

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume II

First Regular Session

May 7, 1979 to June 15, 1979

INDEX

First Confirmation Session

August 3, 1979

INDEX

First Special Session

October 4-5, 1979

INDEX

Second Special Session

October 10-11, 1979

INDEX

Second Confirmation Session

December 7, 1979

INDEX

Senate

Bill, "An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine." (S. P. 581) (L. D. 1639)

Which was Read a Second Time.

On Motion by Senator Collins of Knox, Tabled, until June 5, pending Passage to be Engrossed.

Senate — As Amended

Bill, "An Act to Amend the Campaign Finance Law." (S. P. 78) (L. D. 167)

Bill, "An Act to Abolish the Legislative Council." (S. P. 86) (L. D. 171)

Bill, "An Act to Regulate the Sale of Franchises." (S. P. 465) (L. D. 1499)

Bill, "An Act Concerning the Accountancy Statutes." (S. P. 175) (L. D. 367)

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

Sent down for concurrence.

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

Senator DEVOE: Thank you very much, Mr. President, I apologize to you and to the Members of this Body. Regarding L. D. 508, I move Reconsideration.

The PRESIDENT pro tem: The Senator from Penobscot, Senator Devoe moves that the Senate reconsider its action whereby Bill, "An Act to Clarify the Form of the Local Consent Resolution Regarding State Housing Authority Assistance Allocation." (H. P. 402) (L. D. 508) was Passed to be Engrossed.

On Motion by Senator Pierce of Kennebec, Tabled until later in today's session, pending the Motion by Senator Devoe of Penobscot.

Enactors

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

An Act to Require Parental Notification of a Minor's Abortion. (S. P. 220) (L. D. 604)

The PRESIDENT pro tem: The Chair recognizes the Senator from Knox, Senator Collins. Senator COLLINS: Mr. President, this matter has received our attention before, but I ask the Senate to listen once more to what it really means.

Once upon a time, we used to hear that there were 3 learned professions, law, medicine, and theology. Those 3 learned professions provided people in our society who were looked to for counsel and advice and treatment and aid when matters of special difficulty were encountered. As the centuries went on our English Law, which we inherited in this country and have developed here, built up a special privilege concerning communications between people and those professionals in those 3 areas of learning.

Today in this bill we are being asked to abrogate one of the most important aspects of the privileges that go to the learned professions. Three years ago as a result of a long study done by eminent citizens of this State, a new code of evidence was written and presented to the courts and adopted by the courts and given the approval of this legislature. That Code of Evidence provides 4 privileges, one of which is the privilege between husband and wife, that their communications are private between them. The other 3 relate to the 3 learned professions.

I think we're all acquainted with the privilege between lawyer and client. What the client says to the lawyer is in confidence between the 2 of them. The law safeguards that confidence with rules of law that says that it is confidential and privileged and not to be disclosed to anyone else without the approval of the client.

Likewise the clergyman, the religious privilege. The rule reads, "a person has a privilege to prevent another from disclosing a confidential communication by the person to a clergyman in his professional character, as spiritual advisor."

If we drive a breach into the similar privilege that exists between doctor and patient, will the next move be that we enact a law that says that the priest must report to the parents, after hearing in the confessional the sins of the child, before he can help that child with absolution, or with a program for working out his problems?

Is the next move going to be to say that when we go to our lawyer and tell him in confidence our problem, that he must report to the authorities the nature of that problem before he can give advice and help to the client?

I wonder if we really understand how serious a step we are taking, if we legislate that the physician must tell someone else before he can provide help to his patient. The law that now is on our books, approved by this Legislature only 3 years ago says this: "a patient has a privilege to prevent any other person from disclosing confidential communication made for the purpose of diagnosis or treatment of his physical or emotional condition, among himself, his physician, and persons who are participating in the diagnosis or treatment under the direction of the physician. We're being asked to drive a very big hole through that law today.

We have 3 choices today. This bill is before us as an Enactor. We can enact it as it is; we can defeat it; or we can amend it to preserve some of that sacred discretion of confidentiality that now prevails between the physician and the patient.

There has been prepared Senate Amendment "C" which is on our desks, under Filing S-263. In order for that amendment to be offered, we have to Suspend the Rules, take a couple of parliamentary maneuvers to back up and then that amendment could be offered.

This amendment I plead with you has great value, because it says: "If after professional consultation with the minor and in the professional medical judgment of the physician there is the serious probability that the notification would result in physical abuse to the minor, the notice under subsection 2 shall not be required."

Now in order to help keep track of what is going on with respect to abortions with teenagers, there is a further provision that if that be the case, the physician must report the statistical data in anonymous fashion to the Department of Human Services so that we will have a chance to monitor that kind of activity and see what is really happening.

I ask you is there really anyone in this Chamber that would want a teenage girl to have to go home to physical abuse, to serious physical abuse? I know many of us are emotionally committed to voting against abortion as we see it, but this issue is much bigger than abortion. You can be against abortion, you can have all kinds of religious scruples about it, and you can still have humanity and the compassion to prevent a child from being beaten up.

I wish that the Senator from Cumberland, Senator Conley, would be able to sit down with his very capable son who graduated from Law School last Sunday and talk with him about the reasons that we have these privileges in our law. How are we going to preserve the confidence and the trust, between the priest and the penitent; between the lawyer and the client; between the patient and the physician, if we put this kind of stuff into our laws and take away the judgment and the discretion that these people have when they're trying to help people in trouble?

These rules didn't come out of thin air. They're the product of centuries of human experience. So I speak today for the teenage child, who has no voice here. This bill in amended form will still give parents an unusual privilege, an exception from all the other privileged materials that we have.

So the bill, in its amended form, would still do much to help those who feel that they have a righteous position of 'right to know' about their

children's activities. We are only asking you to not put on the books something which will require a teenage girl to face the physical wrath and abuse of a drunken brute of a father, or an alcoholic mother. There are such people, I'm sorry to say, because I've seen it happen.

I have had in my professional experience to counsel family members who have come when it's too late, when their child has committed suicide. I've had to put young men in jail on bastard actions. I've been a magistrate, who had to sign papers to get people in and out of jail on these problems. I've talked with many doctors and nurses and social workers who really know what's going on. It's very easy for us to sit here and say well, the parents ought to know, yes, they ought to. But the realities are quite different in these few cases where the teenager in trouble does not have the kind of parents that are willing to help. In fact, some of those parents ought never to know about this problem with their child.

So I ask you as you make your choice to keep this in mind. I would much prefer to completely defeat the bill, but if it must pass, and I know that the votes are probably very close to passage, let's put on it that last bit of human discretion on the part of the trained physician. Let's go along with Senator Emerson's motion to Suspend our Rules, to put on this amendment, and then if you feel you must, to pass this bill.

Thank you, Mr. President.

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

Senator GILL: I feel that there has been a lot of talking about this bill, there has been a lot of deep emotion about the bill. We all have our feelings on how it should go, I too, have strong feelings. It's my bill. I wouldn't have put it in, if I didn't have such strong feelings but I am troubled by the professional counseling that does exist. I happened to have come across the Torlane Law Review and in this there is an article on Planned Parenthood vs. Danforth and in that case Justice Stewart who was one of the Justices involved, referred to the record in question, "where a girl of tender years under emotional stress would receive adequate counsel and support in an Abortion Clinic. The counselling that occurs in these clinics is entirely on the day that the abortion is to be performed. It lasts for two hours, in this particular case, and it takes place in groups that include both minors and adults who are strangers to one another. Counselling is typically limited to a description of abortion procedures, possible complications and birth control techniques."

It goes on to say that the abortion itself takes five to seven minutes. The physician has had no prior contact with the minor and on the day that the abortions are performed at the clinic, the physician may be performing abortions on many other adults and minors. On busy days patients are scheduled in separate groups consisting usually of five patients. After the abortion the physician spends a brief period with the minor and others of the group in a recovery room. This is hardly the setting for counselling, for sensitive, caring, personal counselling.

I also came across some questions that were asked of a physician who performs abortions. He was asked about how much he charges for abortion. The fee is on a sliding scale it can go anywhere from free to up to \$150. In the case where \$150 is charged they asked him, this all happened in Court, it's all documented, what does he receive in that instance? The physician said usually a third. The Judge asked him, was it paid on a monthly basis? He said no it is paid on a daily basis, I'm given a check at the end of the day. What was the amount of the last check that you received from Parent's Aid Society? The doctor said I honestly don't recall the figure, I believe it was in the area of \$600. The Judge asked him, have you received checks higher than that amount? Higher and lower

Yes. Does that constitute reimbursement for 2 days work? That's correct. So I maintain that where these abortions are being held where the professional so-called counselling is taking place, it's nothing but a business enterprise.

I value life. I think there's nothing important, I just don't know how to express it, I just feel very strongly about it. I picked up a comment that Michael Petit, who is our new Commissioner of Human Services, a speech that he gave last week at a "Keep Me Healthy Conference" He realized the problem that we have with teen-age pregnancies. I would like to quote from what Michael Petit said at that conference. He said "For example we are beginning to assess the teenage pregnancy problem in Maine and all its implications. Its hard to believe but—out of every 10 teenage girls in Maine will become pregnant in 1979. It's staggering to think that there were an estimated 5,000 pregnant girls under 20 years of age in Maine last year. Maine has yet to get a clear Statewide policy and program that comes to grips with a myriad of social and economic costs created by this problem", but as he mentioned earlier on "I am prepared to see that the Department of Human Services assumes a position of aggressive leadership in the development of a positive health strategy on these issues.

I too am concerned about the possible abuse of certain girls in certain home situations. But the Department of Human Services now has a Protective and Abusive Agency all set up to take care of these situations. Everyone who comes in contact with girls that might be in a possible abusive situation by law, has to notify the Department of Human Services now, so that something can be done to get that girl out of that situation. I suggest that girls are not going to be abused for the first time when they come home and tell their parent that they are pregnant. If abuses are going to happen, they have happened from the time that child has been a small child. This is not going to be a first abusive situation. I would urge that you vote against Reconsideration. I don't think we need this amendment on, I think we should go along with the bill as it is now. Thank you.

The PRESIDENT pro tem: The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President and Members of the Senate: I'm glad that Senator Gill can speak with such authority about what is going to happen for the first time to a child and has been happening before. I can see in this situation where a parent could completely lose control of their emotions when they are informed of this for the first time and it could happen for the first time that they abuse their child. I think this the most cruel and inhumane bill that I have seen come before this Legislature.

You quoted Mike Petit from United Way and he did a study again on child abuse, the teenage suicides by the young continue to increase and are frightening even to those who are professionally trained to deal with the problem. Teenage pregnancies continue to increase, etc. etc.

My God, I just wonder if you people realize the suffering you're causing in families after you passed that thing on family violence and the impact of certain laws on the family then you turn around and pass something like this. I'm just appalled, that's all.

The PRESIDENT pro tem: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you Mr. President. Mr. President, Men and Women of the Senate. I've served 7 years in the Maine Legislature and I have never stood and addressed either body on an issue such as we have before us today. I have deliberately refrained, because I'm a public school teacher and I deal with teenage girls and boys. I have to admit this, I think sometimes some of you people ought to

recognize what the the real world is out there. Teenagers are sexually active, pregnancies occur. This bill would require parental notification, prior to abortion violating one of the basic tenants of confidentiality between physician and patient. I recognize and acknowledge the bill will ultimately pass, but it's our responsibility as elected people to pass it in the form that has and maintains integrity and responsibility, maturity and good judgment. How do you tell a parent one of which impregnated the girl, that the child is pregnant, and the mother denies it and so does the father? How do you notify parents that a young girl is seeking an abortion who has been raped by her three brothers and asked her parents and pleaded with them not to leave her home again alone with them and the parents leave repeatedly every weekend and she's pregnant and seeks to abort? Have you no human decency?

The good Senator from Cumberland, Senator Gill, for whom I hold sincere affection and respect, refers to the Child Abuse Laws under Chapter 1056. A doctor of great eminence and reputation in my Senatorial District said to me, "Nancy, I reported two documented cases of child abuse, it took the Department 4 weeks in one instance and 6 weeks in another to investigate and conclude those complaints."

Have you read the red tape and reporting procedures? Are you totally insensitive to the lack of staffing in the Department of Human Services? Do you know what you're doing to indeed to a minority of girls? Please, I beg you support the pending Motion.

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

Senator EMERSON: In order to present an amendment I move Suspension of the Rules.

The PRESIDENT pro tem: Is it the pleasure of the Senate to Suspend its Rules?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I request a Roll Call.

The PRESIDENT pro tem: 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 was ordered.

The pending question before the Senate is the Motion by the Senator from Penobscot, Senator Emerson that the Senate Suspend the Rules.

A Yes vote will be in favor of Suspending its Rules.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Ault, Chapman, Collins, Clark, Emerson, Farley, Huber, Katz, Lovell, Najarian, Perkins, Pierce, Shute, Sutton, Teague, Trafton, Trotzky, Sewall

NAY — Carpenter, Conley, Cote, Danton, Devoe, Gill, Hichens, Martin, McBreairty, Minkowsky, O'Leary, Pray, Redmond, Silberman, Usher

ABSENT — None

A Roll Call was had.

18 Senators having voted in the affirmative, and 15 Senators in the negative, with no Senators being absent, and 18 being less than two-thirds of the membership present and voting, the motion to Suspend the Rules does not prevail.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, this leaves us with only the 2 alternatives, Passage or Defeat. I earnestly hope that the Senate will vote No on the motion for Enactment.

The PRESIDENT pro tem: The Chair recog-

nizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you, Mr. President. Mr. President and Members of the Senate: This has been difficult for all of us.

I agree with the good Senator from Knox, Senator Collins, that we have 4 privileges in the Code of Evidence, but we had the parent-child family relationship hundreds and hundreds of years before we had The Code of Evidence. It's difficult for us to sit here on this Matter. It's not easy.

I agree with the good Senator from Cumberland, Senator Clark, who is deeply troubled by the information given her by a physician in her community, but the remedy to that problem may be a legislative visit to the Department of Human Services to find out what happened, and why it took them 4 weeks on the basis of a complaint like that. I submit that that is not sufficient reason to vote against this bill today.

Even though we have a lawyer-client privilege in the Code of Evidence, a lawyer is still, by law, not able to tolerate a client's intention to commit perjury if he finds out about it. The lawyer is under an affirmative duty to come forward to the court. It's difficult to separate the legality of what we're doing from the morality and the emotional part of what we're doing.

If the Department of Human Services needs to have some legislative attention on why it takes them so long to respond to a complaint or 2 complaints that were submitted by the doctor, maybe the remedy is for concerned Legislators to visit the Department and find out and ask them to consider changing their procedures.

What this bill purposes to do, the concept of it has been supported by several Justices of the Supreme Court. As I stated about a week ago, it's ironic that some of the justices that voted back in 1973, I think it was or '75, when the abortion statutes of 46 States were struck aside, it's ironic that the people cheered so loudly when that decision was rendered, now find it easy and convenient to ignore the words of some of the justices who voted on that case, who have spoken in subsequent cases. That case opened the door, and opened the way for states to go forward and to Enact laws in this field.

I submit we have tried, very scrupulously to follow the limitations that were laid down by the Supreme Court in subsequent cases, in which the concept of parental notification was discussed and I submit to you, approved. So I would ask you to keep that in mind, when we're voting on the pending motion. Thank you very much, Mr. President.

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

Senator CONLEY: Mr. President and Members of the Senate: I've sat here and listened to this debate, not only today on this particular bill, but on several days in the past.

I share those same concerns as spoken by the good Senator from Knox, Senator Collins, I think my record in the legislature will clearly show there has been no one more concerned about the abuse of children within our State than I.

I look at this bill, and I look at the bill as a father, not as a Roman Irish Catholic, but as a father, as a parent. We're talking about a child who is 17 years of age or younger. I'm concerned about the vast majority of parents in this State who do have some concerns, some very serious concerns, who love their children. I ask you, as I stated earlier in this Chamber, that under the law as a parent, we are mandated to house, feed, clothe, and educate. I certainly believe whether you're pro or anti the abortion issue, I ask you in all honesty, should not a parent have that given right to have knowledge of what is going to happen to a juvenile, who happens to be their daughter?

The PRESIDENT pro tem: The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President and Members of the Senate: We have debated at great length the series of so-called Abortion Bills. They've been well debated by people on both sides of the issue, far better qualified, the people who have done a far better job than I would have debating them.

My record on this issue has not been a hazy one. It's been very clear. I have voted consistently for what I guess is called the 'pro-life side.' If you don't believe that, just ask Senator Huber, he'll tell you very quickly what my position has been.

The only exception to that is that I have, because I think it's an important issue, I have always voted to reconsider, to look at the issue again. I've voted to allow us to look at the amendments, such as Senator Trotzky's, which I did not support, but I thought we should at least look at it.

Today this is another amendment which we should look at before we finally enact this bill. Whether you agree with the amendment or whether you don't. Before we finally enact this bill, this amendment should be looked at. Maybe this bill will be enacted today, and maybe it won't; but I want the record clear. It won't be enacted with my vote today, if it is enacted, until we have looked at this amendment.

What the bill addresses, what it proposes to do, conceptually I agree with wholeheartedly, but I cannot vote to enact a bill today, which is an important piece of legislation without fully addressing all sides of the issue.

The PRESIDENT pro tem: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President, I would request a Roll Call.

The PRESIDENT pro tem: A Roll Call has been requested.

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

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

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

The pending question before the Senate is the Enactment of L. D. 604.

A Yes vote will be in favor of Enactment.
A No vote will be opposed.

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

ROLL CALL

YEA — Carpenter, Conley, Cote, Danton, Devoe, Farley, Gill, Hichens, Martin, McBreairty, Minkowsky, O'Leary, Pray, Redmond, Silverman, Teague, Usher.

NAY — Ault, Chapman, Clark, Collins, Emerson, Huber, Katz, Lovell, Najarian, Perkins, Pierce, Shute, Sutton, Trafton, Trotzky, Sewall.

ABSENT — None.

A Roll Call was had.

17 Senator having voted in the affirmative, and 16 Senators in the negative, with no Senators being absent, L. D. 604 is Passed to be Enacted.

The Bill having been signed by the President, was by the Secretary presented to the Governor for his approval.

The President pro tem would ask the Sergeant-at-Arms to escort the Senator from Penobscot, Senator Sewall, to the rostrum, where he may assume his duties as President.

The Sergeant-at-Arms escorted the Senator from Penobscot, Senator Sewall, to the Rostrum where he assumed his duties as President.

The Sergeant-at-Arms escorted the Senator

from Kennebec, Senator Katz, to his seat on the Floor of the Senate.

The PRESIDENT: The Chair thanks the Majority Floor Leader for his usual competent job.

Orders of the Day

The following matters, in the consideration of which the Senate was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 25.

The President laid before the Senate the First Tabled and specially assigned matter for May 30:

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

Tabled—Earlier in the Day by Senator Katz of Kennebec.

Pending—Consideration.

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

Senator GILL: I have been trying to get an amendment prepared from the department on what it might cost to have the program. They're trying to reach people in New Mexico who already have the program in existence. I'd ask this to be tabled for a couple of days or until later on in the day. I asked the department this morning and they still haven't received word on this. I would ask that someone may table it again.

On Motion by Senator Katz of Kennebec, Tabled until later in today's session, pending Consideration.

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

Senator KATZ: Is the Senate in possession of a Senate Order presented yesterday repealing Senate Rule 39?

The PRESIDENT: The Chair would answer the Senator in the affirmative.

Senator KATZ: Mr. President, I move that the Senate reconsider its action whereby we Passed this Senate Order.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate reconsider its action whereby the Senate repealed Senate Rule 39, "No Smoking shall be allowed within the Senate Chamber while the Senate is in Session."

Is this the pleasure of the Senate?

It is a vote.

Senator KATZ: Mr. President, I offer Senate Amendment "A" to the Senate Order and move its Adoption.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now offers Senate Amendment "A" to Senate Order repealing Rule 39, and moves its Adoption.

Senate Amendment "A" (S-268) Read.

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

Senator KATZ: Mr. President, after the extraordinary debate we just completed maybe we can keep this in its proper perspective. It is not an occasion for confrontation.

This just says for the next few days the matter is not repealed, it is just suspended. I hope that we can draw together and defer any final decision until we meet again in January.

Senate Amendment "A" Adopted.

Which was Passed, as amended.

There being no objections, all items previously acted upon with the exception of those papers held, were sent forthwith.

On Motion by Senator Pierce of Kennebec, Recessed until 2 o'clock this afternoon.

(Recess)

(After Recess)

The Senate called to order by the President.

The President laid before the Senate the Second Tabled and specially assigned matter for May 30:

Bill, "An Act to Make Drinking in an Unlicensed Public Place a Class E Crime." (S. P. 2) (L. D. 2)

Tabled—Earlier in the Day by Senator Conley of Cumberland.

Pending—Passage to be Engrossed.

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

Senator FARLEY: Mr. President, I present Senate Amendment "A" to L. D. 2, under Filing Number S-257, and move its Adoption.

The PRESIDENT: The Senator from York, Senator Farley, offers Senate Amendment "A" to L. D. 2, and moves its Adoption.

Senate Amendment "A" (S-257) Read.

The PRESIDENT: The Senator has the floor.

Senator FARLEY: Mr. President and Members of the Senate: As we mentioned yesterday this merely changes the present bill and spells out the public drinking to highways, streets, lanes or sidewalks. Also has an emergency enactor on it.

Senate Amendment "A" Adopted.

The Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

The President laid before the Senate the Third Tabled and specially assigned matter for May 30:

Bill, "An Act Concerning Persons Exposed to Diethylstilbestrol." (H. P. 499) (L. D. 635)

Tabled—Earlier in the Day by Senator Pierce of Kennebec.

Pending—Enactment.

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

The President laid before the Senate the Fourth Tabled and specially assigned matter for May 30:

Bill, "An Act to Correct Obsolete References in Title 30 of the Maine Revised Statutes." (S. P. 307) (L. D. 903)

Tabled—Earlier in the Day by Senator Pray of Penobscot.

Pending—Enactment.

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

The President laid before the Senate the Fifth Tabled and specially assigned matter for May 30:

Bill, "An Act Relating to the Purchase of Railroad Rights of Way." (H. P. 1042) (L. D. 1275) (Emergency)

Tabled—Earlier in the Day by Senator Redmond of Somerset.

Pending—Enactment.

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

Senator REDMOND: Am I correct? Is this L. D. 1275?

The PRESIDENT: The Chair would answer the Senator in the affirmative.

Senator REDMOND: Mr. President and Members of the Senate: The reason I was holding on to this bill was because this bill involved purchasing Railroad Right of Ways in Eastport and Bingham. Bingham is in my district. The people of Bingham did not want the State to purchase the railroad for them.

So I spoke to Mr. Mallar of the Department of Transportation last week and he agreed if the people of Bingham do not want the Department of Transportation to purchase the Railroad Right of Way from Bingham to North Anson, he would not do it. He asked me to get a letter from the people from Bingham to him, I have a copy of the letter here, I don't know