

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

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

Mr. HUBER: Mr. President and Members of the Senate: I would simply reply that physicians are very careful to explain the consequences of sterilization procedures to make certain that consent to these procedures is informed. I don't think that this is a problem.

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

Mr. BERRY: Mr. President and Members of the Senate: I don't see in looking the bill over chauvinism, either male or female. I do see the right of choice. I could visualize situations where it would be quite important to have a law like this on the books. For instance, if the health of one of the partners were involved and the other either was unavailable, disappeared for many years, or for some reason just adamantly refused to give consent, the health of the person desiring this treatment should not be impaired. I think very basically this is a freedom bill and I hope we would pass it.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, I would like to pose a question to anybody who might care to answer. The question is this: if the bill fails of enactment, are those hospitals which now do not require spousal consent then required to obtain it?

The PRESIDENT: The Senator from Penobscot, Senator Curtis, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President and Members of the Senate: I would simply reply, not as a lawyer, but the defeat of this legislation would simply leave vague a problem in rare instances. I think we should clarify this. I hope the motion to indefinitely postpone this bill is defeated and that it will go on to passage.

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

Mr. HICHENS: Mr. President, I would ask for a roll call.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The Chair will restate the question. The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Trotzky, that Item 7-19, L. D. 1615, and all its accompanying papers be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Carboneau, Conley, Curtis, Cyr, Danton, Gahagan, Graffam, Hichens, Marcotte, O'Leary, Speers, Thomas, Trotzky, Wyman.

NAYS: Senators Berry, R.; Cianchette, Clifford, Collins, Corson, Cummings, Graham, Greeley, Huber, Jackson, Johnston, Katz, Merrill, Pray, Reeves, Roberts.

ABSENT: Senator McNally.

A roll call was had. 15 Senators having

voted in the affirmative, and 16 Senators having voted in the negative, with one Senator being absent, the motion did not prevail.

Thereupon, the Bill was Passed to be Engrossed.

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

Mr. HUBER: Mr. President, I move that the Senate reconsider its action on L. D. 1615, and hope you will vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate reconsider its action whereby Item 7-19 was passed to be engrossed.

The Chair will order a division. Will those Senators in favor of reconsideration please rise in their places until counted.

A division was had. 15 having voted in the affirmative, and 16 having voted in the negative, the motion did not prevail.

Sent down for concurrence.

Senate - As Amended

Bill, "An Act to Require the Owners of Foster Homes and of Nursing Institutions to Account for Funds Belonging to Persons Entrusted to their Care." (S. P. 81) (L. D. 254)

Bill, "An Act Relating to State Employees Serving in Acting Capacities." (S. P. 119) (L. D. 384)

Bill, "An Act Providing Funds for Bancroft School Facility for Seriously Disturbed Children at Owls Head." (S. P. 280) (L. D. 992)

Bill, "An Act to Create a Commission to Prepare a Revision of the Eminent Domain Statutes." (S. P. 426) (L. D. 1392)

Which were Read a Second Time and Passed to be Engrossed, as Amended.

Sent down for concurrence.

Enactors

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

Indefinitely Postponed

An Act to Restrict Armed Forces Preferences in State Employment to Veterans Who Were Not Career Officers or Career Enlisted Personnel and to Remove a Barrier to Affirmative Action Programs. (H. P. 1491) (L. D. 1739)

Comes from the House, Indefinitely Postponed.

On motion by Mr. Katz of Kennebec, tabled and Specially Assigned for May 23, 1975, pending Enactment.

Reconsidered Matter

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

Mr. KATZ: Mr. President, is the Senate in possession of L.D. 1341, An Act to Authorize the Self Liquidating Bond Issue in the Amount of \$900,000 for Renovations of Housing Facilities at the University of Maine?

The PRESIDENT: The Chair would answer in the affirmative, the bill having been held at the request of the Senator.

Thereupon, on motion by Mr. Katz of Kennebec, the Senate voted to Reconsider its prior action whereby the Bill was Passed to be Enacted.

The PRESIDENT: The Chair recognizes that Senator.

Mr. KATZ: Mr. President, I now move that to permit some procedural changes within the bill, that under suspension of the rules this bill be sent to the engrossing department.

The PRESIDENT: The Senator from

Kennebec, Senator Katz, moves that under suspension of the rules, L.D. 1341 be resubmitted to the engrossing department. Is this the pleasure of the Senate?

The motion prevailed.

Orders of the Day

The President laid before the Senate the first tabled and Specially Assigned matter:

Bill, "An Act Relating to Tenants Serving on State and Local Housing Authorities." (S. P. 439) (L. D. 1455)

Tabled — May 14, 1975 by Senator Clifford of Androscoggin.

Pending — Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, because a legal question has arisen regarding this bill, I have written to the Attorney General asking for an opinion on the matter. As that answer has not been received, I ask that somebody table this until Friday.

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

Thereupon, on motion by Mr. Speers of Kennebec, retabled and Specially Assigned for May 23, 1975, pending Passage to be Engrossed.

The President laid before the Senate the second tabled and Specially Assigned matter:

Bill, "An Act to Clarify Certain Provisions of the Maine Right to Know Law." (H. P. 848) (L. D. 1035)

Tabled — May 15, 1975 by Senator Conley of Cumberland.

Pending — Passage to be Engrossed.

(In the House — Passage to be Engrossed as amended by Committee Amendment "A" (H-285).)

(In the Senate — Committee Amendment "A", Adopted)

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

Mr. REEVES: Mr. President, there are some amendments being prepared at this time for this bill, and there is another bill that we considered earlier in the day, all concerning this same law, and I wondered if we could table this for at least one day so we could consider all these bills at the same time.

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

Thereupon, on motion by Mr. Conley of Cumberland, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

The President laid before the Senate the third tabled and Specially Assigned matter:

Bill, "An Act to Create Hospital Administrative District No. 5 in Piscataquis and Penobscot Counties." (H. P. 1099) (L. D. 1382)

Tabled — May 15, 1975 by Senator Pray of Penobscot.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-205).)

(In the Senate — Committee Amendment "A", Adopted)

Mr. Pray of Penobscot then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-166, was Read and Adopted and the Bill,