

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL
AUGUSTA, MAINE

Reporting of Child Abuse or Neglect" (Emergency) (H. P. 1488) (L. D. 1680)

Tabled — April 14, by Mrs. Post of Owls Head.

Pending Passage to be Engrossed.

Mr. Rolde of York offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-161) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The amendment that I have just offered relates to what I would call the suspect or believe controversy. Perhaps some of you have heard about that particular controversy in connection with this bill, and the quarrel that seems to have developed over the bill occurs in the use of words in two sections, and if you look at the bill, you will see in Section 3853 the word "believe" and in Section 3855 the word "believe." The amendment that I am offering would change the word believe to suspect.

There is a good deal of confusion over this, because the word suspect is used throughout the bill and I would point at the very beginning, in Section 3851 under purposes, it states the mandatory reporting of cases of suspected abuse or neglect by physicians, institutions and other purposes, etc. Even in the section where the dispute comes under 3853, that is titled "Persons Mandated to Report Suspected Child Abuse or Neglect" "and so on throughout the bill the word is suspect used quite a number of times.

The problem here seems to be, and I think the objection to the use of the word suspect in these particular sections comes from those who would be required to report under the provisions of this bill. It says that when any physician, resident, intern, medical examiner, dentist, osteopath, chiropractor, podiatrist, registered or licensed practical nurse, christian science practitioner, teacher, school official, social worker, psychologist, child care personnel, mental health professional, law enforcement official knows, and as the language in the bill now says, "or has reasonable cause to believe." There are persons who feel that the word "believe" should be changed to "suspect." Those who object to changing it to "suspect" I think fear that a case may get by one of these people and that they would then later on be brought to court.

However, the original purpose of this bill is stated in the preamble, the emergency preamble, and it says, "Whereas the federal government, under the Child Abuse Prevention and Treatment Act, has moneys in the form of grants and research and demonstration moneys available to states; and whereas the State of Maine, Department of Health and Welfare, intends to make application for moneys; and whereas the State of Maine is not eligible for such moneys until there are certain revisions in the Maine law..." and that is, as I understand it, one of the bases for putting this bill in, to make us eligible for federal funds.

Now, the controversy has grown up as to whether in order to be eligible we need the word "suspect" or "believe" in those two sections that I have stated. There is also a timing problem here. This bill has got to be passed by this Friday, or else we will not be eligible to apply for those funds.

In order to get some indication of how to deal with this controversy, Commissioner David Smith, on April 11, sent a letter to the federal authorities asking them

whether the word "believe or suspect" should be used. He received a telegram, which I have not been given the written copy, but I have been given the words that were given to the Department of Health and Welfare on the phone. It said, your letter of April 11, 1975, in answer to your two questions, is yes in both instances. Wording in L. D. 1680 would jeopardize your 4-A and 4-B funding for child welfare services as well as your eligibility for funding under Public Law 93247. It is signed Neil Fallon, Regional Commissioner, Department of Health, Education, Welfare, Social and Rehabilitation Services Headquarters in Boston.

From talking to Lynn Fulton at the Department of Health and Welfare this morning, she told me that the combination of funding under 4-A and 4-B for child welfare services is approximately \$600,000. In addition, the eligibility for funding under Public Law 93247 is approximately \$28,000, which is an automatic grant to the state and the chance to apply for further funds up to \$300,000. It is with that in mind, and I know there will be those who will question whether this is definitive statement from the federal government as to whether suspect or believe should be in the bill, but I felt in the light of this telegram that the amendment should be offered and I urge its support.

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: Rarely do I stand up to oppose the usual good judgment of the good gentleman from York, but I am prepared to this morning.

I would remind you that this is a unanimous committee report, unanimous "ought to pass" from the Human Resources Committee. We all, on that committee, certainly want to put a stop, if at all possible, to any child beating that goes on in the State of Maine and we also, naturally, want to get all of the so-called free money that comes from the federal government.

As Mr. Rolde said, this bill had to be passed, I thought by Thursday instead of Friday, and I believe if you attach this amendment you are going to jeopardize passage of this bill. I would like to tell you why. I again would refer you to the bill, as Mr. Rolde has done — it is 1680, if you don't have it in front of you, and the first paragraph under Purposes, it says the purpose of this chapter is to provide for the protection of children whose health and welfare are adversely affected or threatened by the conduct of those responsible for their care, etc. We all abhor child beating, and I think that most of us realize that the people who do it are sick themselves.

Child abuse and neglect, second paragraph, Definition. It says child abuse and neglect means the physical or mental injury, sexual abuse, negligent treatment or maltreatment of a child under the age of 18, etc. The question arises, what is negligent treatment? If a child goes to school three days in a row with a dirty face, is that negligent treatment?

Paragraph 3853; it tells you who shall report when any physician, resident, intern, medical examiner, dentist, osteopath, chiropractor, podiatrist, registered-licensed practical nurse, Christian Science practitioner, teacher, school officials, social workers, psychologists, child care personnel, mental health professionals, law

enforcement official knows or has reasonable cause to believe a child had been subjected to abuse and neglect, he must report it. This certainly covers the whole spectrum of anybody that comes close to any of these children.

In 3854 it says reports of child abuse or neglect shall be made immediately by telephone to the Department of Health and Welfare and shall be followed up with a written report within 48 hours.

Then it tells you what is required in the report. Such report shall include the following information and it is within the knowledge of the person reporting. The names and address of the child and his parents or other persons responsible for his care or custody, the child's age, sex and race, the nature and extent of the child's physical injuries, a description of any sexual abuse or neglect. Considerable controversy arose as to what is sexual neglect including any evidence of previous injuries, etc. Then immunity from liability, paragraph 3856; any person, official or institution who in good faith participates in the making of a report under this chapter or any judicial proceeding resulting therefrom, shall be immune from any liability, civil or criminal, that otherwise might result by reason of such actions. Well, if these cases are all reported as a result of inserting the word "suspect", the Department of Health and Welfare is going to be swamped. I would like to point out to you why.

In a letter from the Department of Health, Education and Welfare that was written to Mr. Edgar Merrill of the Maine Department of Health and Welfare, it is in reply to his letter. It says the State of Maine has inquired whether federal law would be satisfied if it enacted a reporting law that used the term "believe" instead of the term "suspected" so the reporting would be required where individuals knew or had reasonable cause to believe there was child abuse or neglect. This letter says, as a general proposition it would seem, they say it would seem that section such and such of the public laws establishes minimum requirements that a state must meet in order to qualify for assistance but does not preclude a state for feeding those requirements if it so chooses.

With respect to the reporting requirement in Sections 4-B, 2-B this means that a state may require reporting of more than known and suspected incidences of child abuse and neglect but not less. Thus, it becomes important to determine whether the Maine proposal to use the term belief rather than the statutory term suspect would require more or less reporting than the federal statute.

Neither the act nor the regulations define in the phrase "known and suspected instances of child abuse and neglect." The preface to the regulations, in fact comments that the language requiring reports of child neglect as well as abuse is sufficiently clear. Since nothing in the statute of legislative history indicates that Congress intended the word suspect to have other than its ordinary meaning, we have consulted Websters unabridged dictionary for a definition of the terms in question and found that suspect means to have doubts or to be dubious or to be suspicious about, distrust or to suspect ones motives or the cleanliness of an inn. To imagine one to be guilty, culpable, etc., on slight evidence or without proof, to suspect one of a theft or giving false

information or to be ill-disposed of another, to imagine something to be or be true likely, probable, etc.

What I am pointing out is, if you change this word from "believe" to "suspect", you might as well change it to the word imagine.

Paragraph 3857 says, whoever knowingly and willfully violates this chapter by failing to file a report as required shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than six months or by both.

That means if someone imagines that a parent or a guardian is beating a child, he darn well better report it or he is violation of this statute and is vulnerable of a \$1,000 fine or imprisonment. That includes all those people in paragraph 3853, and one important word in there is teachers. I believe that teachers are in contact with children more than anybody probably, and if they feel that someone is neglecting a child or abusing them, they have got to report it, so the Health and Welfare Department is going to be swamped with these reports, for one thing, and what about the person who is reported just because someone imagines they are beating their child? There is a stigma attached that I wouldn't want attached to myself and there is also going to be quite a cost attached to those people who have to defend themselves in proceedings to prove they were not guilty of this imagined beating. I would urge you to reject this amendment and pass this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: I think that there are two issues here; one that I consider to be the least important is the federal money that is involved and the other is the welfare of children.

The debate that we are hearing now is revolving around the use of two words, the use of the words suspect and believe. Again I would refer you to your bill, and we are dealing with L. D. 1680 now, which is a redraft, which states ones has to have reasonable cause to believe and the amendment would put in reasonable cause to suspect.

According to conversations that we have had with the Attorney General's Office, and a letter is supposed to be coming up within a few minutes, that doesn't mean that you can imagine anything, you have to have some even if it is slight proof, you have to have some reasonable cause to come to that conclusion. Then a report is made. It nowhere says in the bill that with reasonable cause to suspect prosecution will take place. This is simply when reports will be made. I think that is an important fact.

To deal with the issue of federal dollars, if we go with "believe," you will find, if you read some of the information that was passed out to you this morning, the State of Maine will no longer be eligible for the federal funds which it uses for its protective services. That will amount to between \$500,000 and \$600,000. That is not for new programs, that is not for research, that is for protective services to children which the state of Maine is now providing. If we continue those services the same level without the federal money, that is between \$500,000 and \$600,000 which is going to have to come out of the General Fund or some tax increase. We would have to make that decision either to raise that

\$600,000 or to no longer provide protective services for the children. If we go with "suspect", if we pass the amendment, then that will qualify us for the use of federal money.

I think more importantly as far as the welfare of Maine's children is concerned, if we adopt the amendment and use the word "suspect", it will mean, hopefully, that more reports will be made. I would say to you that if there is a fact of 200 or 500 more reports being made to the Department of Health and Welfare and it saves one child from being beaten or one child from dying from child abuse, then it is worth those extra reports and that extra work.

If we accept the bill as it stands now with the word "believe" in it, it means not that many reports will be made. It will mean that cases of child abuse and neglect will go undiscovered. It will mean that children will grow up not trusting people because they have been beaten, not being able to relate to others and not having the equal chances that everyone should have to grow to a full life.

Mr. Ault raised a couple of questions in his testimony, or his speech; one is, what is negligent treatment and suggested that perhaps that a negligent treatment might consist of someone going to school some day with a dirty face. Mr. Ault knows that is not true.

In section 3852, Definitions, the definition of child abuse and neglect is that it means the physical or mental injury, sexual abuse, negligent treatment or maltreatment of a child under the age of 18 years of age by a person who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened thereby. That is very clear; that is not a dirty face.

Mr. Ault read you the list of people who have to make reports and that list is long. That list is comprised of those people who are most likely to come in contact with children, those people who are most likely to be able to discover the first signs of child abuse. Those are the people who will see the signs of child abuse and neglect before a child ends up in the emergency room or in the hospital. That list should be that long.

The next issue Mr. Ault raised was reading from the third page of the long list of information required. The information that is required is simply that information which is necessary to follow up a report. The doctor makes a report and says, I have or have had in my office a child who has been abused and doesn't list the parent's names and addresses, then how do you find out the information? That information has to be in the original report which goes in so that hopefully within a matter of hours the report can be followed up.

I have had the question asked me about why there was a unanimous report from the committee with the word "believe." I think some of the other committee members who were involved in this and interested in this and felt that the word "suspect" was necessary might be able to answer that question. I think at the time the report came out of committee there was a feeling that the House or the legislature would not be willing to go along with the word suspect, that it would raise controversy and that the word believe would make us eligible for the federal money that provides us now with our protective services. We found out now,

since then, that that is not true, and it is my understanding that many of the committee members feel now that the word "suspect" should be substituted.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Mulhern.

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: The remarks of the gentlelady from Owls Head, Mrs. Post, I think you should listen, I hope you listened very closely to what she had to say. She is a person that has had reason to deal with this problem very closely and I think she knows from where she speaks. She is one individual who can talk on this quite eloquently.

I feel that this bill, L. D. 1680, we have gone through a long period of hassles and problems trying to get a good piece of legislation together that would really do the job, that would really protect the abused child, and I wish I had the time here on the floor of the House to and the elquence to get across to you that this problem of child abuse is a unique problem. It isn't something we can deal with in an ordinary way. The young child who is abused, and I have some material on my desk here, I wish you would take a look at it, the tragedy of child abuse, and it says in quotes "Mama used to Whip Her." This is a young child, Donna S.; they don't give her last name, 9 years old, she was severely beaten, 50 percent of her body was covered with second and third degree burns. Donna's father and stepmother were charged with first degree murder and her 15-year-old stepsister testified mama used to whip her mostly on the bottom but sometimes on the arms and legs with a belt or a paddle. When she got the burns and whippings, it was either red to purple or black, it was different colors. Now, I am not going to go along and read this entire thing to you. I think you pretty much got the picture from what you see here and from what I have handed out.

I am not even going to argue on this bill mostly in favor of the money, because I don't think this ought to be our prime consideration here. I think we ought to be supporting this bill because it is in the best interests of the abused child. Believe me, I have done research on this bill. I know what I am talking about. I have spent hours and time reading and plowing through reports and doctors and psychologists say that the abusing parent, the parent who does things like this, has real serious problems, they have had mental hangups and problems of their own. In many instances, these same parents who are abusing their children were also abused.

The reason we are insisting on the word "suspect" as the word "believe" is because really the title of this bill should read, not "An Act Relating to Mandatory Reporting of Child Abuse and Neglect," that is a little bit of a misnomer. It really should read "An Act to Deal with the Treatment, Identification and Prevention of Child Abuse". The reason we want the word suspect is so we can get at these cases in the beginning, because if the abusing parent isn't exposed, if the problem doesn't come to the attention of people, the abuse will get worse and worse. It starts off as simple neglect.

All these ridiculous things about, well, neglect is a dirty face -- bolognae, that is not true at all. I just don't buy that. The bill says, "reasonable cause to suspect."

I was a teacher for a couple of years, and I don't think I would feel any different if I was a

teacher right now. If I had a child come into my classroom with a black eye or a dirty face, I think the first thing I probably would think was that maybe Johnny got in a little hassle with one of the other kids in the class and the kid hit him in the eye and gave him that black eye, or maybe he has got the dirty face because he rolled around in the mud before he came to school. I mean, that is reasonable cause to suspect, but what I suspected was not child abuse. I think this is the last thing I would think of, because even I, at this point, even though I see the statistics, frankly, I am shocked to think that a parent would abuse their child, but it happens. There were nearly 5,000 cases of reported child abuse and neglect in the State of Maine last year.

I want you to realize, we are talking about almost \$600,000 and we are talking about the entire program of child protective services in the state of Maine that will go down the drain if this bill isn't right. I think the Feds in their letter have gotten as specific as they possibly can. I don't think they can go any further without laying it right on the line and saying definitely and stepping right in and saying you have got to have it, but I mean, it looks to me like 99 percent. Dave wants "suspect" in that bill. I have the act right here, the Federal Act, it uses the word "reasonable cause to suspect"-suspect all the way through the bill. It is there for anybody to look at. I have plenty of material here. I strongly urge you, for the sake of the kids, really, give some serious thought to this. I hope you go along with this amendment today.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Talbot.

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to clarify a couple of statements that have been made on the floor of the House this morning. One is that the reason why we have come out with a unanimous report is that at our last workshop session, we took a vote within the committee as to whether we would come out with a report with "suspect" or one with "believe," or one with "ought not to pass" or one with three reports. We took a vote, and it was just about even. — some for "believe" and some for "suspect." At that time, we did not have the telegram that the good gentlemen from York, Mr. Rolde, has from Washington saying that it must be "suspect."

But in order to come out with a unanimous report, this committee has done a great deal of work on this particular bill. We wanted to come out with a unanimous report. So to come out with a unanimous report, some of us conceded and went along with the bill as it stands now with the word "believe" in it. That is the only reason why we have a unanimous report.

Let me go another step further. The only reason why you have the word "believe" in the bill as it stands now, and as you read the bill, "suspect" is used throughout the bill eight different times. The word "believe" is used twice. And the only reason why the word believe is in the bill at all is because it was in the first redraft done by Charlie Cragin.

We have been in touch with Washington and we have been in touch with Boston, and I think we have been in touch with those people most concerned with this kind of legislation. And it is their feeling that the word "suspect" must be in the bill.

Like I said before, the committee has done a tremendous amount of work on this bill. It is a good bill. Last week, they were supposed to have a conference at the University of Maine dealing specifically with the child abuse and neglect and

specifically with the words "believe" and "suspect." And of course you know that meeting was called off because of the storm that we had. That is why we didn't report the bill out until after that, because some of us wanted to go to get further information on exactly what kind of language we have to have in this bill to get our federal funds. That is the way it stands now.

HEW at the federal level, HEW at the state level, those people that we have been in contact with, suggest to us that to use "believe" would be to jeopardize those funds.

I would also caution you to not just take that into consideration. This is a very important piece of legislation for the children of the state. I think we have an obligation to make sure that it is in the best possible shape before we see it through.

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I am cosponsor of this bill. Representative Post has said most of the things I was going to say, and I hope you listened to her. I might just add, don't let the exaggerated scare tactics being used defeat this amendment. Think of the welfare of the children and support the amendment. Portland teachers support this. We had letters from them. In fact, one of them was even in court this week, has the courage to go to court to defend her position, and they like this amendment.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker and Members of the House: Let me just mention two points on this matter. I don't know how many of you have worked with children who have been abused. I have. It is not a pleasant sight to see.

The way this bill was worded originally, it contained the word "suspect." It was only after the pressure of one man and one man alone, Mr. Charles Cragin, a lobbyist, that this was changed. And the reason why, and as it was so eloquently expressed in the minutes of the Governor's Committee on Children and Youth from February 18 of this year, the essential change in Mr. Cragin's draft of L. D. 201 was to delete the phrase "cause to suspect" and insert the phrase "cause to believe." The essential difference is that suspect requires more thorough follow through and broader investigation than believe. In this meeting, Mr. Merrill from Health and Welfare observed that Mr. Cragin was too powerful a lobbyist to fight and acquiesced to the change. These are the scare tactics that Mrs. Boudreau is referring to. Because his clients, the Maine Medical Association and the Maine Hospital Association objected to this, and not even unanimously, he came in to tear the very essence of this bill from it.

Now, if you use the word "believe," you have to wait until a child comes in with a broken arm or punctured lung or even worse damage, and by then it is too late. The physical damage is great; the psychological damage is greater. If you use the number of us who have stood and to catch those abuses before they get so far that the damage is irreparable.

The number of us who have stood and spoke in favor of replacing "believe" with "suspect" today I think reflects the feeling of a number of the people on the committee who would have preferred to have the word "suspect" in there, but in an attempt to get out a bill that would be unanimously favored by the whole committee and get passed in time so we could qualify for the

federal funds and have a law on our books that would attempt to deal with the problem, we went along with it. A lot of it was due to the fact that Mr. Cragin is a very powerful man in this state.

Perhaps some of you saw the Maine Times article on the back page of this week's issue, which talks directly about this problem. It is a testimony to how powerful that man is. And I ask this body today to stand up and say to the people of the State of Maine that we are independent voters, that we are independent thinkers and we will not have our decisions made for us by lobbyists who are paid huge sums of money by special interests to kill bills that they don't like.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: There is another problem here that I would like to address, and I would certainly in no way minimize the tremendous problem of child abuse and child neglect. But we have here a problem where the state has a duty to protect the children that are neglected and are abused this way, but we seem to be drawing the assumption in this bill that physicians and all of the people in 3853 would not report these things if given their free will. They have to be forced to report these things, that we have to fine them and we have to threaten them with six months in jail, otherwise they wouldn't report these things to the Department of Health and Welfare.

And having drawn that assumption both on the federal level and drawing it on the state level, and possibly it must be drawn, possibly the physician would not report the child with a broken arm that he honestly feels has been damaged by his parents, and I am assuming, I am conceding that this is necessary. We have now used in this particular bill the term "believe." He accepts as true, he accepts as true that the parents have broken the arm or burned the child or in some way damaged the child. And the amendment would change this to "suspect," imagines to be without proof. I think that when we are charging the physicians and the Christian Science practitioners and all people in the state to report to the state under the threat of a fine and imprisonment, I think that to use "imagine to be without proof" may open up an area where anyone who has a personal grudge or a problem with someone will report them, and they can honestly argue, we are avoiding the fine, we are making sure that we are covered and protected, and you may get a tremendous flood of these things coming in, often frivolous and without basis. So I hope you will stay with the term "believe," accept as true, because this at least puts some one on the individual to use their judgment in this.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Conners.

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I am on the committee that heard this bill, and we have worked for the last two months on it. Mr. Merrill of the Department of Health and Welfare, I asked him the question what he considered child neglect, and these are the words he said, that if the child possibly went to school two days in a row with a dirty face, his hair uncombed or his teeth not brushed, that this was neglect. He also made the statement that if a woman with children stayed in bed in the morning and

let her children get up and get themselves ready and off to school, that she was socially unbalanced, and this would be neglect. These are exactly the words that he said within the committee hearing in the work session.

If this legislature cannot form and shape a bill and have "believe or suspect" in it, and the federal government is going to tell us what words we can have in it, we shouldn't have put in the last two months of labor into this bill. We should have just asked the federal government to write it, send it up here and then we could either okay it or we wouldn't have to okay it, that it would be put into the Department of Health and Welfare and become a law.

As far as Mr. Cragin goes, he in no way influenced me in any way, shape nor manner. I vote my own thoughts and thinking on this matter. I have talked with Cragin and also with the department, and I find one lobbies against the other or the two of them lobby together, whichever way it sees fit, but I want this House to know that nobody, except my constituents, will influence my vote in any way.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Mulkern.

Mr. MULKERN: Mr. Speaker and Members of the House: I would like to share this information with you. I just received a letter from the Attorney General's Office that Mrs. Post spoke about a few moments ago, and I will just read it to you.

"Dear Representative Post: This is a reply to your oral request whether the word "suspect" appearing in the referenced legislative document should be removed by amendment and replaced by the word "believe," because the former term has less meaning than the word believe. I understand that the word "suspect" has been ascribed no more meaning than someone's imagination.

"As we stated in the letter dated March 5, 1975, to Representative Mulkern, we recommend that the legislature retain the word "suspect" rather than replace it by amendment with the word "believe." Our reasons for that are as follows: 1. Federal legislation on this subject utilizes the language "known or suspected." 2. The word "suspect" has been interpreted by the courts as having more meaning than merely someone's imagination. In *United States v. Rembert*, 284 F. 996, 1001, the court held that the word "suspect" having reference to probably cause as grounds for arrest without a warrant is ordinarily used in place of the word believe.

"In *Samuel v. State of Florida*, 22 So 2d 34, the word suspected, as used in a search warrant, meant that the officer may search a person found on the premises covered by a search warrant where he has reasonable grounds to believe that such person was connected with the premises." In other words, believe there means suspect.

We understand the federal government ruled April 14, 1975, that 22 MRSA, 3853, line 5, had to be amended by deleting believe and replacing it with the term suspect. This bill amending that law would produce the same result. For the three reasons given above, we continue to recommend that the legislature utilize the word "suspect" in L.D. 201."

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: I am beginning to feel that maybe I am a little remiss and

that I don't hold Charles Cragin with the great awe that a great number of people in here seem to. As a matter of fact, many times I found him to be a sarcastic little man who talks a lot and I have always been able to turn my back on him and walk away when I didn't agree with him.

I have yet to see a federal communication that says the federal government will not give us this money if we have the word "believe" in this bill. I keep hearing "would seem" or "would jeopardize" but they never say definitely that we will not receive the money.

I would like to respond to Mrs. Post. She says that I said that negligent treatment occurs when a child comes to school with a dirty face on one day. I said three days in a row, Mrs. Post, and as far as I am concerned, if parents let their children come to school three or four days in a row getting dirtier and dirtier, that is negligence.

I would also like to point out that again Mr. Cragin wasn't alone in opposing this bill, because Mr. John Marvin also opposed the word "suspect."

I want to stop child beating as much as anybody in here does, but I am also concerned about the innocent parents who are going to be reported because someone imagines they are neglecting their child and therefore I want to see this bill passed, but I do move indefinite postponement of this amendment.

The SPEAKER: The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I think the question has been raised again. I feel that I must respond on what is abuse and what is neglect.

Abuse of a child is a child who has cigarette burns all over his body. Abuse of a child is a child who has been scalded with hot water. Neglect is when you have a 3-year-old child who will only drink out of a bottle because no one else has ever bothered to try to teach him to eat with anything else. Neglect of a child is when you have a child who is two years old who has spent her entire life sitting in a tire and therefore is unable to sit up by herself.

I, at one time or another, have cared for all these children. They all reach the state of being in the hospital because nobody made any reports. And having done so, I find it difficult to believe that this debate is even taking place, and I ask you to vote against indefinite postponement.

The SPEAKER: The pending question is on the motion of the gentleman from Wayne, Mr. Ault, that House Amendment "A" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

35 having voted in the affirmative and 79 having voted in the negative, the motion did not prevail.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

The Chair laid before the House the fourth tabled and today assigned matter:

HOUSE REPORT — "Ought to Pass" in New Draft — Committee on Marine Resources on Bill "An Act to Create the Maine Fishing Gear Damage Fund" (H. P. 412) (L. D. 500) — New Draft (H. P. 1489)

(L. D. 1681) under same title.

Tabled — April 14, by Mr. Palmer of Nobleboro.

Pending — Acceptance of Committee Report.

On motion of Mr. Greenlaw of Stonington, the Report was accepted. The New Draft was read once and assigned for second reading tomorrow.

The Chair laid before the House the fifth tabled and today assigned matter:

HOUSE DIVIDED REPORT — Majority (10) "Ought Not to Pass" — Minority (e) "Ought to Pass" — Committee on State Government on Bill "An Act to Send to the People in a Special Advisory Election the Question of whether or not the Maine Legislature shall Repeal its Ratification of the So-called 'Equal Rights Amendment'" (H. P. 851) (L. D. 1040)

Tabled — April 14, by Mr. Cooney of Sabattus.

Pending — Motion of same gentleman to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I notice that the gentleman from Sabattus is not in his seat; I would like to have this tabled until later in today's session.

The SPEAKER: The Chair recognizes the gentlewoman from Portland Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I move that this be tabled to later in today's session.

Thereupon, Mrs. Najarian of Portland was granted permission to withdraw her motion.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Conners.

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the motion and I would like to speak very briefly to my motion.

I have a few questions here that I have written down that I would just like to ask and no answer is required except your own to yourself. Should widows be deprived of the preferential tax property and homestead benefits? I think you will find that under the ERA these are some of the things that will be taken out, that it will be just what it said, it will be equal. Should homosexual marriages be legalized and such couples be permitted to adopt children and get tax and homestead benefits now given to husbands and wives? This could very easily be. Should women in industry be deprived of legal guarantees against compulsory overtime? As of now, this isn't true. Should women in industry be deprived of legal protection against being involuntarily assigned to heavy lifting, strenuous and dangerous mens jobs? Should wives not employed outside the home be denied their present right to get credit in their husband's name? Should the Internal Revenue Service be given power to withdraw tax exempt status from religious schools and private schools that have single sex admissions policy and from churches and seminaries whose doctrine specifies a different roll for men and women? Should state legislatures and Congress be deprived of all power to stop or to restrict abortions? Should police departments be required to eliminate physical tests and to pass over qualified men so that women will be hired and promoted on a one to one basis and equally assigned to patrol duties? Should