a serious inconsistency in the thinking of that Committee.

I think this bill although well-intended for the most part will be unbalanced, destructive to family solidarity, destructive to the family unit, and permanently destructive to the future of many young individuals. I hope the Senate will accept the Ought Not to Pass Report, and when the vote is taken I request a Roll Call.

The PRESIDENT: Is the Senate ready for the question? A Roll Call has been requested.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate: I happen to be a co-sponsor of this particular bill, and I did it not because I was asked to, but when I found out what the existing law was I was rather startled. I approached the Senator from Cumberland, Senator Gill, who I'd been told had a bill, and I asked if I might co-sponsor it.

I've done a lot of work with young people since I came home from the service a few years ago, and I enjoy it and I find that in most cases, I think, be they good communicators or bad communicators, I think in most cases, involving something as serious as an abortion I believe that if left with the option that most children would not notify their parents.

I've seen situations where much less serious decisions were made without the notification of the parents simply because they weren't concerned about being beaten at home or anything like this. They were concerned about, I guess, you'd call it the social stigma of their action, and how it was going to be regarded by their parents.

I found it very, very surprising when I first started to look into this area. It's just amazing. Senator Gill has already alluded to the fact that dozens and dozens and dozens of things that we require parental notification, in order for a minor to participate in. I found it a bit ludicrous that in my area, anyway, a minor child could not get out of school to go have the abortion without having the parental consent, to get out of school.

Senator from Cumberland, Senator Huber just talked about a bill that my Committee happened to report out, dealing with counseling on alcohol and drug abuse. I think that's a situation where somebody is trying to rectify a problem through the use of counseling, through the use of social work or whatever. With this situation we're talking about creating a medical problem, and all we're asking for in this bill, it's very simple bill, it asks that the parents be notified.

I've heard a lot of talk already here this afternoon, about communication, and in fact that there are some instances in our society, sad to say, where parents don't communicate with children and vice versa. I don't think anything this Legislature does in this bill or anything else is ever going to bring us to the situation where we're going to have every parent and every child communicating 100%. We're always going to have cases.

I'm sure that both sides of this issue could get very sensational and I'm certain that my particular side of the issue could get very sensational and read headlines about abortion procedures and parental notification and all that. I don't think that anybody speaking in favor of this bill is going to do that, but I just want to point out that it can be done.

I just heard the good Senator from Cumberland, Senator Huber, quote from the Philadelphia new article about what happened to a child who happened to have a parent who was notified and the child was beaten, no question, this takes place. Children are beaten for a lot less. Children will continue to be beaten for a lot less. To use the argument that you are protecting that child who has an uncommunicative

parent, I think it's totally, totally false. Because if you have a problem with communication between 2 people you don't solve that problem by cutting out the possibility, cutting out forever the possibility of at least attempting it. That's what you do under the present law. Nobody is prompted in any way to notify anyone else. Therefore, you have no possibility of communication.

I don't think you're protecting the child who happens to have poor communications with her parent. I think you're preventing in all instances the possibility of rectifying that situation. So I would hope that you would join us and vote against the pending motion.

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

Senator TRAFTON: Mr. President and Members of the Senate: There's no institution in our society that I think we care more about than the family. Those of us who are parents certainly would like to think that we have a very special relationship with our children, and that no matter what the problem they felt that they could come to us, talk to us, and seek our strength and advice.

But I wonder today as we look at this bill, if we are really going to strengthen the family by passing a bill which involves forced disclosure of a problem that a teenager may face. I wonder if this really does meet the test of putting the pregnant adolescent back in touch with her family as the good Senator from Cumberland, Senator Gill has suggested.

Perhaps the family has to do some of these things on its own, and perhaps once again we should realize that we can't legislate good family relationships.

I'd like to speak to the bill specifically and point out a few problems that I have with the language as drafted. First of all, in Section 1A we have a definition of emancipated. Who will make this determination of who is emancipated? It seems to put the burden on the family physician. I wonder if the family physician is in a position where he can adequately make that determination. If the family physician makes a wrong decision on whether or not the teenager is emancipated, either because perhaps the teenager is forced to give erroneous information to the physician or for another reason. What is the liability that the family physician will face as a result of his determination?

Secondly, in Section 2C we have a provision which requires notification to the Department of Human Services. The Bill indicates that this is a passive filing of the doctor stating his intention to perform a non-notice abortion. But again I would raise the issue of liability and could the State be subject to liability if the parent later sues? Can the State actually assume a passive role or do they have an active role an affirmative duty by their intervention into this situation?

Thirdly, in the third section, we have evidence of notice. There's one portion of this that particularly concerns me. That's the signed acknowledgement of the recipient as evidence that notice has been given and again I wonder if this doesn't verge on consent which has already been ruled unconstitutional in several cases.

Finally in Section 4 of the bill, under the Exception Provision, this relates only to post-abortion notices. I wonder again if the stated purpose of the bill is indeed to improve family relationships, why this provision is here, because clearly after the abortion has been performed the parents and the child can no longer discuss the feasibility of that abortion.

Those are some technical problems that I have with the bill, but I guess my real concern as I mentioned earlier is that we should look today at this public policy and decide whether or not we're having a beneficial impact on the family or whether we may be adversely impacting it.

It's interesting to note that the good Senator from Cumberland, Senator Gill, is a co-sponsor

with me on a piece of Legislation that deals with that very subject, and which has now been signed into law by the Governor, which deals with the impact of public policy on the family. I guess we have the classic example before us today when 2 well-intentioned people see a public policy, a potential public policy in a very different light with regard to its impact on the family.

I would urge you to support the Motion of the Senator from Knox, Senator Collins, in accepting the Minority Ought Not to Pass Report.

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

Senator DEVOE: Mr. President and Members of the Senate: Some concern has been expressed today about the Constitutionality of this statute, this proposed statute.

I'd like to spend just a couple of minutes mentioning to you some of the thoughts that have been expressed by various Supreme Court Justices in one of the leading cases on this matter, and that is Planned Parenthood of Central Missouri versus Danforth.

To address the concern raised a few minutes by the Senator from Cumberland, Senator Huber, on whether this will promote family solidarity. None of us who are privileged to be parents are perfect parents. I realize that. What the Supreme Court said in the Danforth Case discussing a section of the Missouri Statute, "a State Legislature may conclude that most parents will be primarily interested in the welfare of their children"; and further in this case, "that the imposition of a parental consent requirement is an appropriate method of giving the parents an opportunity to foster that welfare by helping a pregnant distressed child to make and implement a correct decision."

I'll grant you this expression was in a concurring opinion, and not the main opinion by Justice Blackman, and it was addressing the statute that called for parental consent before a minor could have an abortion. That's not the case here, we're simply saying 'let the parent know that the child has a problem'.

Another statement by Justice Stevens: "Even if it is the most important kind of a decision a young person may ever make, that assumption merely enhances the quality of the State's interest in maximizing the probability that the decision be made correctly, and with full understanding of the consequences of either alternative."

"The State's interest in the welfare of its young citizens justifies a variety of protective measures." Again a statement by Justice Stevens.

Now let's address briefly some of the technical questions which the Senator from Androscoggin raised. All that a doctor can do, as I understand the present statute and present case law, all that a doctor can do in treating a patient is to believe what that patient tells him, and the doctor as part of the process makes some written notes, either that or the nurse does before ushering the young patient into the doctor's office. Those office notes made by a physician, I'm certain would be accepted by a trial court if that minor and her parents later decided to sue the doctor for malpractice or for negligence. The doctor can only rely on what the minor tells him.

I admit the State Department of Human Services has a passive role. In an earlier draft of what is now the amendment we have before us, there was some consideration of giving the State an active notice-giving role. We decided at this time not to do that.

Does a signed acknowledgement verge on consent? Well, when you get an acknowledgement in the mail at the time the parent would sign any receipt for that, there would not be any realization by the parent of what was in the letter. Even if there was a realization by the parent the proposed amendment clearly states that it's the signed acknowledgement only that you receive the information, not that you con-

sent or disagree with the proposed action. Thank you very much, Mr. President.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President. Ten weeks ago, in the United States Supreme Court, the problem that we meet today was fully argued in 2 cases, the later being Hunnerwalt versus Baird. The Court has not yet brought forth a decision on these matters.

In these cases one of the major contentions is that the requirement of parental consultation or notification is unduly burdensome and infringes upon the minor woman's Constitutional right to privacy.

The Court in the case that catapulted the present into the United States Supreme Court said this, "There are a variety of recognizes reasons why it would be to a minor's best interests for 1 or both of her parents to be kept in ignorance of her pregnancy. Parents physically or emotionally unwell, may be injured by the shock, thus causing the minor deep feelings of guilt. Some parents are child abusers, others at least may become actively hostile on such disclosure. The defendants concede and the evidence shows that an appreciable number of parents are not supportive. These include not only those who would insist on an undesired marriage, or on a continuance of the pregnancy as punishment."

I think if we know anything in this "Year of the Child," in this Legislature we know that we do not need in our times more unwanted children. If we adopt, today, a policy that forces unwanted children, are we doing the best thing for the public interest? Are we really developing family solidarity? Are we really helping to heal the wounds that are immediately apparent when this situation presents itself?

These are not easy matters for any of us. I can tell you that this is my fourth experience on the Judiciary Committee in dealing with abortion issues and they have to be among the most painful experiences that I have had, because people feel deeply and their emotional reactions get very much in the way of straight thinking.

I suggest to the Senate that not only are there probable Constitutional problems with trying to legislate in this area, but there are policy problems that we really would just be sweeping under a rug. For example, one of the leading arguments that I've heard about why there ought to be notification has to do with the girl that hemorrhaged and bled to death after returning home. No one knew anything about it.

Well there is already law that takes care of that situation. A doctor is already under a duty to take reasonable steps to prevent any after care problems that might be caused by an abortion. The cases across the country are pretty clear about that, and when we have a legal policy that is established, that is protecting the patient, ought we to tamper further with the doctor-patient relationships?

I find that 99 and 99 one-hundreds percent of our doctors are conscientious people who try to help their patients not only in performing the professional necessities but in moral support, in admonition about contacting parents or other responsible people. It's only going to be a very rare case where there isn't a sincere effort made to establish the kind of communication that the good Senator from Cumberland, Senator Gill, wants us to establish.

But in those very few cases, where a doctor cannot bring that about by fatherly counseling, ought we to coerce that situation? I received in the mornings mail a letter from the greater Portland Areas, I don't know why it was sent to me, because I don't represent the parties concerned, they would be represented, I think, either by the Senator from Cumberland, Senator Gill, or the Senator from Cumberland, Senator Conley. But this is one of these plaintive letters that brings back to my own memory professional experience, in advising

youngsters and parents who have know this problem in their own lives. It's a case of incest.

I think sometimes we close our eyes and our ears to the number of cases of incest that we have in the State. In the case of incest, what will be accomplished by requiring this kind of notification, if it has not been possible to work out a communication between 1 or both of the parents in advance of the trip to the doctor? What will be accomplished?

So many times these days, what is accomplished when barriers are set up in this highly charged emotional situation, what is accomplished is that the child is driven to run away. Runaways in this country legion and they run all over the country. You find them hitchhiking on the roads every day. They try to find another shelter, and they usually go from bad to worse. They're likely to end up in a butcher shop of some kind or with a quack who uses a coat hanger or some chemical means of back alley activity.

I submit to you that that is a far worse situation to encourage to bring about, than to permit the present practice to prevail, the practice that I submit is in the hands of a medical profession that we can trust to a very high degree in these areas.

I think we ought to be trusting our doctors, and not imposing upon them additional harassment and red tape and decision making, the Senator from Androscoggin, has pointed out the difficulty of making that simple decision of whether or not the child is emancipated. That decision if made erroneously may subject the physician to all kinds of problems, legal problems. And Lord knows our doctors have enough legal problems and high enough malpractice insurance premiums to pay now. They have to pass that premium along in some fashion so that the consumers pay in the end.

I hope that you'll think carefully about this. I share the great concerns that the proponents of this bill have, but I do not see how we will improve the present situation by coercing upon the parties this mandatory style of notification which in most of the cases where it will be coerced will simply not accomplish the objective. Thank you, Mr. President.

The PRESIDENT: A Roll call has been requested. Under the Constitution in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: I request Leave of the Senate to pair my vote with Senator Sutton of Oxford, if he were here, he would be voting No and I would be voting Yes.

The PRESIDENT: The Senator from Cumberland, Senator Clark, requests Leave of the Senate to pair her vote with the Senator from Oxford, Senator Sutton. Who if he were here would be voting Nay and the Senator from Cumberland, Senator Clark would be voting Yea.

Is it the pleasure of the Senate to Grant this Leave?

It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President I would ask Leave of the Senate to pair my vote with the Senator from Sagadahoc, Senator Chapman, were he here he would be voting Yes and I would be voting No.

The PRESIDENT: The Senator from Kennebec, Senator Pierce requests Leave of the Senate to pair his vote with the Senator from Sagadahoc, Senator Chapman, who if he were here would be voting Yea and the Senator from Kennebec, Senator Pierce would be voting

Nay.

Is it the pleasure of the Senate to Grant this Leave?

It is a vote.

The pending question before the Senate is the Motion by the Senator from Knox, Senator Collins that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of Accepting the Ought Not to Pass Report.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA—Collins, Huber, Lovell, Najarian, Perkins, Trafton.

NAY—Ault, Carpenter, Conley, Danton, Devoe, Emerson, Farley, Gill, Hichens, Katz, McBreaity, Minkowsky, O'Leary, Pray, Redmond, Shute, Silverman, Teague, Trotzky, Usher.

ABSENT—Cote, Martin.

A Roll Call was had.

6 Senators having voted in the affirmative and 20 Senators in the negative, with 2 Senators being absent, and 4 Senators pairing their votes, the Motion to Accept the Minority Ought Not to Pass Report, does not prevail.

The Majority Ought to Pass, as amended, Report of the Committee, Accepted, and the Bill Read Once. Committee Amendment "A" Read.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President, I present Senate Amendment "A" to Committee Amendment "A" under Filing Number S-185 and move its adoption.

The PRESIDENT: The Senator from Hancock, Senator Perkins, now offers Senate Amendment "A" to Committee Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-185) Read.

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

Senator DEVOE: Mr. President I would request a Roll Call and I would speak in opposition to Accepting Senate Amendment "A".

The principal reason for opposing it is that, it is intended to excuse the doctor from doing anything in the way of notifying the Department of Human Services, until he files the normal monthly report, at the end of the month.

This would give the Senate even though there is going to be a passive role here, it would give people in the State a chance, or people in the Department of Human Services, a chance to get a line of what is happening on a daily bases, rather than waiting until the end of the month. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President and Ladies and Gentlemen of the Senate. My amendment, while I think, my amendment is interpreted as diminishing of the roll of the Human Services is in fact trying to reduce one more layer of paper work for the physician. He already will have to file and I only ask that he file during his regular course of events.

Had the Department of Human Services had an active roll in his procedure then I could see the necessity of him filing at once, but he could now file under my amendment during his regular report, because there is no real active part that the Department of Human Services plays in this procedure, therefore to make him file sooner would only be another layer of paper work to whom and to what we do not know.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: I would ask the Senate to vote against this amendment. After the physician attempts to notify the parent all his secretary has to do, is write to the Department of Human Services to state that this physician has attempted to notify the parents without any suc-

cess, and at that point the secretary can, it is just a simple matter, and the doctor himself would not have to get involved at that point with notification. He has already done his best to notify the parents.

So I do not think that there is any need for this particular amendment.

The PRESIDENT: A Roll Call has been requested.

Under the Constitution in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: I request leave of the Senate to pair my vote with the Senator from Oxford, Senator Sutton, if he were here he would be voting No and I would be voting Yes.

The PRESIDENT: The Senator from Cumberland, Senator Clark, requests Leave of the Senate to pair her vote with the Senator from Oxford, Senator Sutton, who if he were here would be voting Nay and the Senator from Cumberland, Senator Clark would be voting Yea.

Is it the pleasure of the Senate to grant this Leave?

It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I request Leave of the Senate to pair my vote with the Senator from Sagadahoc, Senator Chapman, who if he were here would be voting Yea and I would be voting Nay.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, requests Leave of the Senator to pair his vote with the Senator from Sagadahoc, Senator Chapman, who if here were here would be voting Yea and the Senator from Kennebec, Senator Pierce would be voting Nay.

Is this the pleasure of the Senate to grant this Leave?

It is a vote.

The pending question before the Senate is adoption of Senate Amendment "A" to Committee Amendment "A".

A Yes vote will be in favor of Adopting Senate Amendment "A".

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA—Collins, Huber, Lovell, Najarian, Perkins, Trafton, Trotzky.

NAY—Ault, Carpenter, Conley, Danton, Devoe, Emerson, Farley, Gill, Hichens, Katz, McBreaity, Minkowsky, O'Leary, Pray, Redmond, Shute, Silverman, Teague, Usher.

ABSENT—Cote, Martin.

PAIRED—Clark - Sutton; Pierce - Chapman.

A Roll Call was had.

7 Senators having voted in the affirmative and 19 Senators in the negative, with 2 Senators being absent, with 4 Senators having paired their votes, the Motion to Adopt Senate Amendment "A" does not prevail.

Committee Amendment "A" Adopted.

The Bill as amended, Tomorrow Assigned for Second Reading.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

#### Papers from the House Committee Report Ought to Pass

The Committee on Appropriations & Financial Affairs on Bill, "An Act to Establish the Subsidy Index for Educational Funding for the Fiscal Year 1979-80 and to Appropriate the

Necessary Funds Therefor" (Emergency) (H. P. 1401) (L. D. 1615)

Reports pursuant to Joint Order (H. P. 1392) that the same Ought to Pass.

Comes from the House, Passed to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Silverman.

Senator SILVERMAN: Mr. President and Members of the Senate: Where 1615 is probably one of the most important bills that we are going to have all session, Subsidy Index for the Costs of Education, which is going into how many millions of dollars I think that the Appropriations Committee would explain what exactly is happening to subsidies for all of Maine Rural and Urban and how it is going to effect our Towns, Cities and other communities?

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President and Members of the Senate: Although LD 1615 has appeared rather recently, like this morning, the subject that it addresses mainly the mil rate at 9.6 as recommended by the Governor very early in this session has been before the Legislature ever since the Governor's address.

This bill in addition to adopting the 9.6 mil rate does postpone somewhat by 6 days namely the date by which the commissioner can notify School Committees, or School Directors in each administrative unit. This change simply provides him with the actual time to perform this requirement.

Finally, the bill does provide \$5,722,000 dollars in addition to those funds provided in the Part 1 Budget, for the fiscal year ending 1980. So although the printed document itself is new to the Legislature the subject has been before the Legislature, the Education Committee, and the Appropriations Committee, and the Legislature as a whole, practically since the start of this Legislature.

The Ought to Pass Report of the Committee Accepted and the Bill Read Once. Under Suspension of the Rules, the Bill was Read a Second Time, and Passed to Be Engrossed in concurrence. Sent forthwith to the Engrossing Department.

#### Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act to Increase the Fee for Tagging Wild Game to \$1. (S. P. 277) (L. D. 843)

Reported that the same Ought Not to Pass.

Signed:

Senator:

PIERCE of Kennebec

Representatives:

PAUL of Sanford

VOSE of Eastport

CHURCHILL of Orland

PETERSON of Caribou

GILLIS of Calais

MacEACHERN of Lincoln

DOW of West Gardiner

JACQUES Of Waterville

TOZIER of Unity

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "A" (S-179).

Signed:

Senators:

REDMOND of Somerset

USHER of Cumberland

Representative:

MASTERMAN of Milo

Which Reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: I move that we Accept the Minority Ought to Pass Report, and I would like to briefly speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator REDMOND: This bill when it was heard-Sportsmans Alliance of Maine, had op-

posed it on grounds that they had checked out with those tagging stations, that had replied that they did not care for the increase in fees because of the additional business that it brought them while they were tagging deer.

Since then there has been an amendment to reduce the increase from \$1.00 to 50¢. The problem with those in opposition with that is that there are still 160 of 400 tagging stations that are not business related. They are people that tag deer in their own homes, for the convenience of the hunters and it seems as if, since, probably 1931 the fee was 25¢ and it is still 25¢. We have had no objection from the hunters as far as paying 50¢ to tag a deer. So this is the reason why after checking this out that we thought that an increase to 50¢ would be reasonable. Thank you.

The Minority Ought to Pass, as amended, Report of the Committee, Accepted. The Bill Read Once. Committee Amendment "A" Read and Adopted. The Bill, as amended, tomorrow Assigned for the Second Reading.

#### Divided Report

Eight Members of the 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)

Reported in Report "A" that the same Ought to Pass as amended by Committee Amendment "A" (S-182).

Signed:

Senator:

DEVOE of Penobscot

Representatives:

LAFFIN of Westbrook

SIMON of Lewiston

GRAY of Rockland

JOYCE of Portland

STETSON of Wiscasset

CARRIER of Westbrook

SILSBY of Ellsworth

Three members of the same Committee on the same subject matter reported in Report "B" that the same Ought Not to Pass.

Signed:

Sensors:

COLLINS of Knox

TRAFTON of Androscoggin

Representative:

SEWALL of Newcastle

One member of the same Committee on the same subject matter reported in Report "C" that the same Ought to Pass as amended by Committee Amendment "B" (S-183).

Signed:

Representative:

HOBBINS of Saco

Which Reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President I move the Acceptance of Report "B" Ought Not to Pass, and would speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator COLLINS: This bill is one more attempt to harass the medical profession. The medical profession is already governed by an informed consent statute. It was put on the books a few years ago, and it is working in a satisfactory manner.

This bill adds to what is already on the books, a lot of sociological and economic considerations. It says in effect that the physician must not only tell his patient about the nature of the operation, its probable consequences, he has to start our first by telling a woman that she is pregnant, that is the number one requirement.

When it gets down to the end of the list, it says, "that he must explain about the possible resources for her if she carries her baby to term, including economic and social resources."

Now this is obviously an effort to inhibit abortions, but it seems to me that one more it amounts to saying to the medical profession, we do not trust you; we want to hamstring you;

we want to cover you with Red Tape; we want to give every opportunity that we can to people to sue you; we want your malpractice insurance to go up; we are trying to frighten you out of doing what the law of the land says is perfectly proper and legal to do. If you think that this is for the best for the woman's health and it is her free and informed choice.

Now if that makes sense then you want to vote No, but if you think as some of us do that we are making a great mistake to harass the medical profession with this sort of foolishness, then you should vote Yes.

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

Senator DEVOE: Thank you very much. Mr. President and Members of the Senate: I have listened with great interest to the Senator from Knox presentation, I submit to you that this is not an effort on anyone's part, let alone my part to harass the medical profession.

I recall two years ago, between June 15th and July 15th we had many evening work sessions in Judiciary, and at that time we had one of the medical profession and hospital associations most effective lobbyists before our committee. The thing that we were talking about was the Pomeroy Malpractice Commission Report.

One of the things which the medical profession said to us two years ago, if you pass this law, and the law was one which would permit arbitration of medical claims, if you pass this, this will set a climate and malpractice premiums will start to go down.

Now, I ask you when you are next home, and you go into your hospital, hopefully not because you need medical care yourself, urge you to go in and ask to speak to the hospital administrator and ask to see whether that hospital of yours has these forms available for patients. They don't, they don't at Bangor at Eastern Maine Medical Center, and I do not believe that they have them at Saint Joseph's Hospital. Now the reason that I mention this is that here we gave the medical profession two years ago, a chance to do something that in the words of one of their most effective lobbyists would be used and would create a climate by which malpractice premiums would begin to go down, they have not done it. I don't know how long it will take them to do it, but I submit to you members of this Senate that is not the real issue here, we are not doing anything to harass doctors and create a climate by which their patients will be better able to sue them. I do not think that the Senator from Knox, Senator Collins wants to abolish all laws that relate to regulation of doctors.

If as several of the speakers have already stated, virtually all doctors are doing this anyway. They are being careful with their patients, they are explaining things to their patients, how many doctors are we actually going to affect? Not many, if the other speakers are accurate. I submit to you that we are not going to affect many doctors, if they are doing these now, the can continue to do them and if a few people do not want to do it, then this bill when enacted will affect them.

Now the reasons I refer you to Senate Amendment "A" S-182 because this is the bill, and some comment has been made that the doctor must start out by telling his patient that she is pregnant. We have information that in other states, I do not believe that it is happening in Maine at the present time, but in other states, abortion clinics are so anxious to perform this service that it has happened many times that they have performed purposed abortions on people who turned out not to have been pregnant. Now it may sound odd, but it is a fact of life out side of the State of Maine. What is wrong with asking the doctors to fully explain the particular risks with her own pregnancy and the abortion technique to be performed?

When we debate this tomorrow I will have with me a statement of the American Hospital Associations principals, in which there is a

great deal of talk about how informed consent should be given, and how the principal should be practiced by doctors and hospitals alike. that patients be fully advised of what's wrong with them and that they give their informed consent to the surgical procedures.

Now let's get to paragraph D, because this although it has not created a lot of discussion so far may well before we are done with this bill cause some discussion.

I admit as the Senator from Knox, Senator Collins stated it is a little bit unusual to have in the statutes, that the doctor can be said almost to be trying to talk his patient out of having the procedure. But if we let reason prevail, we will agree that an abortion is not like having an appendix removed, it is not like having some insignificant operation or procedure performed. it is an intensely emotional and traumatic experience. You have physiological consequences, sometimes that go with abortions, that do not go with having an appendix out, or a finger amputated, or something like that. We are talking about something far more central to life. We are not talking about a routine procedure.

So as a social policy, it is unusual that in view of the seriousness we are dealing with a potential life, we are dealing with a life that has potential really, and when you are dealing with that you cannot strike that from a person's consciousness. Is it out of order that this State should say as a matter of policy that the doctor ought to spend a few minutes making the lady aware of what is about to happen? When the vote is taken, Mr. President, I request a Roll Call.

The PRESIDENT: A Roll Call has been requested.

Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President and Members of the Senate: I would urge you to accept the Ought Not to Pass Report today. Very simply because informed consent is already provided for under the law. I would refer you to Downer versus Veilleux, a Maine 1974 decision in which the Law Court recognizes that the physician and the clear duty to obtain the patient's informed consent before commencing a treatment.

I would also refer you to MRSA 24, section 2905, which was enacted in 1977 as a result of the Pomeroy Commission's recommendations and which also outlines what is necessary for a patient to recover on grounds of lack of informed consent.

Finally, I would call your attention to a Constitutional problem that could arise from singling out abortions from other surgical procedures for very special treatment with regard to informed consent and I am referring to section D on the second page of the amendment.

The United States Supreme Court on March 5 of this year, in Freeman versus Ashcroft re-affirmed by a 7 to 2 margin, a circuit court decision invalidating a Missouri statutory requirement that a woman seeking an abortion be informed by the physician of certain statutory provisions.

I feel that this bill is unnecessary. It is already covered by present law, and I feel that there are some Constitutional problems that could arise particularly with Section D.

Finally in the Third Subsection, I am very unclear as to why a 48 hour period has to expire after informed consent is obtained and I would suggest perhaps this, as the good Senator from



Knox suggested, is a form of harassment not only to the physician but to the woman as well.

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

Senator DEVOE: Thank you, Mr. President. Mr. President, I am sure that the 48 Hours Rule, exists in the proposed statute the same way that we now have for many bills that have come out in the last few years from the Business Legislation Committee, Consumer Legislation to give people a chance to change their mind.

You buy a set of Encyclopedias, you have 48 or 72 hours to change your mind if you signed the contract at home.

If this State can say that it is so important to protect the consumer, from buying a set of encyclopedias or signing a siding contract, why should it balk at giving a woman 48 hours to perhaps change her mind. I am not saying that she is going to change her mind, but why can't we give her the same chance that you give somebody who decides to have siding put on their house, or to get a set of encyclopedias. Thank you very much, Mr. President.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you Mr. President. I request Leave of the Senate to pair my vote with the gentleman from Oxford, Senator Sutton, who if he were here would be voting No and I would be voting Yes.

The PRESIDENT: The Senator from Cumberland, Senator Clark, requests Leave of the Senate to pair her vote with the Senator from Oxford, Senator Sutton, who if he were here would be voting No and the Senator from Cumberland, Senator Clark would be voting Yes.

Is it the pleasure of the Senate to grant this leave?

It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I request Leave of the Senate to pair my vote with the Senator from Sagadahoc, Senator Chapman who if he were here would be voting Yes and I would be voting No.

The PRESIDENT: The Senator from Kennebec, Senator Pierce requests Leave of the Senate to pair his vote with the Senator from Sagadahoc, Senator Chapman, who if he were here would be voting Yes and the Senator from Kennebec, Senator Pierce would be voting No.

Is this the pleasure of the Senate?

It is a vote.

The pending question before the Senate is the Motion by the Senator from Knox, Senator Collins, that the Senate Accept the Ought Not to Pass Report "B" of the Committee.

A Yes vote will be in favor of Accepting the Ought Not to Pass Report "B".

A No vote will be opposed.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

#### ROLL CALL

YEA—Collins, Emerson, Huber, Lovell, Narian, Perkins, Trafton, Trotzky.

NAY—Ault, Carpenter, Conley, Danton, Devoe, Farley, Gill, Hichens, Katz, McBreairty, Minkowsky, O'Leary, Pray, Redmond, Shute, Silverman, Teague, Usher.

ABSENT—Cote, Martin.

PAIRED—Clark-Sutton; Chapman-Pierce

A Roll Call was had.

8 Senators having voted in the affirmative, and 18 Senators in the negative, with 4 Senators pairing their votes, and 2 Senators being absent, the Motion to Accept the Ought Not to Pass Report "B" does not prevail.

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

#### Second Readers

The Committee on Bills in the Second Reading reported the following:

##### House

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

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

Which were Passed to be Engrossed, in concurrence.

##### House — As Amended

Bill, "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)

Bill, "An Act to Amend the Maine Veterinary Practice Act of 1975" (H. P. 291) (L. D. 388)

Bill, "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)

Bill, "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)

Bill, "An Act to Require Payment of Taxes on Timberland Repossessed by the Maine Guaranttee Authority." (H. P. 1104) (L. D. 1319)

Bill, "An Act Relating to Gifts in Contemplation of Death." (H. P. 1145) (L. D. 1407)

Which were Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

Bill, "An Act to Make the Attorney General's Explanations of Proposed Constitutional Amendments and Statewide Referenda more Available to the Voters." (H. P. 183) (L. D. 235)

Which was Read a Second Time, and Passed to be Engrossed, as amended, in non-concurrence.

Sent down for concurrence.

Bill, "An Act to Establish a Marijuana Therapeutic Research Program." (H. P. 523) (L. D. 665)

Which was Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Mr. President, I would move Indefinite Postponement of this bill and all its accompanying papers and I'd like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator GILL: This morning I spent about an hour on the telephone with the people from Washington at the Federal Drug Administration in the Drug Enforcement Agency.

I stated what we in Maine had before us in this Legislation. They told me that there was no need for this State or any other State to put in any Legislation because there was already Federal Law on the books. I asked if they would go through the protocol that a physician has to go through to become a researcher in this therapeutic Program and to become a Therapeutic Agent, and they went through the protocol for me. They wanted to make the point that the bill is unnecessary.

The protocol that a physician has to go through is that they have to fill out a form from the Drug Enforcement Administration. The form is Form Number 225, which they have to mail into the Drug Enforcement Agency. It would take about a half an hour for the physician to fill out. At the same time they would send a report to the Drug Enforcement and Federal Drug Administration and it would go through their training, their past experience, their past background.

They are required by law to respond within 30 days to anyone sending in for a Researcher or

as a Therapeutic Agent. If all the information sent is all O.K. and all the procedures in their background is sufficient then within 30 days the physician would be given the opportunity to enter into an agreement with the Government to handle marijuana for a patient.

If there is some problem within 30 days, the problem could be corrected because an investigator would get back to the physician within that 30 day period. They assured me that there were quite a few States that had pending Legislation and the language in the Legislation is in conflict with the Federal Law. So I would ask that this bill and all its accompanying papers be Indefinitely Postponed.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, I would oppose the pending motion and I would just say that I think the rather complicated formula that was just read to us by the Senator from Cumberland, Senator Gill, gives us all the more reason why it would be a much better idea if we're going to go in this direction, and I hope we do, if the State itself were to get in touch with the Federal Agencies in order to get the product, in order to refine it and take care of it.

I was aware that there was a way to do it through the Federal Government. It is a very complicated way, a very complicated way and I don't think that your doctor, your average doctor, back home who might like to participate in this program has readily accessible the number of the Food and Drug Administration, that he can pick and find out this. I don't know where he would turn and get the information.

I have in front of me a list of States that passed this bill, New Mexico, Louisiana, Illinois, Washington, Texas, California, Iowa, the last 3 are presently under its acts of consideration. It's very interesting, all of the votes on this bill, once the facts are known, it appears to me a very non-controversial issue. The votes are just over-whelmingly in favor of it. New Mexico, not exactly the bastion of liberalism, the bill passed under the hammer. There wasn't even a recorded vote on it, Louisiana, 34 to 4, another very conservative State.

Presently Nevada, New Jersey, Massachusetts, and Michigan are considering similar pieces of legislation. So I think this bill was adequately debated the other day. I went home this weekend and talked to a lot of my people. I talked to some doctors, I talked to some physicians, I talked to clergy people, Clergymen. I didn't find a great ground swell of anger out there that the Maine Legislature was contemplating doing this and I didn't find the misconceptions that were talked about in here the other day.

The headline in the Bangor Daily News Saturday read "Medical Marijuana O.K.'d" or something to that effect. I didn't find the misconception that we were legalizing marijuana. So I would just ask that you do stand by your vote of the other day and defeat the pending motion. Mr. President, when the vote is taken, I would request the Yeas and Nays. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: I'm going to be very brief. It's a long day. All the proponents of this bill talked about getting the marijuana to the people because it would make them more comfortable. I've been assured that all Federal Rules and Regulations have to be met. The State Law would only create another level of review. Expedient handling of this marijuana to the patient would not be what the proponents wanted.

The States that have put in a bill, New Mexico, for instance, they did have a budget. The budget was in the neighborhood of \$40,000 to \$50,000. On this particular bill, there is no fiscal note. I would urge adoption of my motion and I would ask for a Roll Call.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call, it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The Chair recognizes the Senator from Penobscot, Senator Emerson.

Senator EMERSON: I request Leave of the Senate, to pair my vote with the Senator from Oxford, Senator Sutton, who if he were here, would be voting No, and I would be voting Yea.

The PRESIDENT: The Senator from Penobscot, Senator Emerson, requests Leave of the Senate, to pair his vote with the Senator from Oxford, Senator Sutton, who if he were here would be voting Nay, and the Senator from Penobscot, Senator Emerson would be voting Yea.

Is it the pleasure of the Senate to grant this Leave?

It is a vote.

The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Gill, that L. D. 665 be Indefinitely Postponed.

A Yea vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

#### ROLL CALL

YEA—Collins, Danton, Devoe, Gill, Hichens, Katz, Perkins, Redmond, Shute, Silberman, Teague.

NAY—Ault, Carpenter, Clark, Conley, Farley, Huber, Lovell, McBreairey, Minkowsky, Najarian, O'Leary, Pierce, Pray, Trafton, Trotzky, Usher.

ABSENT—Chapman, Cote, Martin.

PAIRED—Emerson, Sutton;

A Roll Call was had.

11 Senators having voted in the affirmative, and 16 Senators in the negative, with 2 Senators having paired their votes and 3 Senators being absent, the Motion to Indefinitely Postpone does not prevail.

The Bill, as amended, Passed to be Engrossed, in concurrence.

#### Senate

Bill, "An Act Making Additional Appropriations from the General Fund for the Current Fiscal Year Ending June 30, 1979, Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government and Amending the Effective Date of Abolishing the Mental Health and Mental Retardation Fund." (S. P. 500) (L. D. 1562)

Bill, "An Act to Amend the Maine Sunset Law." (S. P. 512) (L. D. 1577)

Which were Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Bill, "An Act to Assess a Surcharge on Fines for the Operation of the Maine Criminal Justice Academy." (S. P. 545) (L. D. 1608)

Which was Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I would like to ask the members of the Committee, or anyone who has knowledge whether this does not in fact establish a new tax and a new dedicated revenue?

The PRESIDENT: The Senator from Knox, Senator Collins, has posed a question through the Chair to any member of the Committee who may care to answer.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President and Members of the Senate: In answer to the good Sen-

ator's question, this establishes a surcharge of 10% on fines which would go into a Criminal Justice Training Fund. However, this is not a typical dedicated revenue fund as this bill has called for, in times past. Instead the funds would be earmarked for training but they would go through the same appropriations procedure as they go through now. The Appropriations Committee, whatever they wanted to take, instead of taking the money from the General Fund, would take it from the Training Fund. They could give them half of it or all of it, or one-tenth of it, or whatever they wanted to do. This would free up money from the rest of the taxpayers in the General Fund.

There is also a 2 year sunset of this provision so they can see how this does work. Similar provisions in New Hampshire, and several other States find that it's working very well, but we did want to put a 2 year provision on it here. It must be re-enacted in order for us to continue after that time.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I'd pose a question through the Chair to the good Senator from Kennebec, Senator Pierce, as to how much revenues are presently being contributed from Local Government, for the purpose of training our police officers.

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President and Members of the Senate: In answer to that question, I'm not sure of the total number of dollars. I would be happy to find that out exactly prior to enactment of the bill. However, I do know that each officer, and we do mandate at the state level, we mandate that all these officers have to go to the academy for training. Each municipality pays \$125 for the officer to go there.

Obviously now with only 1 in 3 being accepted, there are long periods of on-the-job training which I think, nobody applauds, and this would get more officers into the Academy quicker. It also, at \$125, is obviously a losing proposition. So that all the towns as they send the officers, are going to have to be paying more than \$125 very shortly, unless the Academy is properly funded.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I thank the good Senator for his explanations. I really don't intend to wait around until it's enacted though before I get the figures.

I think the State should face up to facts, that if we want to support the Criminal Justice Academy, then I think we should come up front with the money. I think that adding a surcharge to fines is nothing but a gimmick on the part of the Maine Criminal Justice Academy. It's an old chestnut. This bill has been in and out of this Senate Chamber as often as I have, and perhaps as often as the good Senator from Kennebec.

I hope this thing goes down into a spiral defeat and I would request a Division on it's Engrossment.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I request that this bill and all its accompanying papers be Indefinitely Postponed.

On motion by Senator Katz of Kennebec, Tabled for 1 Legislative Day, pending the Motion by the Senator from Cumberland, Senator Conley to Indefinitely Postponed.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Directing the Senate's atten-

tion to L. D. 1319, on which we have just acted previously, I move the Senate Reconsider its action whereby this bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate reconsider its action whereby Bill, "An Act to Require Payment of Taxes on Timberland Repossessed by the Maine Guarantee Authority." (H. P. 1145) (L. D. 1319), was Passed to be Engrossed, in concurrence.

Is this the pleasure of the Senate?

It is a vote.

On Motion by Senator Pierce of Kennebec, Tabled for 1 Legislative Day, pending Passage to be Engrossed.

#### Senate — As Amended

Bill, "An Act to Establish a Special License for Retired or Inactive Pharmacists." (S. P. 331) (L. D. 965)

Bill, "An Act to Provide for the Codification and Indexing of State Agency Rules by the Secretary of State." (S. P. 510) (L. D. 1576)

Bill, "An Act to Assist School Administrative Units in Addressing Problems Associated with Alcohol, Tobacco and Drug Use and Abuse." (S. P. 209) (L. D. 582)

Which were Read a Second Time and Passed to be Engrossed, as amended.

Sent down for concurrence.

#### Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act to Appropriate Funds to Provide for Lobster Rearing Stations. (H. P. 475) (L. D. 592)

An Act Eliminating the Requirements for Licensing Retail Cigarette Outlets and Cigarette Vending Machines. (H. P. 1122) (L. D. 1452)

On Motion by Senator Huber of Cumberland, Placed on the Special Appropriations Table. Pending Enactment.

An Act Authorizing the State to Contract with Tufts University School of Veterinary Medicine. (H. P. 411) (L. D. 528)

On Motion by Senator Collins of Knox, Tabled for 1 Legislative Day, Pending Enactment.

An Act to Amend the Form of Election Ballots to Omit the Secretary of State's Name under Certain Conditions. (S. P. 272) (L. D. 842)

An Act to Amend the Laws Relating to Beano or Bingo. (H. P. 508) (L. D. 625)

An Act to Amend the Burden of Proof Placed on the Bureau of Taxation in an Appeals Proceeding. (H. P. 1036) (L. D. 1273)

An Act to Clarify the Powers of the Masonic Trustees of Portland as to their Authority to Sell Real Estate. (H. P. 1335) (L. D. 1582)

Which were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

An Act to Increase Merchandising in State Liquor Stores. (S. P. 433) (L. D. 1335)

On Motion by Senator Hichens of York, Tabled for 1 Legislative Day, Pending Enactment.

#### Emergency

An Act to Allow an Emergency Opening of the Purse Seine Season in Washington County. (H. P. 321) (L. D. 425)

This being an emergency measure and having received the affirmative votes of 26 members of the Senate, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1979. (H. P. 1360) (L. D.



1596)

This being an emergency measure and having received the affirmative votes of 26 members of the Senate, was Finally Passed, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Orders of the Day

The President laid before the Senate the First Tabled and specially assigned matter:

Bill, "An Act to Extend the Period for Tax Abatement from One to 5 Years if the Abatement is Justified by an Admitted Error in Assessment Records or Procedure." (H. P. 1172) (L. D. 1432)

Tabled—May 10, 1979 by Senator Teague of Somerset.

Pending—Adoption of Committee Amendment "A" (H-349).

Committee Amendment "A" Adopted.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: Mr. President and Members of the Senate: The Taxation Committee studied the bill and felt we had the solution, with Committee Amendment "A". I asked for a ruling from the Attorney General and received a negative answer. Then I talked with the sponsor of the bill and we agreed that the bill and amendment could not do what was intended. I now move that this bill and all its accompanying papers be Indefinitely Postponed.

On Motion by Senator Teague of Somerset, Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the Second Tabled and specially assigned matter:

Bill, "An Act Equalizing the Retail Price of Alcoholic Beverages throughout the State." (H. P. 674) (L. D. 834)

Tabled—May 10, 1979 by Senator Katz of Kennebec.

Pending—Motion of Senator Lovell of York to Indefinitely Postpone Bill and Papers.

The PRESIDENT: Is it the pleasure of the Senate that this Bill be Indefinitely Postponed?

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President and Members of the Senate: This is a bill that we had in Legal Affairs this year. It's a perennial bill, but this year we put a new twist in the bill.

Ordinarily the way this bill comes out of committee is, we try to increase the price at the Kittery Liquor Store to equalize the prices at the rest of the Retail Stores in the State. The sponsors of this bill thought it might be a good idea this year as we're all very much against discrimination and unfairness throughout the State this year, I know I am, the rest of you probably are, we thought it might be a good idea, this year to lower the rest of the State to equal the price at Kittery, and give everyone in the State the same opportunity the people in Kittery get.

We have a lot of summer visitors, not just through the exit at Kittery, but through Northern Maine and Western Maine, and these people also get the same break that they do if they go to Southern Maine.

I've talked to a lot of people in, I know, Northern and Eastern Maine and they are very much in favor of this. As a matter of fact, I haven't found anyone that's opposed to it in my District.

I think probably one of the greatest concerns of the people in the District is the discrimination in the price of liquor at Kittery and the rest of the State. This bill, if we pass it along, would take care of that problem and take care of this discrimination and unfairness that we now have in the liquor industry in the State. So I would oppose the Indefinite Postponement of this bill.

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

Senator DANTON: Mr. President and Members of the Senate: The good Senator is right, this bill is here every 2 years, it keeps coming back like a song. The truth of the matter is that no matter how you cut the pie, it just means \$12,000,000 to the General Fund. The Senator knows that as well as I do.

When we talk about discrimination, you know it strikes me somewhat funny that when we ride South of Augusta, on the Maine Turnpike, we have to pay tolls. Anyone that rides North, rides for nothing. Now we've been hollering discrimination for years, but no one wants to do anything about us poor people in the Southern part of the State.

Now as far as discrimination goes, that's a bunch of baloney. You know, we've never told anyone from Waldo, Hancock, Washington, Aroostook, Penobscot, Franklin, Sagadahoc, there's a couple more counties there, I can't remember them, or I probably don't even know them. They all can go to the Kittery Store and they can all get discount prices. I'm sure that if we were to look into the history of this bill back when I was a little freshman in this Body, with nice black curly hair, the original bill called for 5 of these stores right through the center State, including the Commissary, which would have given us 6 stores. Everybody from other sections of the State said, now listen, you fellows down in York County can have it. That's where it belongs, you need it there to compete with New Hampshire. Now that it's doing.

Prior to this store, for those of you that aren't aware of the facts, prior to this store, we used to lose about 2 to 3 million gallons of sales to New Hampshire. Believe me, this store as poorly as it's located, without the signs that the Turnpike Authority will not allow us to erect to show where the store is, does about \$6,500,000 a year in business and it nets the State \$3,000,000. Now that's not a bad business. In fact, if the State doesn't want it, I'll gladly take it over, if they want to set me up down there, I wouldn't refuse it.

You know, let's not kid ourselves, you know the store maybe it's wrong that we put it there. It has a few more years to go, in it's lease. At that time, you should address yourselves to that issue. Don't allow the Liquor Commission to renew their lease and have them get out of there, and just have them have a regular store at regular prices. We can't afford to give up \$12,000,000. We're only kidding ourselves. It's time when we're competing.

New Hampshire, I read in the paper the other day, because Massachusetts raised their drinking age to 20 years old, had opened up 3 more stores on the Massachusetts border, and not only are they open 6 days a week, they're open 7 days a week. You know, they're so lucky that they're next to the State of Maine. I'm not saying that we should compete in Liquor. In fact, don't think that because I speak on these liquor bills that I'm a proponent. It just so happens I sponsor them and I feel we're in the business.

Now, I'll challenge the leadership in this Senate Chamber, right now. If they want to get a bill going to dry up the State, prohibition in the State of Maine, Senator Danton, will vote for it. That's a challenge I'll throw out to the leadership. They can go in there and institute that bill. But let's not kid ourselves. \$12,000,000. We should support this motion to kill this bill, and all of its accompanying papers.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, sometimes after illness people undergo a personality change, but I never expected this. I'd like to call the Senate's attention to what I consider a very, very serious characteristic in recent weeks. This is the second time a leading Democrat has referred to an opponent's point of view as full of baloney. I hope that we don't hear it repeated too many times except within the family.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of Indefinite Postponement of L. D. 834, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

16 Senators having voted in the affirmative, and 7 Senators in the negative, the Motion to Indefinitely Postpone does prevail.

The Chair recognizes the Senator from York, Senator Lovell.

Senator LOVELL: Having voted on the prevailing side, I would request reconsideration, and hope you'll vote against me.

The PRESIDENT: The Senator from York, Senator Lovell, moves the Senate Reconsider its action whereby L. D. 834 was Indefinitely Postponed.

Will all those Senators in favor of reconsideration, please say Yes.

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion does not prevail.

The President laid before the Senate, the Third Tabled and specially assigned matter:

Bill, "An Act to Clarify the Powers and Duties of the Office of Energy Resources." (S. P. 423) (L. D. 1294)

Tabled—May 10, 1979 by Senator Katz of Kennebec.

Pending—Passage to be Engrossed.

On Motion by Senator Katz of Kennebec, Retabled for 2 Legislative Days.

The President laid before the Senate the Fourth Tabled and specially assigned matter:

HOUSE REPORTS—from the Committee on Aging, Retirement and Veterans — Bill, "An Act to Include Teachers in the Hope Training School for Retarded Children in Mexico in the Maine State Retirement System." (H. P. 1177) (L. D. 1442) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass as Amended by Committee Amendment "A" (H-354)

Tabled—May 11, 1979 by Senator Pierce of Kennebec.

Pending—Acceptance of Either Report.

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

Senator LOVELL: I'm afraid that if I speak on this bill, Mr. President and Members of the Senate, it'll be Tabled, like it has been the last 2 or 3 days. So I will yield to the good Senator from Kennebec, Senator Katz, to see what he wants to do.

On motion by Senator Katz, of Kennebec, Tabled until later in today's session, pending Acceptance of Either Committee Report.

The President laid before the Senate the Fifth Tabled and specially assigned matter:

SENATE REPORTS—from the Committee on State Government — Bill, "An Act Pertaining to Employment Status of Unclassified Policy-making Positions." (S. P. 371) (L. D. 1151) Report A — Ought Not to Pass; Report B — Ought to Pass as Amended by Committee Amendment "B" (S-173); Report C — Ought to Pass as Amended by Committee Amendment "A" (S-174)

Tabled—May 11, 1979 by Senator Katz of Kennebec.

Pending—Acceptance of a Report.

On Motion by Senator Conley of Cumberland, Retabled for 2 Legislative Days.

The President laid before the Senate the Sixth Tabled and specially assigned matter:

Bill, "An Act Relating to Arbitration under the State Employees Labor Relations Act." (H. P. 142) (L. D. 162)

Tabled—May 11, 1979 by Senator Katz of Kennebec.

Pending—Passage to be Engrossed.

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

Senator TROTZKY: I move that L. D. 162 be Indefinitely Postponed.

The PRESIDENT: The Senate from Penobscot, Senator Trotzky, moves that L. D. 162 be Indefinitely Postponed.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Thank you, Mr. President and Members of the Senate: To be brief, this is the Legislation which would move along any collective bargaining process if it had reached an impasse between the Executive Department and unions into the Legislature. It is not binding upon the Legislature but it would only move that one step along and the Legislature could still address the cost items. I would ask for a Division on the Indefinite Postponement Motion.

On Motion by Senator Katz of Kennebec, Tabled for 1 Legislative Day, pending the Motion by Senator Trotzky of Penobscot.

The President laid before the Senate the Seventh Tabled and specially assigned matter:

Bill, "An Act to Modify the Dispute Resolution Process under the Labor Statutes." (H. P. 824) (L. D. 1035)

Tabled—May 11, 1979 by Senator Pierce of Kennebec.

Pending—Passage to be Engrossed.

On Motion by Senator Katz of Kennebec, Retabled for 2 Legislative Days.

The President laid before the Senate the Eighth Tabled and specially assigned matter:

Bill, "An Act to Improve Private Remedies for Violations of the Antitrust Laws." (H. P. 1077) (L. D. 1330)

Tabled—May 11, 1979 by Senator Pierce of Kennebec.

Pending—Passage to be Engrossed.

On Motion by Senator Clark of Cumberland, Retabled for 1 Legislative Day.

The Chair would direct the Senate's attention to Bill, "An Act to Clarify Inconsistencies in the Liquor Laws." (S. P. 436) (L. D. 1367), tabled earlier in today's session by the Senator from Kennebec, Senator Katz, pending the question to the Chair by the Senator from York, Senator Danton concerning the germaneness of House Amendment "A".

The Chair would rule that this House Amendment is germane.

Is it the pleasure of the Senate to Recede and Concur with the House?

On Motion by Senator Katz of Kennebec, Tabled until later in today's session, pending the Motion of Senator Conley of Cumberland to Recede and Concur.

The Chair would direct the Senate's attention to House Report from the Committee on Aging, Retirement and Veterans, Bill, "An Act to Include Teachers in the Hope Training School for Retarded Children in Mexico in the Maine State Retirement System." (H. P. 1177) (L. D. 1442), Tabled earlier in today's session, by the Senator from Kennebec, Senator Katz, pending Acceptance of either Committee Report.

On Motion by Senator O'Leary of Oxford, Tabled for 1 Legislative Day, pending Acceptance of either Committee Report.

The Chair would direct the Senate's attention to Bill, "An Act to Clarify Inconsistencies in the Liquor Laws" (H. P. 436) (L. D. 1367), Tabled earlier in today's session by the Senator from Kennebec, Senator Katz.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I move the Senate Recede and Concur.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate

Recede and Concur with the House.

Is this the pleasure of the Senate?

It is a vote.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

#### Papers from the House

##### Joint Orders

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation be directed to report out a bill entitled "An Act Establishing the Municipal Cost Component for the Unorganized Territories." (H. P. 1400)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

ORDERED, the Senate concurring that the Joint Standing Committee on Fisheries and Wildlife be authorized and directed to report out a bill to make corrections and clarify provisions of the Inland Fisheries and Wildlife laws. (H. P. 1399)

Comes from the House, Read and Passed.

Which was Read.

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

Senator PRAY: Thank you, Mr. President, Mr. President and Members of the Senate: I would just point the Senate's attention to L. D. 15, "An Act to Revise the Inland Fisheries and Wildlife Laws" are still in Committee. It's basically been an errors and inconsistencies Law which is presently on the Committee, and I don't think this order is necessary. Thus, I move the Indefinite Postponement.

On Motion by Senator Pray of Penobscot, Indefinitely Postponed, in non-concurrence.

Sent down for concurrence.

#### Enactor

The Committee on Engrossed Bills reports as truly and strictly engrossed the following:

##### Emergency

An Act to Establish the Subsidy Index for Educational Funding for the Fiscal Year 1979-80 and to Appropriate the Necessary Funds Therefore. (H. P. 1401) (L. D. 1615)

This being an emergency measure and having received the affirmative votes of 25 Members of the Senate, with 1 Senator having voted in the negative, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Senator Pray of Penobscot was granted unanimous consent to address the Senate, Off the Record.

On Motion by Senator Pierce of Kennebec, adjourned until 9 o'clock tomorrow morning.