

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

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develop through the skiing industry so they can compare with the coastal counties when it comes to the tourist dollar. We hope they will. Then the economy of the State will be so enhanced that we will be able to meet all of the demands which are placed upon us as legislators for the benefit of our people.

I think perhaps one other thing should be pointed out here. It is only a matter of a very few years when the Maine Turnpike is going to be turned over to the State. From my travel and experiences on the Maine Turnpike, about the time when this comes to pass, when the Maine Turnpike becomes a direct responsibility of the State, we are going to be faced with a tremendous rebuilding cost. I think we should keep that ever in mind.

Now, we enjoy and we do want our Canadian tourists, but I think the records will point out that the bulk of the tourist dollars come from the south and the west, our own citizens of the State of Maine.

I would hope that you would oppose the motion of the good Senator from Penobscot, and I would ask for a division.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I rise to give my wholehearted support to the position of Senator Tanous on the matter of this Route 6 reconstruction. He has more than adequately covered this project and he has certainly covered any points that I might make. While I am extremely aware of the fiscal problems which confront us, I nevertheless feel that this road is a key road to the development of the northern part of the State of Maine, and I wholeheartedly support his position.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I also wish to support Senator Tanous. I think he made a very intensive and remarkable talk in regard to this matter. This area has long needed some attention,

and he has brought those various facts very vividly to our attention.

The PRESIDENT: The pending question is the motion of the Senator from Penobscot, Senator Tanous, that the Senate accept the Minority Ought to Pass Report on Bill, "An Act Providing for a Bond Issue in the Amount of Thirty Million Dollars to Reconstruct Route 6."

A division has been requested. As many Senators as are in favor of accepting the Minority Ought to Pass Report of the Committee will rise and remain standing until counted. All those opposed will rise and remain standing until counted.

A division was had. Seventeen Senators having voted in the affirmative, and eleven Senators having voted in the negative, the motion prevailed.

Thereupon, the Bill was Read Once and tomorrow assigned for Second Reading.

The President laid before the Senate the second tabled and specially assigned matter:

Bill, "An Act to Extend Coverage of the Minimum Wage on Construction Projects Act." (S. P. 245) (L. D. 754)

Tabled — May 15, 1969 by Senator Tanous of Penobscot.

Pending — Motion by Senator Conley of Cumberland to Reconsider Action whereby the Senate Voted to "insist."

Mr. Conley of Cumberland was granted leave to withdraw his motion to Reconsider.

Thereupon, on motion by Mr. Moore of Cumberland, the Senate voted to Recede and Concur.

The President laid before the Senate the third tabled and specially assigned matter:

HOUSE REPORTS — from the Committee on Judiciary on Bill, "An Act Relating to Termination of Human Pregnancy by Therapeutic Abortion." (H. P. 602) (L. D. 783) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — May 16, 1969 by Senator Quinn of Penobscot.

Pending — Acceptance of Either Report.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I move that we accept the Majority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Penobscot, Senator Quinn, moves that the Senate accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Stuart.

Mr. STUART of Cumberland: Mr. President and Members of the Senate: I rise to oppose the motion of the good Senator Quinn. I must support this legislation because I believe it is important legislation that affects the health of the people of our State.

I remind you that the present law permits legal abortion when the mother's life is in danger, so this isn't a totally new concept. It is merely a change in the law, a change that other states have made, and this bill will permit a legal abortion in the case where a pregnancy would gravely impair the physical or mental health of the mother, also when there is a great risk that the child would be born physically deformed or mentally retarded. It would permit a legal abortion if the woman had been raped.

Now, I ask you: Shouldn't a woman be permitted a legal abortion if she, say, has had German measles in the first few months of pregnancy, when we know that the chances of the child being born mentally retarded or deformed are very great? Shouldn't a woman be permitted to have an abortion under these conditions?

Now, this legislation does not force anyone to do anything. It does not force the hospital to perform the operation. But it permits legal abortion when a board of review thinks it is necessary under these conditions.

Now, there are millions of abortions being performed now, and many of them under very dangerous conditions. And the present law very definitely discriminates against the poor because a woman now, if she can afford it, goes out

of State and has a therapeutic abortion, and this may cost well over a thousand dollars.

I know this is controversial legislation, but I have never talked with a doctor, a medical doctor, that did not support this, and I hope that you will oppose the motion to accept the Ought Not to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY of Androscoggin: Mr. President and honorable Members of the Senate: It is taught in psychology that mind is always attendant upon life, never being found separate from it, and that life is the progenitor and creator of all life, for life has never been found without antecedent life. In the human body, as in the seed of a plant, there is a living idea of the future organism. The heart is made to beat, and this action commences before its tissues are formed, even when it is only a mass of protoplasmic jelly.

Just as all that exists is the result of the action of the infinite divine mind, similarly, all that man does is the result of the action of man's own mind. After all, who shall say that his own idea of right regarding abortion is absolutely without flaw, or even what is advisable or best for another, or for the people of the State of Maine?

The universal tendency is to lay the blame for one's failures or mistakes at the door of some other person. In this particular case, why should it be left at the door of the 104th Legislature? Who are we, as mortal men and legislators, to legalize and rule upon a decision that is not within our jurisdiction as to who shall come into this world or which life shall be eliminated through this pernicious legislation?

The persistent endeavors of the "calamity howlers" necessitates both skill and tact, because no class of a community is more thoroughly convinced that they are right, and none more sincere and persistent in their well-meant but pernicious endeavors.

We are eager through laws to stop the career of those who rob another of his material possessions, and he who kills or poisons another is held to be a murderer, yet this abortion bill will be robbing a human life of its birthright and no one will be held accountable.

The final decision rests, not just with this legislature, but with the people of the State of Maine, who demand that we abide by how our conscience dictates to kill this type of legislation and not human life.

Mr. President, I would like to be on record as supporting the Ought Not to Pass Report and the motion of Senator Quinn to accept this report.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President, I would ask for a division.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, I would ask for a roll call.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I consider that this matter is not a religious matter. It is a matter which the men of the legislature are ill-positioned to vote upon. At the last session of the legislature this bill was introduced by a lady Senator. Men, it seems to me, are not the ones to decide an issue like this; it should be left to the women. Each woman, in her own heart and in her own soul, is the one who should have the right and the opportunity to make this decision. For this reason I am opposed to the motion.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Penobscot, Senator Quinn, that the Senate accept the Majority Ought Not to Pass Report of the Committee on Bill, "An Act Relating to Termination of Human Pregnancy by Therapeutic Abortion." A roll call has been requested. Under the Constitution,

in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call rise and remain standing until counted?

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Penobscot, Senator Quinn, that the Senate accept the Majority Ought Not to Pass Report on Bill, "An Act Relating to Termination of Human Pregnancy by Therapeutic Abortion." A "Yes" vote will be in favor of accepting the Majority Ought Not to Pass Report of the Committee; a "No" vote will be opposed.

The Secretary will call the roll.

Roll Call

YEAS: Senators Anderson, Barnes, Beliveau, Bernard, Boisvert, Cianchette, Conley, Dunn, Duquette, Gordon, Hanson, Letourneau, Levine, Logan, Minkowsky, Quinn, Reed, Tanous, Violette and Wyman.

NAYS: Senators Berry, Greeley, Hoffses, Katz, Kellam, Mills, Moore, Peabody, Sewall, Stuart and President MacLeod.

ABSENT: Senator Martin.

A roll call was had. Twenty Senators having voted in the affirmative, and eleven Senators having voted in the negative, with one Senator absent, the motion prevailed and the Ought Not to Pass Report of the Committee was Accepted.

The President laid before the Senate the fourth tabled and specially assigned matter:

Bill, "An Act Relating to Truth in Packaging." (H. P. 951) (L. D. 1230)

Tabled — May 16, 1969 by Senator Hanson of Kennebec.

Pending — Enactment.

On motion by Mr. Logan of York, retabled and specially assigned for May 26, 1969, pending Enactment.

The President laid before the Senate the fifth tabled and specially assigned matter:

Bill, "An Act Relating to Compensation for Full-time