

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Second
Legislature*

OF THE

STATE OF MAINE

1965

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way prevent the school authorities from buying any other fairgrounds that they might wish. It doesn't prevent any other party or source or anyone who might want it. It doesn't excuse them from eminent domain; it merely states that the school officials can. Now I think that there are two other fairgrounds in the state that are being eyed at the present time. I think that there are other sites available; in fact the school directors of this district here told us at public hearing that there was another site within a mile and a half of the fairgrounds which was just as good and which they would have used if in the first place these fairgrounds hadn't been offered to them.

So I think that it is in the interest of education to stop as much of this conflict as we can and fix it so that the two parties will have to sit down and come to some sort of an agreement, after two years in court and getting themselves so badly divided that they can't possibly have a school or fair either. And if the gentleman from Waterville would withdraw his motion, I would move that we accept the minority report in non-concurrence.

The SPEAKER: The question before the House is on the motion of the gentleman from Waterville, Mr. Lane, that we accept the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Paris, Mr. Hammond.

Mr. HAMMOND: Mr. Speaker Ladies and Gentlemen: I arise in support of the remarks of the gentleman from Turner, Mr. Gilbert. One of the towns involved in this situation is the town that I live in, the town that I represent in this Legislature. It may well be that this dispute has gone so far that the present legislature has no control over it, but I do wish to prevent a reoccurrence of this most unfortunate situation. It is my belief that the fairgrounds in this state should be afforded some protection, and I certainly go along with the gentleman from

Turner in hoping that the minority report be accepted.

The SPEAKER: The question before the House is the acceptance of the Majority Report.

The Chair recognizes the gentleman from Waterville, Mr. Lane.

Mr. LANE: Mr. Speaker, Ladies and Gentlemen: We had this bill before our committee and we talked about it for two or three hours, and believe me I don't care which you do either way.

The SPEAKER: The question before the House is the motion of the gentleman from Waterville, Mr. Lane, that we accept the Majority "Ought not to pass" Report. All those in favor will say aye; those opposed, no.

A viva voce vote being doubted by the Chair, a division of the House was had.

Seventy-two having voted in the affirmative and sixty-two having voted in the negative, the Majority "Ought not to pass" Report was accepted in concurrence.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act to Provide Protection for Physically Abused Children" (S. P. 195) (L. D. 574) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. GLASS of Waldo
 VIOLETTE of Aroostook
 STERN of Penobscot
 — of the Senate.

Messrs. RICHARDSON
 of Cumberland
 BRENNAN of Portland
 DAVIS of Calais
 DANTON
 of Old Orchard Beach
 BISHOP of Presque Isle
 GILLAN of South Portland
 — of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following member:

Mr. BERMAN of Houlton
 — of the House.

Came from the Senate with the Majority Report accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A."

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, I move that we accept the majority report.

The SPEAKER: The question before the House is on the motion of the gentleman from Cumberland, Mr. Richardson, that we accept the Majority "Ought to pass" Report.

The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: I rise in explanation of the "Ought not to pass" Report. No one of compassion can deny the value in protecting frightened and helpless people, but I question whether this particular bill is any solution to the problem. If we look at the bill itself we see what it proposes to do. It would jail and fine doctors and hospital officials in this State if they did not file reports with the Department of Health and Welfare. As I recall it, the legislative agent for the Maine Medical Association appeared before the Committee and did not oppose the bill. Now this is understandable because no association wants to put itself in a bad light, but is this a sound basis for the bill? Is this a measure which this House wishes to put its seal of approval upon? I ask does anyone here actually believe that any doctor or hospital official will ever be prosecuted under this law?

I would respectfully suggest that if this is the type of law we are going to accept and put on our statute book that we also ought to give consideration to taking off some other ineffectual law so that we won't continually clutter up the jurisprudence of this state. Now, ladies and gentlemen, after I was signer of the "Ought not to pass"

Report I did have occasion to read in one of the world's most highly respected newspapers about the heavily populated State of New York which has a very similar law on its statute book. And what did I learn? I learned that New York, with its millions and millions of people, has not had one report from any doctor that ever reported to its Bureau of Child Welfare; and this was as of last month. Now those are the facts and that is the evidence. Perhaps this House will discuss the bill in the light of that evidence; perhaps it will not.

I for one believe that a useless and ineffectual law added to our jurisprudence neither enhances respect for this Legislature in our eyes or in the eyes of the public. I would therefore now like to inquire through the Chair, of the signer of any member of the committee, why they believe that anyone will ever be prosecuted under this bill should it become law.

The SPEAKER: The gentleman from Houlton, Mr. Berman, has addressed an inquiry to any member of the Judiciary Committee and any member of the Judiciary Committee may answer if he so desires.

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

Mr. RICHARDSON: Mr. Speaker, Members of the House: I will attempt to speak for the majority of the Judiciary Committee which reported this bill out as "Ought to pass."

The problem of physical abuse of children by those legally and morally charged with the responsibility for their welfare is a problem which has received a good deal of study by the American Legion which has a committee on this question, and it was in fact the American Legion which was very active in sponsoring this legislation before this legislature. The question posed by my brother Berman from Houlton as to the number of prosecutions under this bill were it to become law, seems to me to miss the point. The point is that we should encourage our

medical people to report cases where they have reason to believe and a reasonable basis for believing that a child is willfully abused by its parents or natural guardians.

I believe that the hearing before our Judiciary Committee indicated clearly that this is legislation which we should pass in the best interests of the young people of this State.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Carswell.

Mrs. CARSWELL: Mr. Speaker and Members of the House: These problems have been with us for some time and I have seen some pretty terrible picture — I have been working on this problem and I have seen some pretty terrible pictures of children that supposedly had been abused, and I do hope that you go along to pass this legislation and I think that on page two of the bill, section 3854, the immunity clause there is going to help a great deal. I think that perhaps now the people are afraid of being sued and so forth. We have read some pretty terrible things in the paper about things that have happened in New York and other places and in Maine. I hope that you will go along to pass this legislation unless somebody has something better to offer at this time.

The SPEAKER: The question before the House is on the motion of the gentleman from Cumberland, Mr. Richardson, that we accept the Majority "Ought to pass" Report. Is the House ready for the question? All those in favor of accepting the Majority "Ought to pass" Report will say aye; all those opposed will say nay.

A viva voce vote being taken, the Majority "Ought to pass" Report was accepted in concurrence, and the Bill was read twice.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" To S. P. 195, L. D. 574, Bill, "An Act to Provide Protection for Physically Abused Children."

Amend said Bill, in that part designated "Sec. 3852" by striking out all of the 2nd line and inserting in place thereof the following: **'icensed osteopathic physician, intern or resident, licensed chiropractor having reasonable cause'**

Further amend said Bill, in that part designated "3853", by inserting after the underlined word **"physician"** in the 5th line the underlined words **'or licensed chiropractor'**

Further amend said Bill by striking out all of that part designated "Sec. 3855"; and by renumbering that part designated "Sec. 3856" to be **'Sec. 3855'**

Committee Amendment "A" was adopted in concurrence.

Senate Amendment "A" was read by the Clerk as follows:

SENATE AMENDMENT "A" to S. P. 195, L. D. 574, Bill, "An Act to Provide Protection for Physically Abused Children."

Amend said Bill, in that part designated "Sec. 3852" by adding after the underlined words **"Division of Child Welfare"** in the 8th line the underlined words **'and to the county attorney in the county where the child was examined'**; and by adding at the end of the next to last sentence, before the period, the underlined words **'and to the county attorney in the county where the child was examined'**

Senate Amendment "A" was adopted in concurrence and the Bill assigned for third reading tomorrow.

Non-Concurrent Matter

Bill "An Act Approving the Course of Study in Private Schools" (S. P. 87) (L. D. 231) which was indefinitely postponed in non-concurrence in the House on February 24.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A".

In the House: On motion of Mr. Berry of Cape Elizabeth, the House voted to insist on its former action and request a Committee of Conference.