

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Tenth

Legislature

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

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FOURTH SPECIAL SESSION

April 28, 1982 and April 29, 1982

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FIFTH SPECIAL SESSION

May 13, 1982

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SECOND CONFIRMATION SESSION

July 16, 1982

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HOUSE

Monday, March 15, 1982
The House met according to adjournment and was called to order by the Speaker.

Prayer by the Reverend Mr. James S. Plourde of the Notre Dame Catholic Church, Waterville.

The members stood for attention during the playing of the National Anthem by the Bonny Eagle High School Wind Ensemble, Standish.

The journal of the previous session was read and approved.

**Papers from the Senate
Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act to Prohibit Public Drinking on School Premises Without Requiring Prior Warning by a Law Enforcement Officer" (H. P. 1929) (L. D. 1912) (S. "A" S-400) which was passed to be Enacted in the House on March 10, 1982.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Lisnik of Presque Isle, tabled pending further consideration and assigned for Thursday, March 18.

Tabled and Assigned

The following Joint Order (S. P. 922)

ORDERED, the House concurring, that the Joint Standing Committee on Taxation report out a bill to the House to update current law to bring the state tax code into compliance with the United States Internal Revenue Code.

Came from the Senate read and passed.

In the House, the Order was read.

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell. Mrs. MITCHELL: Mr. Speaker, I move this be tabled for one legislative day.

Whereupon, Mr. Higgins of Scarborough requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Vassalboro, Mrs. Mitchell, that this be tabled for one legislative day pending passage in concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Baker, Beaulieu, Benoit, Berbue, Boisvert, Boyce, Brannigan, Brodeur, Brown, A.; Carrier, Carroll, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G. W.; Diamond, J.N.; Dudley, Erwin, Fitzgerald, Fowlie, Gwadosky, Hall, Hanson, Hayden, Hickey, Hobbins, Jacques, Joyce, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Laverriere, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; McCollister, McGowan, McHenry, McSweeney, Micahel, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Perry, Pines, Pouliot, Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C.B.; Soulas, Soule, Swazey, Theriault, Thompson, Tuttle, Twitcheil, Vose, The Speaker.

NAY—Armstrong, Austin, Bell, Bordeaux, Brown, D.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gillis, Gowen, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jordan, Kiesman, Lancaster, Lewis, Livsey, Lund, MacBride, Masterman, Masterton,

Matthews, McPherson, Murphy Nelson, A.; O'Rourke, Paradis, E.; Pines, Randall, Reeves, J.; Salsbury, Sherburne, Smith, C.W.; Stevenson, Stover, Strout, Studley, Telow, Treadwell, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—Aloupis, Brenerman, Carter, Higgins, H.C.; Jalbert, Kane, Perkins, Peterson, Post, Racine, Tarbell.

Yes, 77; No, 63; Absent, 11.

The SPEAKER: Seventy-seven having voted in the affirmative and sixty-three in the negative, with eleven being absent, the motion does prevail.

**Petitions, Bills and Resolves
Requiring Reference**

The following Bill was received and, upon recommendation of the Committee on Reference of Bills, was referred to the following Committee:

Labor

Bill "An Act to Open State Collective Bargaining to the Public" (H. P. 2183) (Presented by Representative Joyce of Portland) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

Special Sentiment Calendar

In accordance with the House Rule 56, the following items (Expressions of Legislative Sentiment) Recognizing:

Sister Hedwig Michael, leader of Koreshan Unity, on her 90th birthday; (S. P. 923)

Peter Hemond, of Minot, on his election as road commissioner, the 3rd generation of Hemonds to serve in that capacity; (S. P. 924)

There being no objections, these items were considered passed in concurrence.

House Reports of Committees

Leave to Withdraw

Representative MacEachern from the Committee on Fisheries and Wildlife on Bill "An Act to Eliminate Discrimination in the Granting of Hunting, Fishing and Trapping Licenses" (H. P. 1740) (L. D. 1729) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Consent Calendar

First Day

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

(H. P. 2068) (L. D. 2009) Bill "An Act Converting Grand Lake Stream Plantation into the Town of Grand Lake Stream" (Emergency)—Committee on Local and County Government reporting "Ought to Pass"

(H. P. 2055) (L. D. 2002) Bill "An Act to Provide Staggered Expiration Dates for Terms of Inland Fisheries and Wildlife Advisory Council Members" (Emergency)—Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-649)

(S. P. 759) (L. D. 1817) Bill "An Act to Amend the Maine Consumer Credit Code Regarding Second Mortgages and Mobile Homes"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-408)

(S. P. 787) (L. D. 1852) Bill "An Act to Amend the Maine Consumer Credit Code Regarding Educational Loans and Cosigner Notices" (Emergency)—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-407)

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

**Second Reader
Later Today Assigned**

Bill "An Act Relating to Informed Consent and Determination of Best Interest for those Unable to Give Informed Consent for Sterilization" (H. P. 2179) (L. D. 2065)

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

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: This is an extremely important bill. This bill actually, if you had a chance to read the new draft over, is one that has been to us many times before, and through some manipulating, it was with us during the last session of the legislature and for some reason or other it was held back and it would come to us here now. I am not aware that it was held up to have any kind of a study, but I think it should have the same fate now as it had in the past.

I am opposed to sterilization as such. We all realize that this is a very emotional and personal matter. I want to make it very clear that if there are any members of the House who are in the situation where they might have some mentally retarded children that would be involved in this legislation, anything that I say is strictly concerning the kids or grownups that are in the institutions today, that it is no personal reflection on anyone in how they took care of their kids by placing them there or how much control they do have over them.

My objection to the bill is that this bill in itself is actually a bad bill. It is bad because we are giving the right to the individual, who does not know the difference, to be tampered with. We are talking about human beings, we are not talking about the other species in this world, we are talking about human beings. My objection specifically to the bill is the fact that it only broadens the powers of the administration and the commissioners and lowers the standards by which some people would be allowed to be sterilized. In the old law, one way that you could do it, you had to consult with a physician who, in essence, would have to bring in two other medical physicians and one surgeon before any of this stuff could occur.

I am concerned about what might happen if you open the door and now by the suggestion of other professionals and the physicians should be able to declare whether somebody will be sterilized or not. I am concerned about the rights of the individual, and I don't think that the approach as proposed in the bill is the solution to the problem.

I think the people can control it, we all know how to control that type of people. This bill will not solve the solution because these people are subject to having other people abuse them. If I had anybody in one of these institutions, I would really be mad and I would demand that we have people to watch and stop these people from stripping them of their dignity and being abused sexually by the people who work there or people from outside, not only in the institutions, but also in the homes.

I submit to you that we do have people in Westbrook who do have people who are handicapped that way, but, you know something, they are the most lovable kids and the most devoted parents in their unique way. They take care of these kids and don't mind and they do it for 10, 20, 30 and 40 years, and this is what is essential for any moral issue that we can bring in here.

All I am doing is appealing to the rights of the people who are in these institutions and not give the commissioner or anybody else the right to do it at their own discretion. This is what this bill says—this bill says "other professionals." Who are these professionals? Professionals that go to the college of psychology or just professionals who are psychologists on the street? What are their qualifications compared to a physician's? They should strip one off and put 'psychiatrist' in there instead of 'psychologist'.

This procedure, whichever way you want to look at it, it involves surgery: if they want to sterilize people, it involves surgery, and any surgery, no matter how minor it is, it is a risk, and should we submit these people to such risks? Should we put them at the mercy of such guardians who actually promote this kind of thinking? Should we promote this kind of thinking that has been creeping gradually into this legislature, not only this legislature but the past legislature? Those of us who have been here can be guilty of actually expanding the laws so they can do this.

There are very few cases where such sterilization procedures should be allowed, but they don't say that. What about the emancipated child? We are talking about people who can't make up their own minds but they are emancipated. What do we do with them? The bill says that you can do it to them without their consent if they are not able to consent, but what do we do with them afterwards? Actually, this is not the solution, the solution is to protect these kids or other people from the abusers. Let's get the abusers, that is what we should get, and we don't have to look very far. All we have got to do is look at the papers for the last two or three weeks as to where the abuse is coming from in the different state institutions. Where are the commissioners to see that these people are taken care of and taken care of well? Parents should demand that. That is what the parents are scared of, they are scared that they are not protected and they should be protected. These kids should not be subjected to all this abuse from the different people.

Where is the liability of the state, ladies and gentlemen, if the state does decide to sterilize somebody and then later on something happens, the child is sick with all these social diseases? What do we do then? Where is the liability of the state? Also, where is the liability of the state if it happens that the sterilization process did not work and the child does become pregnant? What happens then? This can happen, because right here in last week's paper, Friday's paper, there is a Sanford couple suing some doctor because she had been sterilized and she had a child. What do we do in cases like that? It is extremely serious, because we are dealing with people who cannot take care of themselves. I think we have obligations in this House to pass laws that will be in their best interest.

With all this stuff, it is a matter of survival of the fittest. Are we to eliminate the God-given people to live, the children of God, everybody refers to them as such when we have this particular year for them. Don't they have a right to be protected? They sure have, and I submit to you that this is not the way to go.

How many sterilizations have we had in this state in the mental institutions in the last three years? This is a question for the proponents of this bill to answer. Let's not forget the ones that are proposing this bill are also the same ones who have voted in the past, and the records will show that they have continuously voted in favor of abortions, they have continually voted against the gay bills and they support all the free programs for AFDC whether they deserve it or not. What is this, a socialist system? Of course it is a socialist system, it is the basis of a socialist system, and this is what we have to fight against.

And what about your conscience? What about the good people who keep their kids in their house and they raise them and this is part of their life and their devotion to them is endless? They give them a special love that most of us do not give our children. These children and the parents deserve unlimited commendation.

I haven't attacked the bill as such—I just ask you to read one paragraph that that is irreversible and all this stuff. But this, ladies and gentlemen, is a bad bill.

I know the mentally retarded can marry now, that there are limitations. When somebo-

dy cannot give proper consent, are we going to let them get involved in situations where consent is needed and they cannot give it?

I am against the bill and I move for the indefinite postponement of it.

The SPEAKER: The gentleman from Westbrook, Mr. Carrier, moves that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: This is a difficult bill for anybody to really debate or argue about, and I don't feel totally informed on this type of thing, but my wife spent 10 years as head of a hospital unit in Pineland Hospital and I had her analyze this bill and read it for me to give me an analysis of it and what she thought. She thought it was an excellent bill.

The gentleman from Westbrook, Mr. Carrier, who has raised the question of the people not being able to take care of themselves, how can they in any way take care of their children? These people are out on the streets today, we have moved them into homes, we have moved them so they can become semi-independent and they are sexually active, to be sure. There is a non-verbal girl in Pineland that became pregnant because of a very active male that took advantage of these people; he was a patient there too. I see nothing wrong with that person being sterilized. I don't think the people who have this handicap should be raising children.

You have to have the person's consent before they can be sterilized, and the parents' consent, and these are the problems that have been raised—if they are not capable of taking care of themselves, how can they make a decision whether they should be sterilized or not. It is a difficult decision, but I certainly think there are people who shouldn't be raising children, and I feel sorry for the children, not the parents.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker Men and Women of the House: As you can see from the two previous speakers, this issue is a touchy issue, an issue that is one of the most sensitive issues that this body or any legislative body will ever deal with, and we have to look at it very seriously because we are talking about a procedure which is in fact irreversible, eliminating the capability of reproducing a child. But you also must look at the existing statute and existing law. The existing law regarding sterilization of mentally handicapped patients is inadequate, it is vague, it is ill-defined. If recent litigation in other states is any indication, I think it is constitutionally suspect.

This new draft which you have before you is L. D. 2064. It mandates a hearing to determine whether a person who is mentally retarded, mentally ill, housed involuntarily in a state institution, or questionably able to give informed consent, is capable of giving informed consent for sterilization. It provides for an adversary hearing to determine if sterilization is in fact in the best interest of that person for whom sterilization is proposed but who cannot give informed consent.

This legislative document has benefited from many individuals' input. Many lay persons and professionals who have been working in this area with great knowledge are very concerned, they are concerned with protecting the rights and dignity of all Maine citizens. This legislation has had the input of such groups as the Maine Association of Handicapped Persons, the Association for Retarded Citizens of Maine, the Pineland Parents and Friends Association, the Developmental Disabilities Council, the Maine Committee on Problems of the Mentally Retarded.

This bill, which was originally presented to us during the last legislative session and which

was studied by the Judiciary Committee over the summer and which is the product of this new draft has been circulated to and suggestions solicited from a wide variety of individual, Maine church groups, civic groups and professional associations, and its drafters have had input and assistance from the Boston Office of the Developmental Disabilities Technical Assistance Service. This is a federally funded legal research center for handicapped issues. The mental health law project of Washington, D.C., and the Center for the Study of medical issues at McGill University, the University also had input in this legislation. It is a law which deals purposely, yet cautiously, with the most complex public issue.

The majority of the Judiciary Committee, in fact twelve of the thirteen members, have an interest in this legislation in protecting Maine citizens from unwanted personal intrusion while assuring that every Maine citizen may exercise those rights which they are entitled to.

As a legislative body, we cannot be held responsible for the actions of our predecessors but our failure to act when we are alerted to shortcomings in existing law is a burden which we must weigh heavily and this must be placed before us today.

I believe that the executive branch of government has acted responsibly in bringing to us their concerns about the present sterilization law, and I believe that the sterilization laws, both present and proposed, are issues which we must squarely face. I believe that the adoption of L.D. 2065, which is a new draft, which has been worked out by the committee, is a major step forward in ensuring the rights and the dignity of Maine's handicapped population.

I urge you this morning to vote against the pending motion to indefinitely postpone.

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

Mr. MCHENRY: Mr. Speaker, I would like to pose a question through the Chair. What are the shortcomings and what are the problems with the present law?

The SPEAKER: The gentleman from Madawaska, Mr. McHenry, has posed a question through the Chair to anyone who may answer if they so desire.

The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: The present law which we have has caused some due process problems. The Department of Mental Health and Mental Retardation has been sitting back concerned with those issues, several of those issues which Representative Carrier raised and that is, what if we in fact perform a sterilization — what if we do, under present law, will we be liable in a law court for a suit?

At the present time, there are seven pending sterilization petitions from Pineland Center and two community mental health clients also are under review by the department. These petitions have been pending for over three years, so to answer the question of the good gentleman from Westbrook, Mr. Carrier, no sterilizations have been performed in any institution relating to the Department of Mental Health and Mental Retardation during this period of time.

It should be noted that originally eight petitions were pending, but in the past three years, one of the clients who petitioned for sterilization died as a result of a blood clot in the lung, which according to the clinical staff of Pineland Center was exasperated by the continued need to utilize birth control pills while the pending petition was being considered.

It is unlikely that under the present sterilization laws the Attorney General's Office will authorize action on any of the pending petitions; therefore, Pineland Center is forced by the inaction of these petitions to provide what is characterized as inadequate medical care, and

that is the use of such contraceptives. Because of the vagueness and the lack of clear understanding of the current sterilization laws, people in our institutions, in fact those seven individuals who have pending sterilization petitions, find themselves in a quandry, their families find themselves in a quandry and the department find themselves in a quandry.

I urge you to oppose the pending motion.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I would like to expand just a bit on what Representative Hobbins has said and in response to Representative McHenry's question. The current law provides sterilizations to take place without judicial review or the concurrence of three physicians and in a case of a patient mentally incapable of giving informed consent, the consent of a legal guardian. The legislation you have before you requires judicial review and judicial approval, and that is the part that is so important, the most important part of this legislation. The laws that we have on the books right now are a disgrace, and it is exactly the kind of law that does allow for the sterilization of people that are not informed and do not even know that it has happened or has happened to them. That is how this bill came about, from a case that was taken before the courts in Maine. The state was sued and the woman won because she was sterilized against her will and she did not give informed consent.

I urge you to support this important piece of legislation which is a protection for all mentally handicapped people.

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

Mr. THERIAULT: Mr. Speaker, I would like to pose a question through the Chair. I would like to know if the family has input in the decision-making process?

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

The chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: As Representative Benoit has mentioned, under present law there is no hearing mechanism and basically what could occur is an individual could be sterilized without their consent.

The proposal before you, the new draft, mandates a hearing, and at that hearing there will be a determination made. At that hearing, the concerns of parents, who can probably attest to whether or not because they have personal knowledge, that person is capable of making an informed consent or whether or not it is in the best interest of that child, so the parents' input, as I read the bill and as it has been explained to me, could be heard at a hearing to determine whether is capable of giving informed consent for sterilization. This is an adversary hearing, it is not a rubber stamp hearing, it is an adversary hearing, and if the parents have a concern or they object, the parents can step forward and show why that person should not be sterilized and why that particular procedure would not be in the best interest of that mentally retarded or mentally ill individual.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I wish to answer Mr. Theriault's question and I am going to beat around the bush to confuse him either. The fact is, Mr. Theriault, the parents in this case, according to certain sections of the bill—it is either the parent or the guardian who would have an input as to whether they should have this or not and that is the answer.

We are not talking about—let's divide the parent, let's divide the young girl that is 22 years old, not able to give her consent, she has

had a baby—how can she give her consent for it to be adopted? This is a very technical legal question, but one of the questions that was not answered to you is the fact that if the parent has the right to do this, or the parent or guardian, the way it is written, if he has the right to apply for sterilization for this child and he desires or just chooses not to have the child sterilized, he would rather do his duty and take care of him and keep him from an environment where they would be abused as such, then what can happen? The question is, there is no provision in this bill if the parent or guardian of the child refuses to apply for sterilization and these people, these professionals, so-called professionals, decide that the child should have sterilization? Under this bill, they can do it. Let anybody else stand up here and challenge that thing—that is the way the bill is written.

Okay, another thing is that actually as far as a guardian is concerned, where the guardian is appointed by the court assuming that you do have a guardian which believes along the line of let's do away with and then build a situation where the fittest survive and he or she decides that she or he should have a sterilization job done on them—is this the correct way to do it? He is imposing his mind on the mind of the person himself, if she had the ability to refuse, he is imposing his mind, therefore, if the court goes along with the subject of sterilization.

This is a very, very important bill. It was said, what is the difference between this bill—what is wrong with the present law. Mr. McHenry, there is nothing wrong with the present law. There is something wrong, I have reservations about the present law, but the only thing I will say about the present law, as it was so ably stated over here, is the fact that in the present law, just to cut down by the new law, the new law cuts down the other one, and one single thing is by not having to have three medical physicians, including a surgeon, to actually pass so somebody will be sterilized or not. This is the difference.

They say professionals and you read the bill and you read how professional these people have to be and you will get the qualifications and if you have time, this bill is coming up again, you look at the qualifications of the people that they suggest should be the judges of this, excluding the court, and you will find out the qualifications are not that high. You are degrading the professional part of the people that are now doing this.

Another thing is, either I got wrong information, and I have a question for Mr. Hobbins—Mr. Hobbins said that we haven't had any cases, if I heard right, we haven't had any cases for the past three years. Well if we haven't had any cases in the past three years, where is the emergency for such laws? Where is the emergency for such laws?

I ask of you and I want to make a statement now that if I ever choose to come back here, I will put some legislation in here—we want emergency legislation and that is what the law says, there should be an emergency preamble on there. Let me also state to you that unless I got the wrong information and Mr. Hobbins has the right information, that actually in the last three years, there have been five abortions made. If this is not so, I stand to be corrected, but this is the same situation as he said, that we haven't had any in the past three years, so why do we need legislation to make it easier to sterilize people and to actually degrade them and make them lose their dignity? I believe the thing is a prevention of other people, those that are in charge or whoever takes care of them, to take care of those people, make sure that nobody can get to them.

Mr. Speaker, I request a roll call.

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

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: As you know, I am

not a member of the Judiciary Committee and I wasn't on the study that put together this new draft of L. D. 1660, but I was concerned about this bill when it came up Friday from a moral standpoint because the issue touches each and every one of us. It challenges us to face a very, very delicate problem in our state.

I am really surprised at the gentleman from Westbrook this morning. I really don't understand his whole point in trying to make this new bill seem to be permissive.

If you vote against this bill, the way I understand it, you would vote to uphold the present law. The present law is archaic, it is old, it is not right, and this bill goes a long way in correcting it in the correct way, not in the wrong way. It is not a permissive bill, it is a bill that gives due process and I am not a lawyer and I cannot explain ad infinitum each one of these points, but it does give the person who is to be sterilized his or her day in court, a time where that person's right can be explained and upheld.

But, more import, no one, I believe, in this House would ever vote to sterilize or take away that natural right of every one of us, no one in this House would vote to do that in good conscience.

I called the Chancellor of the Diocese of Portland. I wanted to know how he felt morally if I voted for the bill in new draft. He told me in good conscience he could certainly support this bill because it goes so far in correcting the abuses that we have presently on the books.

The church never condones sterilization and never supports it; it cannot and it should not. There are times where persons have to be sterilized because of conditions that they have, perhaps cancer, perhaps hemorrhaging, perhaps blood clots. As a consequence of that, a person is sterilized, not to sterilize the person but to correct a malady and to preserve the life of a person, and no one in this chamber should be misled into thinking this is a pro-abortion bill.

I have always voted pro life as a member of this body, and I will support this bill. This is not a pro-abortion bill and this is not a license for our administrators in our state institutions or the administrators in the local health agencies to do abortions on any of our people. This bill will go a long way in correcting a difficult problem.

I commend the members of the Judiciary Committee for working so long over last year and bringing out a new draft and involving the right parties, as chairman Hobbins mentioned earlier, the handicapped people, the mentally retarded and others—this is a good bill. Don't be misled into thinking that this bill here takes away rights and would harm those who could not speak for themselves.

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

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

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

ROLL CALL

YEA—Berube, Carrier, Carter, Conary, Dexter, Dudley, Gillis, Hunter, Jackson, P. C.; Jordan, Kelleher, Kilcoyne, MacEachern, Mahany, McSweeney, Pouliot, Roberts, Webster.

NAY—Aloupis, Armstrong, Austin, Baker, Beaulieu, Bell, Benoit, Boisvert, Bordeaux, Boyce, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carroll, Chonko, Clark, Connors,

Connolly, Cox, Crowley, Cunningham, Curtis, Damren, Davies, Davis, Day, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Erwin, Fitzgerald, Foster, Fowlie, Gavett, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, L.M.; Hobbins, Holloway, Huber, Hutchings, Ingraham, Jackson, P.T.; Jacques, Joyce, Kany, Ketover, Kiesman, LaPlante, Laverriere, Lewis, Lisnik, Livesay, Locke, Lund, MacBride, Macomber, Manning, Martin, A.; Martin, H.C.; Masterman, Master-ton, Matthews, McCollister, McGowan, McHenry, McPherson, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perry, Pines, Post, Randall, Reeves, J.; Reeves, P.; Richard, Ridley, Rolde, Salisbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soulas, Soule, Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Theriault, Thompson, Treadwell, Tuttle, Twitchell, Vose, Walker, Wentworth, Weymouth, Willey.

ABSENT—Higgins, H.C.; Jalbert, Kane, Lancaster, Perkins, Peterson, Racine, The Speaker.

Yes, 18; No, 125; Absent 8.

The SPEAKER: Eighteen having voted in the affirmative and one hundred twenty-five in the negative, with eight being absent, the motion does not prevail.

Thereupon, on motion of Mr. McHenry of Madawaska, tabled pending passage to be engrossed and later today assigned.

Passed to be Engrossed Amended Bill

Bill "An Act to Ensure Consistency in State and Federal Laws Concerning Job Opportunities for Welfare Recipients" (H. P. 1811) (L. D. 1796) (C. "A" H-646)

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

The following papers appearing on Supplement No. 1 were taken up out of order by unanimous consent:

Passed to be Engrossed Emergency Measure

An Act to Fund and Implement Collective Bargaining Agreements Relating to Vocational-Technical Institute Employees (H. P. 2084) (L. D. 2023) (S. "A" S-403 to C. "A" H-630)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 139 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Amend the Maine Turnpike Authority Statutes (H. P. 2165) (L. D. 2064) (C. "A" H-648)

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

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker and Members of the House: I wish before we enact this today, if in fact we do, that we could have perhaps a brief explanation of the change in the law. You're all aware, we did amend and change substantially the Maine Turnpike Authority statutes last session, and I guess this is essentially a recodification of that, but I wish for the record that someone could explain briefly how it is intending to accomplish that. My concern, basically, is that the bill was not printed and on our desks until last Friday, the public hearing was on Friday morning and it is up for enactment on Monday. I have somewhat of a concern about that and I think other members of the House do as well, and I wish someone could

briefly tell us why this has to be handled in such a fashion and exactly what the bill does, since it is a pretty good size document.

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

The Chair recognizes the gentleman from Windham, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: This bill, 2064, is a result of legislation we passed last year. Last year, regarding the turnpike, we debated a long time about how we finally wanted to have the Turnpike Authority end up, or have it end up at all. What we decided last year, after a great deal of debate, was that we would keep the Authority and that we would also retain the closed system. That process generates this year a speculation of about \$15.2 million, half of that money which is from out-of-state traffic.

Secondly, last year we also allowed for interchanges to be built near communities that might promote economic development.

Thirdly, we allowed for \$4.7 million to be issued over to the Department of Transportation to help that department with its awesome responsibilities.

Fourthly, we also allowed for a commuter pass system which guaranteed those who travelled the turnpike daily or on a very routine basis at least a 50 percent discount. Then, at the end of all that, we asked that the Authority find bond counsel and make recommendations, legal recommendations, for implementation of those recommendations plus a toll fare increase, an increase which has not been made, by the way, since 1958.

So the reason we are here today is to put those recommendations into effect, and the reason that you had this bill on your desks as of last Friday, and the hearing was last Friday, is because the printing just never got done, the final draft wasn't put together.

The Department of Transportation agrees with this fully, the Maine Turnpike Authority agrees with this fully. It came out of the Transportation Committee with a unanimous "ought to pass" and the only reason we are trying to push it through quickly—and, by the way, this will not take place until Thursday because the other body has adjourned—but the only reason we are trying to put this through quickly is because the toll fare increase, which was part of that recommendation we made last year, takes a number of weeks to put together. If we are going to have this all come to a head by this summertime when, number one, the bonds are paid up and, number two, the summer traffic comes in, we need a few weeks to get ready for that.

That is basically what it is, and I would answer any further questions anyone might have regarding the turnpike.

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

128 having voted in the affirmative and 3 having voted in the negative, the Bill was passed to be enacted.

Signed by the Speaker and sent to the Senate.

The following papers appearing on Supplement No. 2 were taken up out of order by unanimous consent:

Bill "An Act Implementing Certain Recommendations of the Citizens' Commission to Evaluate the Department of Environmental Protection" (S. P. 925) (L. D. 2066)

Came from the Senate referred to the Committee on Energy and Natural Resources and ordered printed.

In the House, the Bill was referred to the Committee on Energy and Natural Resources in concurrence.

On motion of Mr. Higgins of Scarborough, the House reconsidered its action whereby the Bill was referred to the Committee on Energy and Natural Resources in concurrence.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, I intended to be recognized a little sooner. In passing, I only wanted to make a brief remark, and that, I guess, is similar to the one on the last bill. I have a great deal of concern that with 13 days left we are experiencing some additional bills coming in, especially bills of the magnitude that this one is, and I guess the hearing is already scheduled for Wednesday. I point that out simply because we have been facing a backlog of bills and the legislative process has backed up, and my concern, again, is that with 13 days left and the size of this bill and the implications that it has I think could be unfortunate.

With that, I move that the bill be referred to the Committee on Energy and Natural Resources.

Thereupon, on motion of Mr. Higgins of Scarborough, the Bill was referred to the Committee on Energy and Natural Resources in concurrence.

Passed to Be Enacted

An Act to Revise the Fair Credit Reporting Act and to Conform it to Recent Maine Judicial Decisions (H. P. 1727) (L. D. 1712) (S. "A" S-404; C. "A" H-631)

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

The following paper appearing on Supplement No. 3 was taken up out of order by unanimous consent:

From the Senate, the following Joint Order: (S. P. 926)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Thursday, March 18, 1982, at eleven o'clock in the morning.

Came from the Senate read and passed.

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

The following paper appearing on Supplement No. 4 was taken up out of order by unanimous consent:

The following Communication: (S. P. 927)

State of Maine
Senate Chamber
President's Office

March 15, 1982

Honorable Dana C. Devoe
Honorable Barry J. Hobbins
Chairmen

Joint Standing Committee on Judiciary
State House
Augusta, Maine 04333

Dear Committee Chairmen:

Please be advised that Governor Joseph E. Brennan is nominating Millard E. Emanuelson of Machias for reappointment to the District Court for the Judge-at-Large seat.

Pursuant to Title 4 M.R.S.A. Section 157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/JOSEPH SEWALL
President of the Senate
S/JOHN L. MARTIN
Speaker of the House

Came from the Senate read and referred to the Committee on Judiciary.

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

Orders of the Day

The Chair laid before the House the first

tabled and today assigned matter:

Bill, "An Act to Change the Corporate Limits of the Kittery Water District" (H. P. 1872) (L. D. 1866)

Tabled—March 11 by Representative Vose of Eastport.

Pending—Passage to be Engrossed.

On motion by Mr. Davies of Orono, retabled pending passage to be engrossed and assigned for Thursday, March 18.

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

HOUSE REPORT—"Ought to Pass" as Amended by Committee Amendment "A" (H-614) — Committee on Public Utilities on Bill, "An Act to Clarify the Regulation of Sewer Districts" (H. P. 1791) (L. D. 1781)

Tabled—March 11 by Representative Vose of Eastport.

Pending—Acceptance of Committee Report.

On motion of Mr. Davies of Orono, retabled pending acceptance of the Committee Report and assigned for Thursday, March 18.

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

An Act to Adjust Fees for Licenses issued by the Real Estate Commission (Emergency) (H. P. 1809) (L. D. 1794) (C. "A" H-612)

—In House, Failed of Passage to be Enacted on March 9.

—In Senate, Passed to be Enacted in non-concurrence.

Tabled—March 11 by Representative Brannigan of Portland.

Pending—Motion of the same gentleman to Recede.

On motion of Mr. Brannigan of Portland, retabled pending the motion of the same gentleman to recede and assigned for Thursday, March 18.

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

An Act Relating to the Compensation of Public Utilities' Commissioners (H. P. 1921) (L. D. 1903) (C. "A" H-626)

Tabled—March 11 by Representative Jalbert of Lewiston.

Pending—Motion of Representative Cunningham of New Gloucester to Reconsider Failing of Enactment.

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

Mr. DAVIES: Mr. Speaker, I move this be tabled for one legislative day.

Whereupon, Mrs. Reeves of Pittston requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Orono, Mr. Davies, that this be tabled for one legislative day pending the motion of Mr. Cunningham of New Gloucester to reconsider whereby the Bill failed of passage to be enacted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

66 having voted in the affirmative and 64 having voted in the negative, the motion did prevail.

(Off Record Remarks)

On motion of Miss Brown of Bethel,
Adjourned until Thursday, March 18, at eleven o'clock in the morning.