

# 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 Twelfth  
Legislature***

OF THE

**STATE OF MAINE**

**Volume II**

**FIRST REGULAR SESSION**

**December 5, 1984 - June 20, 1985**

**INDEX**

**FIRST CONFIRMATION SESSION**

**August 29, 1985**

**INDEX**

**SECOND CONFIRMATION SESSION**

**October 11, 1985**

**INDEX**

**FIRST SPECIAL SESSION**

**November 13, 1985**

**INDEX**

very important position in every company. One thing it would send to the employees, yes, you do have a responsibility to the employer and your fellow employees, and I think if we put this bill through, as has been mentioned, you have got to be convicted before this has any effect. But at least this would send a little message along to be more responsible on your job, not only to the employer but also the employees.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Hale.

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I ask you not to support this piece of legislation. We did have one person testify about one truck driver. I know of a number of truck drivers that have had their licenses suspended and they were allowed to drive on the job. I know of other people in my vicinity of the state that have had the same thing. Representative Beaulieu pointed out the ramifications but we must also realize the ramifications that could backfire on the employer. If an employee is incarcerated and not convicted and cannot post bail and does not report within two days, that employee could lose his job. He has not been convicted so he can collect unemployment but, by the same token, he may go to the Labor Board and they may rule in favor of the employee. The employer, in all probability, would have to rehire the employee, pay all back wages, etc. These are the legal ramifications that concern me and why I signed "Ought Not to Pass."

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Warren.

Representative WARREN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair.

It has to do with the same topic that the Representative from Greenville, Representative Lander, brought up and that is OUI convictions. As you all know, if you are convicted or plead guilty to a criminal OUI, you have, among other things, a minimum mandatory jail sentence of two days. Generally, if you don't have a lawyer, you go to court and you are convicted, the judge will make you serve that two days immediately. Frequently, if you hire a lawyer, the lawyer can go in, and for whatever reasons, can usually get the judge to postpone that two day sentence to the weekend so that it won't affect your job.

My question is, if someone is out of work for two days because they are serving an OUI sentence, is that cause for dismissal from a job?

The SPEAKER: The Representative from Scarborough, Representative Warren, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Portland, Representative Beaulieu.

Representative BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: It could be interpreted and that is what is not fair and that is what concerns me that it could be interpreted by the employer as being good cause to fire the employee. However, the legislation says that the employee would have to be fired. Once fired by the employer, he cannot collect unemployment. It provides the potential for good cause on both sides of the scales and the scales are not even. I tried to make that point in committee and lost.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Duffy.

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: I urge you not to vote for this bill because I have been sitting here and have been looking at, who is this bill aimed at? This bill is aimed at the little guy out there, maybe the first offender, the poor fellow who is going to come out and have trauma along with it. He has got to call his boss, he probably has a problem with his wife, he just

isn't going to handle the whole situation very well anyway and I think we all have a tendency to just go bury our head in the sand at a certain point in time. I do believe that this might happen to some young fellow and it just isn't going to be fair. I think we have to consider who we are aiming this bill at and who is really going to take the brunt of it.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Begley.

Representative BEGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of this bill. It is my understanding that this bill was looked at very carefully by the Commissioner of Labor, Pat McDonough, and I believe after they went over this with the Representative and spent time in looking at it and so forth, that most of the problems were ironed out and I believe that it is a good bill.

Representative Hepburn of Skowhegan was granted permission to address the House a third time.

Representative HEPBURN: Mr. Speaker, Ladies and Gentlemen of the House: I just want to go over a couple of points here. It is true that the language in the amendment is the language that was recommended to us by Commissioner McDonough from the Department of Labor.

I would also like to say that I think the concept that this bill is a lawyers bill is a false one. Generally, any time you clarify the statute, which is what we are doing here, and you keep cases from coming before the commission, you are eliminating lawyers or at least decreasing their role in the process, which I think basically is a move in the right direction.

Also the concerns over people being disqualified because of a two day sentence in jail as a result of an OUI conviction, I don't think is a very scary prospect in face of the language of the bill which says more than two days. We specifically put that language in that it would be more than two days in jail which would be required to disqualify a person from unemployment compensation so that would allow all the people on two day, 48 hour OUI convictions to still be eligible for unemployment compensation should they be fired as the result of their being jailed. I just wanted to bring those two points up to you folks. I hope you support the bill.

Representative Beaulieu of Portland was granted permission to address the House a third time.

Representative BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I feel an obligation to the Bureau of Labor and the Commissioner of Labor to make a point of clarification to you.

Representative Hepburn filed a bill. It was brought to our attention that if we were to pass the bill, that the language had to be rewritten in a different manner. We tabled the bill in committee and allowed the Representative to meet with the people in the Bureau of Labor to make sure he could bring back to our committee the language that would do the job that he wanted done. So, the involvement by the commissioner in her department was simply to make sure that if the committee were to pass legislation on this issue that the language would be appropriate. They did not support the bill in committee.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Law.

Representative LAW: Mr. Speaker, Ladies and Gentlemen of the House: I just want to say that I don't see this bill as pointing to the same people that Representative Duffy does. I see this as pointing to the truck driver that does not have the courtesy or the responsibility to notify his employer when he is going to be in jail for two days.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be enacted. Those in favor will vote

yes; those opposed will vote no.

#### ROLL CALL No. 194

YEAS:—Aliberti, Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carter, Crouse, Crowley, Daggett, Davis, Dellert, Dillenback, Drinkwater, Farnum, Foss, Foster, Greenlaw, Harper, Hayden, Hepburn, Hichborn, Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Jacques, Kimball, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Matthews, McPherson, Murphy, E.M.; Murphy, T.W.; Nadeau, G.R.; Nicholson, Nickerson, Parent, Pines, Pouliot, Racine, Randall, Rice, Richard, Roberts, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Tardy, Taylor, Telow, Webster, Wentworth, Weymouth, Whitcomb, Zirkilton.

NAYS:—Allen, Beaulieu, Bost, Boutilier, Brannigan, Brodeau, Carroll, Cashman, Chonko, Clark, Coles, Connolly, Cooper, Cote, Descoteaux, Diamond, Duffy, Erwin, Hale, Handy, Hickey, Higgins, H.C.; Hoglund, Jalbert, Joseph, Lacroix, Lisnik, Macomber, Manning, Martin, H.C.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, Moholland, Nadeau, G.G.; Nelson, O'Gara, Paradis, E.J.; Paradis, P.E.; Perry, Priest, Reeves, Rotondi, Rydell, Simpson, Smith, C.B.; Stevens, P.; Swazey, Tammaro, Theriault, Vose, Walker, Warren, The Speaker.

ABSENT:—Baker, H.R.; Carrier, Connors, Dexter, Gwadlosky, Kane, Masterman, Murray, Paul, Ridley, Rioux, Rolde, Ruhlin, Seavey, Willey.

75 having voted in the affirmative and 61 in the negative with 15 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following items appearing on Supplement No. 5 were taken up out of order by unanimous consent.

#### Reports of Committees Ought to Pass as Amended

Representative HIGGINS from the Committee on Taxation on Bill "An Act Relating to Taxation of Aircraft" (Emergency) (H.P. 671) (L.D. 954) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-419)

Report was read and accepted and the bill read once.

Committee Amendment "A" (H-419) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-419) and sent up for concurrence.

#### Consent Calendar First Day

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

(S.P. 629) (L.D. 1647) Bill "An Act Amending the Charter of Farmington Village Corporation" (Emergency) Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-288) (Representative WENTWORTH of Wells — of the House — abstaining)

Under suspension of the rules, Second Day Consent Calendar notification was given, the Senate Paper was passed to be engrossed as amended in concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 6 was taken up out of order by unanimous consent.

#### Papers from the Senate Non-Concurrent Matter

Bill "An Act to Require Parental Consent in

the Case of Minors' Abortions" (H.P. 298) (L.D. 387) on which Report "B" "Ought to Pass" as amended of the Committee on Judiciary was read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "B" (H-409) in the House on June 13, 1985.

Came from the Senate with Report "A" "Ought to Pass" as amended of the Committee on Judiciary read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-408) in non-concurrence.

Representative Allen of Washington moved that the House recede and concur.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote against the motion to recede and concur. If you recede and concur, you will place yourself in alignment with the other body. To say that Report "A", that we rejected last night, is a parental consent bill is completely inaccurate.

Lyndon Johnson used to use a phrase about some legislation — that this bill is more loophole than law. That is exactly what can be said about Report "A". That bill is more loophole than law. If it were ever to be enacted into law, it would be nothing. If you want the parents of this state to have any rights whatsoever in regards to this subject, then you will vote to insist on Report "B" because Report "A" exempts 80 percent of those youngsters who are having abortions today.

Report "A" only deals with 84 of the 393 abortions that were performed in 1983. That is not parental consent. You exempt 80 percent of the action, that is loophole. When you fail to tax 80 percent of the people, that is not fair taxation. That is a pretty good loophole. I hope this House will not go on record endorsing that type of a bill.

It is quite plain that by enacting a plan like Committee Amendment "A" that you will not be voting for parental consent.

You know there are a lot of groups that are organized and who lobby us on a lot of different issues. There is nothing wrong with being organized and lobbying. I would dare say that maybe ten percent of the citizens of this state are organized and belong to lobbies of different sorts. But the overwhelming majority of the people of this state do not belong to associations and can afford to have lobbyist in the hallway to present their view points. They have to rely on the people of the legislature of the State of Maine to represent them. If you want to represent the parents of this state, you will vote against the motion to recede and concur.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: As a parent of four children, who are all grown up, and as a freshman member of this House, I can't seem to figure out the consistency of some of the things I see. Only just a few days ago, we argued for almost an hour about the fact that a parent should be responsible to support a child beyond 18 if the child should be in high school. Now, some people are saying to the parents, you shall support your child regardless of age if he or she should be in high school but you do not have any right to give consent on a teenage daughter's abortion.

My philosophy has always been, that if you have a duty to your children, you also have a right to determine their destiny.

When I go to my final reward, I shall be asked by the Almighty why my children turned out a certain way. If that shall be the case, I think that I should have the right to determine how they shall be brought up.

This is just a farce — Amendment "A" turns it over to the counselor. The question I was asked by some people, and I asked other people during the noon hour, if the counselor makes a botched up mess of it, who will pay the bill? We will.

Let us go back and give the parents the proper responsibility and duties that they have and let's put it in the hands of the parents and not the counselor's.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to think the decision of whether my daughter or my granddaughter (and I have three granddaughters, one is a teenager) was to have an abortion, I think it should be a family decision and I would like to be a part of it. I think that the child that she is going to have is a part of a family and I think it is our decision whether we want to have this child and bring it up. I don't think it is the counselor's decision to make. I think that we, as a family, or any family could probably handle the situation of that girls emotional problems during her pregnancy and afterwards much better than a counselor.

I also like to think that maybe if we couldn't afford to keep this child that there are people like Representative Pouliot in the world who we could make happy with a child. I do not believe in aborting children and I think that in the case of abortion that it is up to the parents to make that decision with their doctor and with their family.

I would hope that you would remain where you voted yesterday and that we would defeat the motion to concur with the Senate and that we would adhere to our vote as of yesterday.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Members of the House: I feel that I am going to have to remind you again, as I did once before, that the Supreme Court has indicated that parental consent cannot be required for every case. So the issue, unfortunately or not, is whether or not you like the judicial bypass procedure, which Report "A" has, that is the issue. You cannot deal with parental consent because that issue has been removed from our hands by the United States Supreme Court. We cannot affect that.

Report "A" is a compromise, there is no question about that. Obviously, this compromise is not satisfactory totally to either side. But I think this compromise, which had the support of the majority of those on the Judiciary Committee, who studied this issue again and again, has significant strengths. It provides for the master system to deal with those minors whose maturity is most in question, that is, those 15 and under. It provides at the inquiry into the maturity of that minor when she does not have parental consent to consent to her own abortion, deals with that inquiry in an informal setting, which is very important.

It also provides for impartial mental health counseling for those pregnant minors 16 and 17 by a mental health professional. We chose mental health professionals after considering a wide variety of people. The reason we chose them was because they have boards, they will give impartial advice and they can be policed. That is why we chose mental health professionals.

It is this impartiality, which is crucial it seems to me, to having this bill constitutional. As I have indicated to you, the Attorney General has said Report "A" is constitutional.

Report "A" uses the Judicial resources of this state, through the masters system, only when that is necessary. It uses it where it will do the most good with those minors who are most likely to be immature and to need the review

provided by the master system. Report "A" is a good report, it has significant strengths and I think it is the report which we all should adopt. I urge you to adopt it.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Cooper.

Representative COOPER: Mr. Speaker, Ladies and Gentlemen of the House: I will be brief. The gentleman from Brunswick, I think, has just covered all the zillion points.

There was a question about a counselor making a decision rather than a parent. Under the original bill, that decision is made by a judge. I would ask which you would feel more comfortable with, a counselor trained to deal with the needs of people, or a judge who is not necessarily trained in that area.

The motion to recede and concur has the best chance of passing both Houses. It is your best chance of getting some form of assistance to minors who are experiencing an unwanted pregnancy. I hope you will support the motion to recede and concur.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Begley.

Representative BEGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the motion to recede and concur, which would give us the compromise of the Senate of Committee "A" Report.

The SPEAKER: The Chair recognizes the Representative from Sidney, Representative Bragg.

Representative BRAGG: Mr. Speaker, Ladies and Gentlemen of the House: I suspect that there is one problem I have and maybe a lot of others in this House share with this whole issue. In my own heart, I can't reconcile the fact that an abortion is the end of the problem. I think most of us see this at some point later on in a person's life, someone that goes through this process, of it coming back to them to be, not a solution but just a bigger problem later on. I think that is what the sponsors are trying to address here.

I also cannot accept the argument that Report "B" is not a parental consent bill. Maybe I look at it from a different aspect. I think what this bill is designed to do is to say to those organizations that now are giving advice and counsel to these young women that are in trouble, we know who they are, we know they are out there and their only option from what I understand that they are given now is that, you can carry this baby full term or we will make some other arrangements for you. But there is nothing there for it to go any farther than that. I see the strength of Committee Amendment "B" being that, at this point, there is something interjected into that that says, from here we can give you this advice but at least you have to go back, carry this message to your parents and confer with them or in such case as there is not a proper relationship or there are no parents there, then there does have to be another person and, in this case, it would be the court to become involved. I am really convinced that, at this traumatic time in a person's life, they need someone else to refer to and not just an organizations that is designed just for one purpose and not for the purpose of extending life.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Carrier.

Representative CARRIER: Mr. Speaker and Members of the House: I suggest to you that you vote against the motion to recede and concur. I suggest this to you because I feel that this is a very serious problem that we are talking about. We are talking mainly about parental consent. But the concern is, as you have heard others say yesterday, is the individual that is 14, 15, 16 and up to 18 years old that gets pregnant.

Ladies and gentlemen, I cannot understand

how people show so much concern to our children concerning sex abuse, concerning child abuse, whatever you want to call it, concerning education and counseling and many other phases of this life, which young people can get involved in. I think that people in this House care. They care for their children, they care for their whole family and if they don't, they should. But I think they do care.

We have, I believe, a vehicle, maybe not the perfect vehicle, but nobody has come up with anything close to it, to show that we do care for our people, that we do care for the young girl that gets pregnant today, who is willing to admit her mistake and bring herself back to her parents and if not, go to the right procedure and get protection that the parents will not give to their children.

I think our bill and Committee Amendment "B" does this. There is no reason to make false claims here. I suggested to you yesterday that you take a look at Amendment "B" and that you look at the bottom of the page and start with Number 2, it says in there that, under no circumstances, can a physician do an abortion without the parents consent, one of the parents or the guardian. So, if you want to get specific, lets get specific, but on the basis of truth.

I submit to you that the parents as well as the girl are entitled to certain rights. The parents are liable for what their child does. I will put myself in a position of having children, although they are all grown and let's assume that they were of this age bracket. If, for some particular reason, a girl needed to have an abortion, I would want her to have the best that there is. Even if I disapproved of their action, I would want them to have the best doctors. I would want them to have the best examinations and treatments that is needed, not just go there for an hour's time and forget the whole works and be scared to death. I wouldn't want them to live with that kind of a stigma either. That is why I am not in favor of abortions.

I want to ask you a question, considering the young person, is it worse for her to carry in her heart and in her mind the guilt of having had an abortion and of having aborted a child then it would be for her to get the help that this bill provides? I would hope that it would bring the family back together.

Parents are not that cruel. We all sometimes disagree but we succumb, we love our children. They come for help even at 30 years old or 40 years old.

I would even go to my parents at times if they were living and ask for help but instead I go to my brothers that are older, maybe not wiser, but older.

They say this Amendment "A" is a compromise. A compromise to what? A compromise to do things in a lesser degree? Who are these masters? Do you actually want your child to go to a psychologist? Now you just think for a minute about it. That is only one phase of it. Do social workers come in this? What are these masters? Masters is a great word. Master. Who comes into this kind of stuff? There is no explanation in the bill.

We used to have intake workers, you still have them, but under a different name, to decide whether a juvenile would go to court or not. Now what do we have judges for and what do we have justices for? What do we have courthouses for? They are not there just for monuments, they are there for a purpose. I think we should actually go after that.

I suggested to you a while back, if possible, you read the Statement of Fact under L.D. 1113, which is a merger in this bill, and 386. It explains it a hundred times better than I ever could. "The immaturity of the young child and the need for them to have the help and counsel of their parents." I think this is the crux of the whole thing.

I cannot buy the idea that somebody can pro-

mote something which would kill an individual. I submit to you, ladies and gentlemen, that we do not recede and concur, vote against that motion, and I think within yourself, you will feel much better that you have done the right thing to help that young child and give it guidance if you can and with the help of a judge, if necessary, and for her to be able to get rid of some of the guilt that she will have no matter which way you go and no matter how you solve the problem. I think that young children deserve the wisdom of their parents' knowledge and that is why I hope that we vote against recede and concur so we can insist and try to make some peace on the other side.

I don't want to go into the details because some of you know and others don't but I feel very sure that the vote taken over there maybe an hour ago is strictly a vote of commitment. . . . .

The SPEAKER: The Chair would ask the Representative not to talk about the other body's vote.

Representative CARRIER: I won't, because there isn't anything over there about them that excites me that much. I really am not talking about individuals. I am talking about a system that we are under, a system of commitment. We all have commitment to our constituents. We all have commitment, I am sure, to come here and pass laws that we think are good and we do the best, and we also have a chance to correct ourselves later on.

I think the intention of everyone on the committee and otherwise is very noble, but it is a matter of approach. Our approach is that this has been declared constitutional and that is why I promoted the bill. I want to tell you, as you have noticed, I don't put many bills in this House. Not too often do I talk about the goodness of a bill because I feel, unless it is necessary, and a bill is that good, is it going to pass on its own. I made a commitment to myself a long time ago that while I am here, not to be disagreeable, but to help to kill the bills which will be a detriment to the people of this state. I only suggest to you that you vote against the pending motion to recede and concur.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Men and Women of the House: I would like to read a portion of Committee Amendment "B" because I think it is necessary to clarify some of the statements made by Representative Carrier. Under Number 2, which he referred to, "no person may knowingly perform an abortion upon a pregnant woman under the age of 18 years unless; (a) the attending physician has secured the informed written consent of the minor and one parent or guardian; (b) the minor is emancipated and the attending physician has received the informed written consent of the minor; (c) the minor has been granted the right to self-consent to the abortion by court order pursuant to Subsection 3, and the attending physician has received the informed written consent of the minor."

This is not a parental consent bill as has been stated before. It provides that the minor may have parental consent, but if she does not have parental consent, she may be granted the right to self-consent by a court. I think the decision here today is whether we think it is more appropriate for a judge to make that decision or for a counselor to make the decision.

It also has been said that this is not a decision that stops at the time the decision is made but the ramifications of that decision go on, perhaps, for a long time to come. I would ask you to think about the kind of additional contact a judge will have with that young girl as opposed to the kind of contact that a counselor might be able to have should additional assistance be needed in the future.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Kimball.

Representative KIMBALL: Mr. Speaker, Ladies and Gentlemen of the House: Being a professional counselor, I wanted to wait so that everybody had an opportunity to listen yesterday and have a chance to process in their own heads what they thought perhaps was the way they would like to proceed. I have taken that opportunity to do that myself and I would like to speak to you on just a couple of issues because it really does need to be clarified.

In my thinking, I don't look at this bill as being an abortion bill, I look at it as being something that really addresses a relationship between parent and child. I think it is an important point to look at it that way and to ask ourselves whether or not we could ever mandate a particular type of relationship between parents and children. Certainly we want our children to be able to make a decision that we think they should make and want them to make sound decisions. As to whether or not they actually do that, ladies and gentlemen of the House, when it comes down to it, it is going to be up to them.

To talk a little bit about adolescence for a minute, it happens to be a field that I am very familiar with being in the business for about 10 years. I would like to take you back a little bit about your own adolescence. For some of you who might not be too far back, I would just like to ask you to think about those times when you were a little bit different outside of your house than you were when you were home. Do you remember coming home from high school and kind of changing just a little bit as you walked through the door, having to take on a little bit different air with your parents than you did with your friends? I do. Why do adolescents do that? It happens to be the nature of the way that they think at that time. Little kids understand the world as being a particular way. They see it as the way their mothers and fathers tell them it is but adolescents are different. Adolescents begin to find out that the world operates in different ways. They begin to operate on their own and sometimes they don't feel quite comfortable with showing Mom and Dad that the way they are operating outside of the home is somewhat different than the way they operate at home. It is taking a chance, you see. It is saying perhaps they might not approve and they are very protective of that.

When I was working for the Cape Elizabeth school department, one of the things I tried to look at one time was developing a contract between parents and kids around the use of alcohol. What it simply said was that the parent and the child would sign a contract and if a child found himself somewhere and couldn't drive home, all they would have to do is give their parents a call and the parents would come, no questions asked about their condition, and take them home because the really important thing was to make sure that that child got home safely. Okay? I thought it was a great idea, a lot of the parents thought it was a great idea and I had a good relationship with those kids so I could talk to them and they could talk to me and what they said to me was, "you know, it isn't that we don't think your idea is good and it isn't that we don't think you aren't trying to do something for us but we would never call." I said, "but why? The issue is that we want to get you home safe." They said, "that whole side of my life is very private to me and I protect it. We take care of one another." I know from working with those children that there really isn't so much an issue of their lying to be protective of that side of their life by not letting their parents know, but it is the nature of growing up. That is all it is. I would like to have you keep that in mind when we consider the motion.

The second part I would like to talk to you

about is that there are probably two professions in the world that people find scary to deal with — one is the courts and the other is people like me. When people come to my office, one of the first things that I have to do is spend about two sessions just getting them to the point where they feel comfortable enough to talk to me. I think that all psychiatrists and psychologists and social workers would say something similar. You never know what people like me are going to tell you, you know when you come into see me? You already know you have a problem; otherwise, you wouldn't be coming. The other person that I think people are uncomfortable with is a judge. All you have to do is be picked up for a traffic ticket once and you know what it is like to walk into that court.

I would like to talk to you about the better of two situations here. If I am looking at an adolescent and I find that child to be in trouble and I find that child really concerned about a decision that he or she is about to make, it may be the biggest trouble that she has ever found herself in in her entire life, I have to tell you that I think that person would be more comfortable talking with someone in my profession than a judge. I don't feel good, to be honest with you, about the fact that she has to come to see me either but I think we would find less of a problem going back underground and less of a problem going out of state if we recede and concur, go along with the other body, and set up that master program.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Aliberti.

Representative ALIBERTI: Mr. Speaker, I would like to pose a question through the Chair.

My question is, in the conditions of this bill, do you have to conform and include all steps before you are allowed permission to have this abortion, i.e., "A", "B", "C" and "D"? Do you have to have all of them? Combination of one, two, three, four? Two, three?

The SPEAKER: The Representative from Lewiston, Representative Aliberti, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Members of the House: It is unclear to me as to which report the gentleman is referring to. If he is referring to Report "B", which is the one Representative Rydell read off, then it is either one of those, not all of them. Any one is sufficient and that is why parental consent is not required under any bill that is before you.

The SPEAKER: The Chair recognizes the Representative from Sidney, Representative Bragg.

Representative BRAGG: Mr. Speaker, Ladies and Gentlemen of the House: In relation to what the Representative from Buxton said, I couldn't help but think — I have been out to lunch with a few of you fellows this summer and I don't know what your ages are but I bet you still act different when your wife is around.

Be that as it may, it goes to show that we never change. In many respects, we never grow up.

I would like to read you this, it will only take a moment, it is the testimony of a person at the public hearing. "I am in strong agreement with this bill because of my own experience at the age of 16. At that time, I was counseled at a Family Planning Agency to get an abortion. No other alternative was mentioned to me. With a little information and lack of maturity, I decided that the counselor had given me the only answer to my problem. My family and friends did not know that I was getting an abortion. I have been on both sides of this issue as I now have a four month old baby girl. I can assure you that the immediate and

long range medical, emotional and psychological trauma of my abortion were far greater than carrying my baby to term. After the abortion, I experienced emotional and physical pain and had no one to turn to. I couldn't talk to the counselor at the clinic or my family so I made an attempt at suicide. After that, I became involved in drugs and alcohol. These drugs helped me to hide the pain and the secret of the abortion. At age 16 I needed my family to know and help me.

"In addition, the fact that the abortion clinic did not even do a blood test, which would have determined my unknown RH blood factor, placed my baby daughter's health and life in danger in my second pregnancy. I am now a married adult and urge you to support this bill because I know from experience that there are many teenagers, who like me, need the decision making maturity and support of their parents for both personal and medical reasons."

Representative Jalbert of Lisbon requested a roll call.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Allen of Washington that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL No. 195

YEAS:—Aliberti, Allen, Armstrong, Baker, A.L.; Beaulieu, Begley, Bell, Bost, Branigan, Cahill, Chonko, Coles, Connolly, Cooper, Cote, Crouse, Davis, Dellert, Diamond, Duffy, Erwin, Foss, Foster, Gwadlosky, Hale, Handy, Hayden, Heppburn, Higgins, H.C.; Hoglund, Holloway, Ingraham, Joseph, Kane, Kimball, Lawrence, Lisnik, Mayo, McCollister, McPherson, Melendy, Michael, Mills, Murphy, T.W.; Nadeau, G.G.; Nadeau, G.R.; Nelson, Nickolson, Priest, Reeves, Roberts, Ruhlin, Rydell, Simpson, Small, Soucy, Stetson, Stevens, A.G.; Stevens, P.; Swazey, Taylor, Vose, Walker, Warren, Webster, Weymouth, Whitcomb, Zirnklinton.

NAYS:—Bonney, Boutilier, Bragg, Brodeur, Brown, A.K.; Brown, D.N.; Callahan, Carrier, Carroll, Carter, Cashman, Clark, Crowley, Daggett, Descoteaux, Dexter, Dillenback, Drinkwater, Farnum, Greenlaw, Harper, Hichborn, Hickey, Higgins, L.M.; Jackson, Jacques, Jalbert, Lacroix, Lander, Law, Lebowitz, Lord, MacBride, Macomber, Manning, Martin, H.C.; Matthews, McGowan, McHenry, McSweeney, Michaud, Mitchell, Moholland, Murphy, E.M.; Murray, Nickerson, O'Gara, Paradis, E.J.; Paradis, P.E.; Parent, Perry, Pines, Pouliot, Racine, Rice, Richard, Ridley, Rioux, Rotondi, Salsbury, Scarpino, Sherburne, Smith, C.B.; Smith, C.W.; Sproul, Stevenson, Strout, Tammara, Tardy, Telow, Theriault, Wentworth, The Speaker.

ABSENT:—Baker, H.R.; Connors, Hillock, Masterman, Paul, Randall, Rolde, Seavey, Willey.

69 having voted in the affirmative and 73 in the negative with 9 being absent, the motion did not prevail.

On motion of Representative Carrier of Westbrook, the House voted to insist.

By unanimous consent, ordered sent forthwith to the Senate.

Friday, June 14, 1985

#### ADMINISTRATIVE SUPPLEMENT

Reference is made to (H.P. 1063) (L.D. 1542) Bill "An Act Concerning Nomination Petitions for Unenrolled Candidates"

In reference to the action of the House on

June 12, 1985, whereby it Insisted and Asked for a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative DUFFY of Bangor  
Representative SWAZEY of Bucksport  
Representative CAHILL of Woolwich

Friday, June 14, 1985

#### ADMINISTRATIVE SUPPLEMENT

Reference is made to (H.P. 529) (L.D. 749) Bill "An Act to Prohibit Consumption of Alcoholic Beverages within 15 Feet of a Public Way"

In reference to the action of the House on June 13, 1985, whereby it Insisted and Asked for a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative ALLEN of Washington  
Representative MANNING of Portland  
Representative LEBOWITZ of Bangor

The following items appearing on Supplement No. 7 were taken up out of order by unanimous consent:

#### Papers from the Senate Non-Concurrent Matter

An Act to Establish a Procedure to Appoint Advocates for Foster Children (S.P. 450) (L.D. 1253) (C. "A" S-271) which was Passed to be Enacted in the House on June 14, 1985.

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (S-271) as amended by Senate Amendment "A" (S-289) thereto in non-concurrence.

The House voted to recede and concur.

#### Orders

On motion of Representative CROWLEY of Stockton Springs, the following Joint Order: (H.P. 1146)

ORDERED, the Senate concurring, that Bill, "AN ACT to Establish a Maine-New Hampshire Boundary Commission." (H.P. 1049), (L.D. 1525, be recalled from the Governor's desk to the House.

Was read and passed and sent up for concurrence.

On motion of Representative BRODEUR of Auburn, the following Joint Order: (H.P. 1147)

ORDERED, the Senate concurring, by 12 noon on Monday, June 17, 1985, that the Joint Standing Committee on Taxation report out the Bill, (H.P. 951), (L.D. 1370), entitled "An Act to Expand and Continue Alcoholism Treatment, Education, Prevention and Research Programs" to the House.

Was read.

Representative Jackson of Harrison objected to passage.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, a point of parliamentary inquiry?

If the Representative objects to taking an order out of order, when is the order in order?

The SPEAKER: On the next legislative day.

Representative MAYO: Mr. Speaker, is there an appeal?

The SPEAKER: An appeal from what to what?

Representative MAYO: An appeal to taking it out of order? Is the motion to suspend the rules in order?

The SPEAKER: The Chair would answer in the affirmative.

Representative MAYO: I would move that the rules be suspended for taking an Order out of order. I would request a Division.

Representative Brodeur of Auburn requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting.