

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh  
Legislature*

OF THE

STATE OF MAINE

**Volume II**

May 21, 1975 to July 2, 1975

**Index**

KENNEBEC JOURNAL  
AUGUSTA, MAINE

Government on, Bill, "An Act Authorizing the County Commissioners of the Various Counties to Expend Funds for the Purchase of Real Estate." (H. P. 1165) (L. D. 1464)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-388).

Comes from the House, Bill and accompanying papers Indefinitely Postponed.

Which report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

#### Divided Report

Nine members of the Committee on Public Utilities on, Bill, "An Act to Promote Efficiency in Public Utilities." (H. P. 1315) (L. D. 1633)

Reported in Report "A" that the same Ought to Pass as Amended by Committee Amendment "A" (H-431).

Signed:

Senators:

CUMMINGS of Penobscot  
GREELEY of Waldo  
CYR of Arostook

Representatives:

LEONARD of Woolwich  
BERRY of Buxton  
NADEAU of Sanford  
SPENCER of Standish  
LITTLEFIELD of Hermon  
SAUNDERS of Bethel

Two members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass.

Signed:

Representatives:

KELLEHER of Bangor  
GRAY of Rockland

One member of the same Committee on the same subject matter reported in Report "C" that the same Ought Not to Pass.

Signed:

Representative:

TARR of Bridgton

Comes from the House, Report "B" Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read.

On motion by Mrs. Cummings of Penobscot, the Majority Ought to Pass as Amended Report "A" of the Committee was Accepted in non-concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in non-concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Human Resources on, Bill, "An Act Relating to Protective Custody of Children under Health and Welfare Laws." (H. P. 638) (L. D. 789)

Reported that the same Ought Not to Pass.

Signed:

Senators:

KATZ of Kennebec  
GRAHAM of Cumberland

Representatives:

RAYMOND of Lewiston  
SAUNDERS of Bethel  
DAVIES of Orono  
HUTCHINGS of Lincolnville  
AULT of Wayne

The Minority of the same Committee on the same subject matter reported that the

same Ought to Pass in New Draft under Same Title (H. P. 1577) (L. D. 1880)

Signed:

Representatives:

TALBOT of Portland  
HUNTER of Benton  
CONNERS of Franklin  
TRUMAN of Biddeford  
BACHRACH of Brunswick

Comes from the House, the Minority report Read and Accepted and the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-425).

Which reports were Read.

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

Mr. KATZ: Mr. President, although I signed the Majority Ought Not to Pass Report, the House Amendment now on this bill has gained my support and I move adoption of the Minority Ought to Pass Report.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate accept the Minority Ought to Pass in New Draft Report of the Committee. Is this the pleasure of the Senate?

The motion prevailed and the Bill was Read Once. House Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act to Establish the Maine Building Code." (H. P. 1346) (L. D. 1810)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-283).

Signed:

Senators:

CORSON of Somerset  
CIANCHETTE of Somerset  
DANTON of York

Representatives:

GOULD of Old Town  
JOYCE of Portland  
BURNS of Anson  
CAREY of Waterville  
FAUCHER of Solon

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

Signed:

Representatives:

COTE of Lewiston  
PERKINS of Blue Hill  
HUNTER of Benton  
SHUTE of Stockton Springs

Comes from the House, Bill and accompanying papers Indefinitely Postponed.

Which reports were Read.

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

#### Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act Relating to the Furnishing of Family Planning Services to Minors." (H. P. 988) (L. D. 1253)

Reported that the same Ought Not to Pass.

Signed:

Senators:

GREELEY of Waldo

BERRY of Androscoggin  
Representatives:

CURRAN of South Portland  
GOODWIN of South Berwick  
KENNEDY of Gray  
POST of Owl's Head  
LOVELL of Sanford  
HENNESSEY of West Bath  
LAPOINTE of Portland  
SPROWL of Hope

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-394).

Signed:

Senator:

HICHENS of York

Representatives:

LAVERTY of Millinocket  
MORIN of Old Orchard Beach

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

Which reports were Read.

Mr. Berry of Androscoggin moved that the Senate accept the Majority Ought Not to Pass Report of the Committee.

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

Mr. HICHENS: Mr. President, I would rise in opposition to that motion. We have a bill before us today that would attempt to change the trend to break up family relationships and would rather strengthen these relationships between parent and minors by keeping parents informed as to what is going on between their sons, and their daughters especially, and public agencies. I believe that family planning services for married couples is an important program, but when unmarried teenagers receive such information and devices for contraception and are encouraged to have freedom of sex, regardless of what opponents of L. D. 1253 may affirm, we are taking a big step in breaking down the morals of our state.

The arguments that they will do it anyway and should be protected is the same argument we hear on other issues. But I still assert that more young people's morals are broken down by such a law than would be if parental notification were required.

When I receive several letters from teenagers in one envelope all written on the same block of paper urging me to oppose the bill, it is apparent that someone is urging the writing of such letters. When I get letters such as one from a 13-year-old girl stating, "I should be able to do what I want without my parents knowing", and another stating, "Who wants babies anyway?", I cannot help but wonder what we are coming to.

We often hear people say we can't legislate morality, but with laws like this one we now have on the books, we sure are legislating immorality.

On the Maine Opinion Tabulation Response conducted by television station WGAN May 9th on the question, "Should a parent be notified when birth control drugs or devices are prescribed for teenagers?", over two-thirds of those expressing their opinions voted yes. In an area like Portland I feel that this is a very significant indication of the feeling of concerned people.

Earlier this week the majority of this body voted for a bill that will further separate the husband and wife relationship. Now, if we reject passage of this L. D. 1253, we continue to widen the gap between parents and teenagers.

The Governor of this state during a

speech to the Maine Police Chiefs Association in January is quoted as saying, "Respect and basic discipline isn't going to be learned in the classroom or in the community. It is going to have to be taught at home by parents who must take time to look at what society has become and who will take time to teach and set examples."

I therefore oppose the motion and ask for a roll call.

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

Mr. HUBER: Mr. President and Members of the Senate: I feel that passage of L.D. 1253 would effectively deny family planning services to minors. The result of the requirement of parental notification of delivery of these services would cause minors simply not to go to these programs. The end result would be an increase in illegitimacy, which among minors already accounts for 26 percent of illegitimacy in Maine, increased incidents of abortion, either legal or illegal, and blighted young lives.

There are those who argue that access to family planning services increases promiscuity. However, I would argue that minors who do show up at family planning programs are sexually active already, and the approach to a family planning program is really the first step in responsibility in this important and personal area.

The act which this bill would amend, which I sponsored in the last regular session, already requires that it be the professional judgment of a physician that non-delivery of family planning services would be detrimental to the minor's health. This decision is not taken lightly by physicians, and I think this safeguard is already included in the existing legislation.

The best reason for the defeat of L.D. 1253, however, is that if this bill passes, there will be for many minors unwanted pregnancies, private misery, and in many cases public dependency. I hope we will accept the Ought Not to Pass Report, the 10 to 3 report of the Committee.

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

Mr. MERRILL: Mr. President, I would like to request through the Chair that somebody who is in favor of the bill explain the effect of the amendment please?

The PRESIDENT: The Senator from Cumberland, Senator Merrill, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I would like to clarify a few things about the bill itself and family planning services. What the legislation does is require that when a prescribed birth control method is requested, prescribed, that then the parents become involved, they receive knowledge that the child has requested these prescribed birth control methods. That does not stop family planning services from passing out the other forms that they use. As I understand it, the unprescribed methods of condoms, foam and gel can be passed out without the parents becoming involved.

The intention of the legislation of prescribed birth control methods is the fear that these things that require prescription — for one thing, it is required that a medical report has to be filled out,

and a lot of times some of the younger minors that are using this program do not always know their family history. There is a form that has to be filled out with the medical history background of the family.

I have a letter from one of my constituents, the bill was put in by one of my constituents, and it came from a group of people in my district. I would just like to read what he had to say in one of his letters.

"What it boils down to, the law states in this bill that a minor may obtain from an unfamiliar doctor who has examined her a birth control device without the consent of parents or guardian." Now, to unquote for a minute, what has happened in my area is that a lot of the local doctors will not handle it, so they are taken as far as a hundred miles away to the City of Bangor for doctors to examine them, without the parents knowing where the children are.

To continue with the letter: "I stand to be corrected, but the family planning agency, after they have counseled the minor, can legally transport a minor from this town to another community where this young person is examined by an unfamiliar doctor who has no idea what the person's background or medical status is. And if that doctor sees fit, he can then supply the minor with birth control devices through family planning, without the consent or knowledge of that person's parents or guardian. If this is so, I feel that the state has taken away from me one of the highest of God-given rights to a parent, and that is being the one who can say what is right or wrong for his children. Who is to say this youngster will or will not lie to the doctor during the examination to obtain this device, or his not knowing that there may be circumstances in this young individual's medical status that could perhaps cause great harm to the child? There are so many questions but no straightforward acceptable answers to what overshadows the possibilities.

"I am not against family planning, for I know that it has great benefits and can offer so much to people, but this one segment of the bill has denied me the great right as a parent. In politics we have a right to know law, in which a person has the right to public information, but in the rights of humans in the form of concerned responsible parents, it is in my mind that these rights have been thrown out the window by the legislature."

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

Mr. MERRILL: Mr. President, I have given some consideration to the issue of parent notice as far as birth control is concerned, and frankly, I am not certain yet how I feel about that question. It is one of great concern to me, and as I look forward to being a parent of a teenage girl sometime it is one that I have trouble answering.

But I look at this bill and I look at the amendment, and I see that there is much more here than just notification. First of all, there is a question raised to me as to whether or not the parent has to be notified previous to the prescription being granted, or whether they just send out the notice that it has been done. In one case, obviously, a delay would result. In the other case, the expressed desire that the medical history will be available to the doctor would not be accomplished.

Further, there is more than just notice in this bill. There is a requirement that the minor will be interviewed by a person with

psychological training and counseling experience. And I can't say that I have had at any time a good case made why we should require these people to go to this training, when most people experienced in psychology or psychiatry will say that they can do very little for anybody who does not come to them willingly as a patient.

In light of that, and in light of the fact that there is so much confusion to me as what the procedure will be as far as the granting of these drugs, and these other requirements that I just can't go along with, I am going to vote against the passage of this bill.

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

Mr. HICHENS: Mr. President, in answer to the good Senator from Cumberland's query as to the intent of the amendment, I think that he has probably read it by now and answered it himself, but in answer to the question he has just asked, the parent would be notified before any information was given to the minor. It is written very plainly in the amendment. Then the minor shall be interviewed by a person with psychological training and counseling experience to determine if such health hazards were present.

We were told by the counseling services that this is already being done, but the one thing is that the parents aren't being notified. It is being done without the parents' notification.

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

Mr. PRAY: Mr. President, myself as a young parent, and being in this legislature, I am quite concerned with the mood the country has taken through the 60's and the early 70's of seeming irresponsibility and permissiveness in our society.

As to the comments made by the good Senator from Cumberland, Senator Merrill, if he shows such concern about such legislation, then all I can do is urge him to defeat the motion and pass the bill. Then perhaps if he has problems with it, we could amend it to where it would be more suitable, especially on the part of the psychological counseling.

I was told by some individuals and some members of the committee that they saw this as a great way to get the bill killed so they were going to leave it there. They themselves were against it, but the committee itself did not feel that they should take it out. The thinking on it was that it would definitely help to kill the bill. I think it could be amended out so it might be more answerable and suitable to some of the people who might have objection to such clauses or phrases in the bill.

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

Mr. Carbonneau of Androscoggin then moved that the bill be tabled and Tomorrow Assigned, pending the motion by Mr. Berry of Androscoggin that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

On motion by Mr. Speers of Kennebec, a division was had. Seven having voted in the affirmative, and 17 having voted in the negative, the motion did not prevail.

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

Mr. PRAY: Mr. President, one last statement to make the record clear. I myself am not totally in favor of the bill as written, but I do believe it can be amended, as I suggested perhaps to some

other members and I would hope that they would defeat the motion. Perhaps if it can't be amended to a suitable stage for them, they can later express their feelings on the bill.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Berry, that the Senate accept the Ought Not to Pass Report of the Committee. A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places 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 Androscoggin, Senator Berry, that the Senate accept the Majority Ought Not to Pass Report of the Committee. Those in favor of accepting the Ought Not to Pass Report of the Committee will say "Yes"; those opposed will say "No".

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Berry, E.; Berry, R.; Carbonneau, Cianchette, Collins, Corson, Cummings, Curtis, Gahagan, Graham, Greeley, Huber, Jackson, Johnston, Katz, Merrill, Reeves, Roberts, Speers.

NAYS: Senators Clifford, Cyr, Danton, Graffam, Hichens, McNally, O'Leary, Pray, Thomas, Trotzky.

ABSENT: Senators Conley, Marcotte, Wyman.

A roll call was had. 19 Senators having voted in the affirmative, and 10 Senators having voted in the negative, with three Senators being absent, the Majority Ought Not to Pass Report of the Committee was Accepted in concurrence.

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

Mr. HUBER: Mr. President, I move we reconsider our previous action on this bill and hope you will vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate reconsider its action whereby it accepted the Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. Pray of Penobscot then moved that the Bill be tabled and Tomorrow Assigned, pending the motion by Mr. Huber of Cumberland to Reconsider.

On motion by Mr. Speers of Kennebec, a division was had. 10 having voted in the affirmative, and 19 having voted in the negative, the tabling motion did not prevail.

Thereupon, a vive voce vote being taken, the motion to Reconsider did not prevail.

#### Joint Order

Out of order and under suspension of the rules:

On motion by Mrs. Cummings of Penobscot,

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to Tuesday, May 27, at 10 o'clock in the morning. (S. P. 536)

Which was Read.

On motion by Mr. Speers of Kennebec, tabled until later in today's session, pending Passage.

#### Senate Ought to Pass

Mr. Huber for the Committee on

Appropriations and Financial Affairs on, Bill, "An Act Making Additional Appropriations from the General Fund for the Expenditures of State Government and for Other Purposes for the Fiscal Year Ending June 30, 1975." (S. P. 534) (L. D. 1502)

Reported pursuant to Joint Order (S. P. 522) that the same Ought to Pass.

Which report was Read.

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

Mr. HUBER: Mr. President and Members of the Senate: This measure is as a result of the order we had earlier, and I would just like to explain briefly what is in this bill.

This bill appropriates the \$5,434,000 which we held back in the previous emergency appropriation act, which is the share of the education subsidy which is being borne by the state. We retained this pending action on L. D. 1452. It also includes \$100,000 for the district court administration, which will be refunded from district court funds. Also included is \$200,000 for the legislative account, an allotment to the Department of Marine Resources in the amount of \$98,000 so that they can go on the same radio system as currently used by all our other enforcement agencies — otherwise they would be left out alone. It includes also minor appropriations to the Department of Manpower Affairs, the Attorney General, and again a minor amount to the Treasurer of State to reimburse the Town of Bucksport for the business inventory tax.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Ought to Pass Report of the Committee?

Thereupon, the Ought to Pass Report of the Committee was Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

#### Ought to Pass — As Amended

Mr. Graham for the Committee on State Government on, Bill, "An Act to Authorize the Governor's Committee on Children and Youth to Accept and Administer Certain Available Funds." (S. P. 138) (L. D. 442)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-189).

Which report was Read.

The PRESIDENT: The Cahir recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President, there is an amendment being prepared, which should be available by Tuesday of next week, which will put back into this bill something that I think was inadvertently left off, which would authorize the Governor's Committee on Children and Youth to accept gifts. In other words, it would enable them then to solicit support by private funds. This was left off. And I would appreciate it if someone would table this for two days for that amendment.

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

Thereupon, on motion by Mr. Gahagan of Aroostook, tabled and Specially Assigned for May 27, 1975, pending Acceptance of the Committee Report.

#### Ought to Pass in New Draft

Mr. Carbonneau for the Committee on Local and County Government on, Bill, "An Act to Increase the Salary of the Superior Court Messenger of Cumberland County." (S. P. 64) (L. D. 186)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to Salaries of Jury Commissioners and County Officers in the Several Counties of the State." (S. P. 533) (L. D. 1901)

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

#### Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act Relating to Exemption of the East Auburn Community Unit, Inc., from Property Taxes." (S. P. 482) (L. D. 1613)

Reported that the same Ought Not to Pass.

Signed:

Senators:

JACKSON of Cumberland  
MERRILL of Cumberland

Representatives:

DRIGOTAS of Auburn  
SUSI of Pittsfield  
FINEMORE of Bridgewater  
COX of Brewer  
MULKERN of Portland  
DAM of Skowhegan  
MORTON of Farmington

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

Signed:

Senator:

WYMAN of Washington

Representatives:

MAXWELL of Jay  
IMMONEN of West Paris  
TWITCHELL of Norway

Which reports were Read.

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

Mr. BERRY: Mr. President, if I might, through the Chair, I notice that the Chairman of the Taxation Committee is not in the chambers at this time, and I would request that somebody table this for one legislative day, pending acceptance of either report.

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

Thereupon, on motion by Mr. Merrill of Cumberland, tabled and Specially Assigned for May 27, 1975, pending Acceptance of Either Report.

#### Joint Order

On motion by Mr. Speers of Kennebec, the Senate voted to take from the table the following:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to Tuesday, May 27, at 10 o'clock in the morning. (S. P. 536)

Tabled earlier in today's session by that same Senator, pending Passage.

Thereupon, the Joint Order received Passage.

Under suspension of the rules, sent down forthwith for concurrence.

#### Second Readers

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

#### House

Bill, "An Act to Increase Exemption, for the Inheritance Tax and to Increase the Inheritance Tax Rate." (H. P. 367) (L. D. 461)

Bill, "An Act Exempting Machinery and Equipment used for Manufacturing and Research from Sales and Use Tax." (H. P. 1325) (L. D. 1626)

Bill, "An Act to Increase Borrowing