

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

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Legislature*

OF THE

STATE OF MAINE

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Index

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Medical Education Programs" (S. P. 430) (L. D. 1417)

Tabled May 21, by Mr. Rolde of York.
Pending Passage to be Engrossed.

Mrs. Post of Owls Head offered House Amendment "A" and moved its adoption. House Amendment "A" (H-443) was read by the Clerk and adopted.

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

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

Bill "An Act Concerning Pay Toilets" (H. P. 663) (L. D. 837) In House, Majority "Ought to Pass" Report of the Committee on Legal Affairs read and accepted and the Bill Passed to be Engrossed as Amended by House Amendment "B" (H-131), May 19. -- In Senate, Minority "Ought Not to Pass" Report read and accepted in non-concurrence.

Tabled - May 20, by Mrs. Najarian of Portland.

Pending Further Consideration.

On motion of Mr. Faucher of Solon, the House voted to recede from its action whereby this Bill was passed to be engrossed.

On further motion of the same gentleman, the House voted to recede from the adoption of House Amendment "B" and on motion of the same gentleman, the Amendment was indefinitely postponed.

The same gentleman offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-447) was read by the Clerk and adopted and the Bill passed to be engrossed as amended by House Amendment "C" in non-concurrence and sent up for concurrence.

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

House Divided Report -- Report "A" (6) "Ought Not to Pass" -- Report "B" (5) "Ought to Pass" as amended by Committee Amendment "A" (H-407) -- Report "C" (2) "Ought to Pass" -- Committee on Energy on Bill "An Act to Require Legislative Approval for the Construction of a Nuclear Power Plant Used by a Public Utility to Generate Electricity" (H. P. 1261) (L. D. 1555)

Tabled May 20, by Mr. Rolde of York.

Pending Acceptance of any Report.

On motion of Mr. Farley of Biddeford, tabled pending acceptance of any Report and specially assigned for Tuesday, May 27.

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

House Report "Ought to Pass" as amended by Committee Amendment "A" (H 415) Committee on Business Legislation on Bill "An Act to Increase Certain Volume Fees under the Maine Consumer Credit Code" (H. P. 1251) (L. D. 1532)

Tabled May 20, by Mr. Higgins of Scarborough.

Pending Acceptance of the Committee Report.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-415) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

An Act Relating to Reserve Valuation

Standards for Life Insurance and Annuity Contracts and Nonforfeiture Benefits of Life Insurance Policies (H. P. 1576) (L. D. 1879)

Tabled -- May 20, by Mr. Dow of West Gardiner.

Pending -- Passage to be Enacted.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Resolution, Proposing an Amendment to the Constitution to Provide for Reduction of the Number of Representatives in 1985, to Establish the Number of Senators at Thirty-three in 1985, and to Change the Date of Convening of the Legislature (H. P. 1587) (L. D. 1883)

Tabled -- May 20, by Mr. Cooney of Sabattus.

Pending Passage to be Engrossed.

Mr. Faucher of Solon moved this Bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker and Members of the House: I don't think I can let that happen without making a few comments on this thing after watching it go along as far as it has.

This was bill that I introduced earlier in the session, hopefully to try to correct some things that I felt were necessary to properly do an apportionment of the House. It has been changed quite a bit, but at the same time, I still believe there is enough in there to make it worthwhile to try to salvage it.

It has long been a desire to want to effect some reduction in the size of the House. I have had some reservations in my own mind as to how far it should go. I think at one time I was probably opposed to any reduction, but I do believe an attempt to reduce the size of the House to 132 members and set up a ratio of 4 to 1 in which your Senate Districts should be based on four House Districts would make a great deal of sense and would actually result in a much better apportionment of the other body and still do an effective job in this body.

At the present time, there are quite a few communities in this state that could be apportioned and not have to have any change if we went down to a 132-member House. That would leave an average House of about 7,500. You would go from 7,200 to 7,900 for the size of the House.

A good many of the communities like Gorham and Westbrook, Scarborough, Millinocket, there are quite a few of those towns that could adequately be apportioned without taking any part of the community away and putting it into another district. I think this would work out very well, and I hope you wouldn't vote to indefinitely postpone this and take another look at it and maybe we could discuss it more extensively at the enactment stage. I really do believe it would make a much better arrangement; it would satisfy some of the people who would like to see some reduction in the House and do a better job, and I hope the motion to indefinitely postpone this will be defeated.

The SPEAKER: The Chair recognizes the gentleman from Solon, Mr. Faucher.

Mr. FAUCHER: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I don't believe in long speeches, but I

believe we have 151 members in this House and I like every one of you and I don't want to reduce it.

We would look very intelligent sending this to the people for referendum and telling them that they have got to make up their minds and tell us what we are going to do ten years from now. We are going to look very intelligent because they won't know what could happen in ten years, should we reduce it or should we enlarge it or do away with the other body. So I hope you go along with my motion. I request a roll call, Mr. Speaker.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I urge you not to support the indefinite postponement motion because I am going to get an amendment prepared if we ever can get it back there to increase the size of the Maine Senate. We want to give government back to the people, let's put a few more senators over in the other body. I would urge this House not to go for indefinite postponement then I would hope someone would table it so I could get an appropriate amendment prepared to help our brothers and sisters over in that other body.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very, very briefly. If there is one question in the time that I have been here that has been put to me by the constituents from my area has been, when are you people going to give us a chance to reduce the size of the House? This is a question that has been put to me time and time again. All we want is a chance to vote on it. Every session I have been here we have had L. D.'s drawn up and we have fooled around with them and eventually this House refuses repeatedly to send it back to the people and let them decide.

I hope you vote against the indefinite postponement, and once and for all, send it out to the people and let them make the determination.

The SPEAKER: The Chair recognizes the gentleman from Danforth, Mr. Fenslon.

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: I feel that I have to speak on this bill. As you may or may not know, I represent District 101. I think I have some distinction because in Washington County this includes, Indian Township, Alexander, Charlotte, Codyville Plantation, Cooper, Crawford, Danforth, Grand Lakes Stream Plantation, Pembroke, Plantation No. 14, Plantation 21, Princeton, Robbinston, Talmadge, Topsfield, Vanceboro, Waite, and in Southern Aroostook County, Amity, Bancroft, Cary Plantation, Glenwood, Haynesville, Macwahoc Plantation, Orient, Reed Plantation and Weston. If we increase the size of that district and I don't expect to be around here in 1985, but I would think that you ought to have another bill to give my successor a helicopter if he wanted to get around to the towns every now and then.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I admire the gentleman for having the courage to read them all off. Now I can inform Mr. Birt why I didn't object to the reapportionment of the House because that was my previous district.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief but I am not such a good orator as the last man that spoke but I have got about the same number of towns and I can't name them all, I don't think. I start at Milford line and I go on up through to Topsfield and there are a lot of little towns I never heard of until they were thrown into my district but it includes an awful lot of them and I won't take the time to name them all.

Down through the years I have generally been for lowering the size of the House but I thought when we started off this session we made room for two extra seats in here, that wasn't the concept in here now. If they are just going to shorten up the districts, so to speak, to fill it up with the minority groups in the House, I would rather keep it the way it is.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the motion for indefinite postponement because I think my good friend from Solon, Mr. Faucher, made it quite clear when he said the people think we are foolish to send out something now that would affect them in 1985. Personally, if this thing was going to happen a little earlier, I could support it because this might put my town back into a single town and give me back the other third that I lost. To put it out in 1985, I think what we are pretty much saying to the people of the State of Maine that we are willing to accept the fact that Maine is never going to grow in the next ten years, that if anything, we are going to dwindle down so that the legislators can take on more constituents and increase their territory just like the good gentleman just spoke, Mr. Dudley, they have such a territory now that they can't hardly get around it. Then to give them any more they most certainly aren't going to get around it. To project ahead ten years now, I think, this is utterly ridiculous. Maybe this should be defeated now and come up in a later session when we are a little closer to that date.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Relative to the point of we are trying to project something ahead to 1985, I think if you have ever done any work on the whole problem of apportionment, you will realize that you have got to project this thing ahead, you have got to do some of the work quite some time in advance. Actually, the work on starting to do the apportionment for the House that will be elected in 1985 will actually be done somewhere in the year 1981 or 1982. I realize that we are looking quite far ahead but we have just gone through this whole situation and just completed an apportionment last session. I think that we have got to start to face up to these things, at this time, because if we project this ahead and we wait until 1985, it is too late. By 1981 we are going to be into the problem. I think that throwing this type of smoke screen up is completely distorting the whole picture.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Solon, Mr. Faucher, that the House indefinitely postpone Resolution Proposing an Amendment to the Constitution to provide for Reduction of the Number of Representatives in 1985, to Establish the Number of Senators at Thirty-three in 1985, and to Change the Date of Convening of the Legislature. House Paper 1587, L. D. 1883, and all accompanying papers. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA Albert, Ault, Bennett, Berry, G. W.; Berry, P. P.; Berube, Blodgett, Boudreau, Burns, Bustin, Call, Carey, Carroll, Chonko, Connors, Connolly, Cote, Curran, P.; Curran, R.; Dam, DeVane, Drigotas, Dudley, Farley, Faucher, Fenlason, Finemore, Flanagan, Fraser, Hutchings, Ingegneri, Jackson, Joyce, Kelleher, Kelley, LeBlanc, Leonard, Lewis, Lizotte, Lunt, MacEachern, Mackel, Mahany, Martin, A.; Maxwell, McMahan, Mills, Miskavage, Morin, Mulkern, Nadeau, Peakes, Perkins, T.; Post, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Silverman, Snowe, Talbot, Tarr, Theriault, Twitchell, Tyndale, Walker, Webber, Wilfong, Winship.

NAY — Bachrach, Bagley, Birt, Bowie, Byers, Carpenter, Carter, Churchill, Clark, Cooney, Cox, Curtis, Davies, Durgin, Dyer, Farnham, Goodwin, H. Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hewes, Higgins, Hinds, Hobbins, Hughes, Immonen, Jensen, Kany, Kennedy, Laffin, LaPointe, Laverty, Littlefield, Lovell, Lynch, MacLeod, Martin, R.; McKernan, Mitchell, Morton, Norris, Palmer, Pelosi, Perkins, S.; Peterson, P.; Peterson, T.; Pierce, Powell, Shute, Smith, Snow, Spencer, Sprowl, Stubbs, Susi, Teague, Tierney, Torrey, Tozier, Truman, Usher, Wagner.

ABSENT — Doak, Dow, Garsoe, Gauthier, Hennessey, Hunter, Jacques, Jalbert, Kauffman, Lewin, McBreairty, Najarian, Strout.

Yes, 71; No, 65; Absent, 14.

The SPEAKER: Seventy-one having voted in the affirmative and sixty-five in the negative, with fourteen being absent, the motion does prevail.

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

House Divided Report — Majority (10) "Ought Not to Pass" — Minority (3) "Ought to Pass" as amended by Committee Amendment "A" (H-394) — Committee on Health and Institutional Services on Bill "An Act Relating to the Furnishing of Family Planning Services for Minors." (H. P. 988) (L. D. 1253)

Tabled — May 20, by Mr. DeVane of Ellsworth.

Pending — Acceptance of Either Report.

Mr. Goodwin of South Berwick moved that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentlewoman from Millinocket, Mrs. Laverty.

Mrs. LAVERTY: Mr. Speaker, Ladies and Gentlemen of the House: I oppose this motion and I ask that you accept the Minority Report, "Ought to Pass" with the amendment that you find on your desk.

This bill, as you know, pertains to a family planning service to minors. This bill refers directly to a bill that was passed in the 106th Legislature, Bill 1823 to set up a program and policy for furnishing family planning services. This family planning service was to counsel and does counsel people who would like to plan their families and know more about contraceptives and be able to regulate pregnancy. This was a favorable service and is today, with the exception that we are finding that more and more teenagers are using this service.

In this bill, the first primary bill, is a paragraph 1908 referring to minors. This is the area to which I address the amendment and this bill in general. I did not frankly know anything about this service until a group of concerned parents came to me and wondered what could be done regulating a law pertaining to this paragraph. What my people did, in my district, was to hold public meetings and then form a committee which set up a plan to work with me to produce what you find here in the Committee Amendment. The idea being that concerned parents want very much to know when a child, under 18 years old, goes for the family planning service and asks for a prescribed contraceptive that is known, as we are all familiar with today, the pill. This involves a bodily change which is not a mechanical device. Parents that talked with me are very much worried about the medical history that might be within their family which the child would not be aware of, and that therefore, the use of the prescribed drug might be very harmful. They, therefore, are asking that they be notified when this particular service with a minor is being used.

I would like to point out how we have come about to be in a society where young people are using sexual contraceptives. To think of a child 13, 14 or 15 is really appalling and yet we have to look at what our society is like today. First, let's look at the family. We would hope that the family would be the basis for teaching values to young people when it comes to the sexual subjects but our family is quite different today, it is a mobile unit, the people in it are moving and the family itself is moving and even the youngest children are getting more information from outside the family than inside the family, unfortunately.

Also, let's look at the young people themselves. Today they move in a very mobile society, in a society that has TV and other visual learning processes. The youngsters today really know much more than you and I knew when we were in those particular areas, junior high school or high school. A great many techniques, technical knowledge and learning have been thrust upon young people so that they have to learn sex almost quicker than they learn to read and write. Therefore, they are very aware of what is going on.

I want to look at TV a minute. TV programs became so popular that it is almost a way of life with us, as intimate, as eating and sleeping. We do everything through TV. The TV programs did damage to the movie trade and for that reason movies began to develop the old saw, they took in the sexual subjects to promote their own business. Out of this development comes the sexual stimulus that is around us all day, every day. We have it in magazines, in movies, on TV, we have it everywhere. Therefore, young people are sexually stimulated, constantly, in one way or another. For us, too, we have to do