

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume II

First Regular Session

May 7, 1979 to June 15, 1979

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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.

Senator 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.

Senator 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 vert 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, McBreairty, Minkowsky, O'Leary, Pray, Redmond, Shute, Silverman, Teague, Trozky, 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, Trozky.

NAY—Ault, Carpenter, Conley, Danton, Devoe, Emerson, Farley, Gill, Hichens, Katz, McBreairty, 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-