

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

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Legislature*

**OF THE**

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very able and capable of providing houses.

Now in Portland it has been mentioned that the Maine Savings Bank is in this process, but I wish to quote to you that not only the Maine Savings Bank is under this new law, everybody is investing all over the state. The Maine Savings Bank, for your knowledge, is in the process of building a sixteen-unit outfit up on Mountfort Street in Portland. Now if you feel that this is necessary to provide new housing, which I think we need very badly, I think that you should support the "Ought not to pass" Report.

As far as investing the money on a speculative basis, this is ridiculous, because when they put their money into a house mortgage, whether it is built or to be built, the thing is, it is still speculative. And nobody questions if they do give a conventional loan with no guarantee whatsoever on regular housing. I submit to you that we do need housing and to accept the "Ought not to pass" Report.

The SPEAKER: The Chair will order a vote. All in favor of the motion of the gentleman from Wilton, Mr. Scott, that the House accept the Majority "Ought not to pass" Report will vote yes; those opposed will vote no.

A vote of the House was taken.

98 having voted in the affirmative and 30 having voted in the negative, the motion did prevail.

Sent up for concurrence.

The Chair laid before the House the following matter which was made a Special Order of the Day for 10:00 a.m.:

Majority Report (10) "Ought not to pass" — Minority Report (3) "Ought to pass" — Committee on Judiciary on Bill "An Act relating to Termination of Human Pregnancy by Medical Decision" (H. P. 1024) (L. D. 1406)

Pending question — Acceptance of either Report.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, I move the acceptance of the Majority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I come to this body today with a feeling that would be considered part laden with some emotion. Going back on this measure, over the number of years, it has always been to me, to say the least, somewhat repulsive.

The issue before this Committee and this Legislature has been described both as an extremely political issue and as a religious issue. It is neither.

What then is the issue? It is a moral issue. Whether this Legislature, being presented with the undeniable biological fact that an individual human life begins at the moment of conception, will legislate to allow the destruction of that life in circumstances other than when necessary to preserve the mother's life.

Restated, the issue, and the only issue, for this Legislature is: Whether and under what conditions it will authorize doctors and mothers to abort the continued development of human life.

I cannot stress this point too strongly. No matter how it is presented to you, whether by opponents or proponents, the issue is just that simple and anyone who describes it otherwise does you a disservice.

If then this is the issue, what are the considerations which this Legislature should weigh in its resolution?

First, it must accept the undisputed biological fact that human life begins at conception.

The second consideration is the international code of medical ethics which states that a physician will maintain the utmost respect for human life from the time of its conception.

The third consideration is legal. The conflict which concerns our courts and legislatures in this area is:

A matter of contest between conflicting views regarding the importance of mere existence in relation to a high quality and excellence of existence. In other words, proponents of abolition or

'liberalization' have tended to stress the quality of life after birth rather than the mere existence of life, while their opponents have argued for the transcendence of any life, born or unborn, over the health or happiness of an older or more powerful life.

And this is where the line is drawn. For the proponents of this legislation say to you that the continued existence of life after conception is a matter of personal decision between a woman and a competent physician and that the purpose of this legislation is to allow termination of human pregnancies by agreement between the mother, a duly licensed medical or osteopathic physician, and a Medical Board of two concurring physicians.

It is clear that this legislation would put this Legislature on the side of inequality. For under this legislation a child who might have a permanent physical deformity or a child who might be mentally retarded, no matter how slight that mental retardation might be, or a child that is just not wanted, is a second class citizen whose life may be terminated before birth and without the safeguards which are afforded to the other more privileged of his peers. For, say the proponents of this legislation, the mother's interests are superior to that of the child she has conceived and she and her doctor together may terminate that child's life.

That is the issue.

The root question remains whether this Legislature will authorize the taking of human life under the circumstances set forth in this proposed legislation.

I cannot believe that it will do so.

In those states and countries where liberalization has been legislatively favored, sober second thoughts are the order of the day. Abortion should not, must not, become a substitute for contraception.

Several — hundreds of hospitals throughout this land, who have taken in abortion problems, have since refused to do so. In my humble opinion, any state that has such a law, in such a manner

as is presented before us, can be rightfully called a state of an abortion mill. I hope that you will join me in wanting no part of that.

No responsible person can deny the problems which beset our society today; no responsible person can conscientiously withdraw from involvement in attempts to find solutions to those problems. But the responsible persons will not turn to increased permissiveness and the allowing of unlimited license, even under the guise of freedom of choice, as a solution to those problems.

This society and this Legislature should turn to education and Socio-economic programs and to the provision of abundant resources for those members of our society who so desperately need them.

We should not look to the past but to the present and the future.

Were science definitively to tell me that the subject of our discussion today is mere "protoplasm", "tissue" or other non-human organism, I would not be here today in opposition to liberalization of the abortion laws. But precisely, because science does tell us that human life begins at conception and that this "thing" is a living human being from that moment, I cannot refuse to become involved.

Let this Legislature reject them. Any other course by this Legislature is an endorsement of a principle completely contrary to the underlying bases of the Constitution of this land. For if any of these bills are adopted, this Legislature is saying to its citizenry that all men are not created equal and that all men do not have an unalienable right to life, liberty and the pursuit of happiness.

Let this Legislature be counted among those others which have rejected this kind of legislation.

Let this Legislature refuse to sanction the unjustified taking of human life.

We have had before us two bills which were killed last Friday and I certainly would be remiss if I did not thank the House that unannouncedly agreed to table this measure until ten o'clock time certain this morning. I would particularly

be thankful to my friend from Bath, Mr. Ross.

Two of the measures have been turned out of the committee "ought not to pass." The other measures, one that has been moved "ought not to pass" by the good gentleman from Cape Elizabeth, Mr. Hewes, is a measure that would involve itself into the so-called 1406 bill. This has been returned out of committee with a ten "ought not to pass" report.

Another measure is L. D. 1736, which is An Act relating to Termination of Human Pregnancy by Medical Decision. Now it is my opinion that this is as bad a bill, with due respect to the people who signed the report and to the authors of it, as 1466.

Section B of 1736 reads—"Not more than 20 weeks of gestation have passed, except in the case of a termination pursuant to saving of the mother's life or where the fetus is dead." Where the fetus is dead.

Now I have talked to several knowledgeable people in the field of not emotion, not necessarily just morals, but in the medical field. And how in heaven's name can you put words like that into a bill? How do you abort a dead fetus? A dead fetus will take its natural course. A dead fetus will create a very serious at times problem of bleeding, and that naturally is taken care of in other medical methods.

Another section of the bill, E, says about the mother, "or is mentally incompetent." Is a pregnant woman who might be permanently or temporarily mentally incompetent about to give birth to a child who will also be mentally incompetent? I don't think I have to ask you the reason for that answer.

Several points have been made and were made at the hearing by one of the sponsors of the bill, stating at the very outset of the presentation, that the bill was a religious issue. Let me read to you a prepared presentation by the proponents of the measure—and I was privileged to be the one chosen to head the presentation.

Rabbi Berent—Jewish Moral Aspects on Abortion was his subject.

He did not speak about Judaism. His subject was Moral Aspects on Abortion. Dr. Ronald J. Carroll, M. D.—he spoke on The Bio-Genetic Development of Human Life. Dr. Edward J. Hughes, M. D.—speaking on the Modern Developments in Fetology and Embryology. Miss Jan Benson, registered nurse—speaking on International Nursing Experience. Dr. Lionel Tardiff, M. D.—speaking on the Medical Analysis of Abortion Statistics. Reverend Leslie A. Dunn—speaking on The Beginning of Life According to Scripture. Miss Mary Wortherly—speaking on Euthanasia and the Elderly. Father Clement D. Thibodeau—The Right to Life of the Unborn Child and Alternatives to Preserve that Life. Mrs. Joseph G. Grondin—speaking on A Family Experience with a Retarded and Deformed Child. Mrs. Georgia Greeley—Abortion and Professional Nursing. Reverend Clyde Bailey—American Constitutional Tradition of Alienable and Inalienable Rights. Reverend George J. Venetos—speaking on The Greek Orthodox Position. Sister Mary George O'Toole—Sociological Perspective. And Attorney Ralph I. Lancaster, Jr., Esq.—Abortion and the Law.

Since the two bills have come out, the first two bills that have been killed, and since the two bills have been reported out—one with a ten "ought not to pass" report, headed by the House Chairman of the Judiciary Committee, and the other measure signed by three people, I have been contacted by several people in the profession of medicine, and they could hardly see how they could conceivably accept this measure.

We know how our good friend—at least my good friend Senator Muskie feels about this bill, in his program on television a few weeks ago. It is also common knowledge—and I have a report here of a newspaper dated April 23, 1971, of President Nixon's stand against—unalterably opposed to abortion legislation, for anyone to read.

The amendments that would be considered would be considered along the line that any woman

requesting an abortion in the State of Maine shall have resided in Maine for a period of at least 30 days prior to such a request. The purpose of this amendment is to provide for a residency requirement of at least 30 days in Maine for a woman who requires an abortion.

Because I am probably not in the proper mood or style to quote quite strongly upon this amendment, I will just let it go by making the statement that you would not have to be a summa cum laude from any degree or from any college or institution in the country, to get under this one.

The other amendment that would be proposed would be an amendment that would be presented, that would put this before the people in referendum. It is presented, strangely enough, by my very dear friend and colleague from Bath, Mr. Ross. And if the record would indicate properly and if my hearing has been proper over the last few semesters, I have seen and heard the gentleman from Bath, Mr. Ross's voice, speaking against allowing amendments to go to the people insofar as constitutional amendments are concerned, but I have also heard him speak and vote against constitutional amendments to go to the people. This is the only way this Legislature can ever have any part of anything within the Constitution to go before the people. And if we would then, for purposes of delaying, go along with the 90-day amendment, and for the purposes of having a referendum on such a measure, it would be my suggestion that we could very easily cut down our programs here from the area of July 15 to around August 1, to about February the 15th by putting on the cloture, planning our hearings, and put everything out to the people for referendum. Because I have explained what the amendments are, because I see no point in them, because I see no reason why this bill should be delayed any longer, I will now move, Mr. Speaker, that both measures, both bills, and all accompanying papers, will be indefinitely post-

poned. And when the vote is taken I ask for the yeas and nays.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert now moves the indefinite postponement of all Reports and Bill.

The Chair recognizes the gentleman from Bangor, Mrs. Doyle.

Mrs. DOYLE: Mr. Speaker, Ladies and Gentleman of the House: I rise to oppose the motion of the gentleman from Lewiston, Mr. Jalbert. There are few people who do not have strong emotional feelings about the subject of abortion. Unfortunately it will continue to be an emotion-charged issue as it is debated in legislative bodies throughout the world. This is unfortunate because we are not here to legislate emotions, but rather to deal with factual matters. There are three major elements which enter into the argument for repeal or reform of antiquated abortion laws.

1. The freedom of each woman to rule out certain times and circumstances for her own motherhood.

2. The freedom of the state from domination by religious dogma, in accordance with the constitutionally required separation of Church and State, and

3. The freedom of individuals from socially imposed hazards to health.

Many politicians are afraid to take a positive stand on the issue of abortion reform because they fear damage to their political careers. This is sheer hypocrisy. Are we not here to represent our constituents honestly?

An article in the Kennebec Journal, February 16, 1971, stated "that some . . . legislators are willing to prostitute themselves on this issue to assure their return. . . at the next election."

In regard to the separation of church and state, Father Robert F. Drinan, S. J., Congressman from Massachusetts, writing in the April 17, 1970 issue of Commonwealth stated that the government should simply "withdraw from the area of protecting the first twelve to twenty weeks of non-viable fetal life." He also said that "one wonders if Catholic . . . spokesmen will continue to assume that they

can make up the minds of Catholic legislators on the abortion question just as the Bishops of Massachusetts in 1948 'told' Catholic legislators not to repeal the Anti-birth Control Law. . . ." How many responsible clergymen or citizens are there today who are so shortsighted as to oppose sensible family planning?

Vatican II's declaration on religious freedom states that "In spreading religious faith and in introducing religious practices, everyone ought . . . to refrain from any manner which might seem to carry a hint of coercion or a kind of persuasion that would be dishonorable. . . ." Father Drinan asks, "Can Catholic spokesmen be open to the accusation that they are acting in the abortion controversy in a way which clearly 'might seem to carry a hint of coercion'?" Can this honorable body be so coerced?

Father John Reedy, C. S. C., in the November issue of A. D. Correspondence of the Notre Dame Press wrote, "The fact is that no one really knows when a person becomes a person . . . beyond the general judgment that a person exists when human life can be maintained outside the womb. . . the religious simplists who reduce all efforts at liberalized abortion laws to 'anti-life propaganda' do a disservice to us all." He concludes, "I believe that a Catholic, after serious examination of facts, theology and his own conscience, could responsibly support. . . liberalization in abortion laws."

To those who do not believe that there is a need for abortion reform in Maine, a few facts are in order in addition to the fact that the present statute is vague, unworkable, and unenforceable. At the 20th Annual Epidemiology Intelligence Service Conference last month, statistics were presented which had been compiled from the experience in New York in the last six months of 1970. It was found that of the 45,000 abortions performed in New York in that period, 55 percent were performed on out-of-state patients. Of this group, 339 women were residents of Maine. Thus, for every 1,000 live births in Maine, there were 38 Maine

women aborted in New York. The number of abortions per 1,000 live births is called the abortion ratio, and the State of Maine is well within the top half of all states, despite that fact that no abortions done in Maine were reported, which isn't to say that abortions are not being done in this state daily. It was further found that the incidence of complications and deaths following abortion was higher for out-of-state residents than for residents of New York. We can therefore conclude that Maine women are being placed in jeopardy by being forced to travel to New York, as well as having considerable extra expense. It is safer for women to receive abortions in their home states if at all possible. Undoubtedly poorer women are not receiving safe legal abortions to the extent that middle class women are, and are therefore discriminated against. These facts give us concrete proof that many Maine women elect to have abortions.

The health consequences of not performing requested abortions under favorable medical circumstances are so great that we must consider abortion a significant public health problem. Maternal deaths and physical and psychological trauma are all too often the result of illegal, unsanitary abortions. The unwanted child is often the battered or psychologically disabled child.

On the other hand, abortion performed by qualified practitioners under proper circumstances, up to and including 20 weeks of gestation, is one of the safest medical procedures known today and is endorsed by The American College of Obstetrics and Gynecology. It is interesting to note that at a public hearing on L. D. 1406, no qualified obstetricians spoke against the bill, although at least two spoke for it and many others sent letters of support to the committee.

When most of the original American abortion laws were enacted, medical science was in its infancy. There were no antibiotics, anesthetics, or blood transfusions. The Rh factor, complications of rubella, and psychological problems were poorly understood, if at all. Abortion was associated with the same risk — 50 percent — to ma-

life as were caesarean sections. Therefore the laws, "except to preserve the life of the mother," were intelligent and pertinent 150 years ago. However, today with the advance of scientific knowledge, abortion procedures are being done with an incidence of only three maternal deaths per 100,000 abortions as compared to at least 20 maternal deaths per 100,000 full-term deliveries, or 14 deaths per 100,000 tonsillectomies.

The procedures used to perform abortions include: D & C (dilation and curettage) — which consists of dilating the cervix to allow the insertion of metal curettes for scraping the lining of the womb; vacuum curettage, which employs a quarter-inch catheter inserted into the cervix with local anesthesia, if necessary, and connected to a vacuum aspirator which evacuates the placenta by suction rather than scraping, and saline induction, which is the injection of a salt solution directly into the uterus, thereby creating a spontaneous miscarriage.

Vacuum curettage and D & C can be safely used during the first 12 weeks of pregnancy. During the next four weeks, that is from the 12th through the 16th week, most doctors will not do abortions at all, since the uterus is particularly soft and boggy at that period, and there is a danger of hemorrhage or perforation of the uterus. The saline injection procedure may be safely used during the 16 to 20 week period.

It has been established that the typical abortion patient is less than 12 weeks pregnant, proving that most women choosing abortions do so early. However, some pregnancies are not diagnosed until nearly three months have elapsed, and some complications which might lead a woman to seek abortion are not apparent until even later. To obtain an abortion under these circumstances, it is medically safer for the woman to wait until after the 16th week to have the saline procedure performed. It is not medically possible to have a viable or living fetus delivered at 20 weeks of gestation or less!

Many state-wide organizations, representing thousands of voters,

have endorsed abortion reform. Some of these are: The Maine Chapters of: The American Association of University Women and The National Association of Social Workers, also The State Biologists Association, The Citizens Advisory Committee on the Status of Women, The Natural Resources Council of Maine, and The Governor's Task Force on Youth, among many others. You may be sure that the members of these groups will be watching the action of this body on this vital issue as closely as religious groups will be.

Abortion reform in Maine has also been editorially supported by all our major newspapers. In response to one such editorial, a constituent of mine wrote, "Debate on abortion legislation looks to the proposition that pregnancy is payment for sinning. The amount of the debt, and to whom it is owed, is still not clear to me, nor, I suspect, is it to those who so state."

I respectfully ask this Legislature to consider the opinions of the supportive organizations and newspapers. Do they not better represent the "Voice of the People" than a rash of lobbying letters written under dictatorial instruction, with no real thought given to the issue? Maine women demand freedom of choice in this matter.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Inference is made that those of us who support this legislation are not really people with a true religious conscience, but even condone murder. In my opinion, these assumptions are entirely wrong.

I doubt if any of the members in these chambers has done more work for their church than I have for mine. The only difference is, I happen to be an Episcopalian. At our National General Conventions we have supported resolutions to encourage states to change their strict and outmoded abortion laws. Each of you has received a letter from the Episcopal Bishop of Maine verifying this action.

As for murder — let's look at the true definition of this word. It is "any act which takes the



life of a human being with malice aforethought." Certainly a therapeutic abortion does not fit into this category. A fetus may contain genetic qualities and biochemical properties to enable it to eventually become a living baby. However, I contend that a fetus is not of itself a human being.

As far as malice aforethought goes, just the opposite is the case. Under Section 51, Paragraph D, it specifically states that a qualified committee of physicians must concur in writing that the termination of the pregnancy is in the best interest of the patient's welfare. There certainly is no malice in this contention.

Our entire proposal is not a hastily drawn, wide open law, as found in several states today. It is therapeutic by definition with specific limitations, which if not followed would lead to a fine, imprisonment, or both. It specifically states that no person be required to participate in the procedure, and any hospital can legally refuse to take such cases. In other words, we respect the beliefs of our opponents and only feel that they should be considerate enough to allow the other segments of our society to act in a manner in which they sincerely believe.

Basically, as our law now stands in Maine, we are discriminating against the poor. With the situation as it is in New York, any person of means can fly down there in the afternoon for a safe and legal abortion the next morning and come back that same day. Nevertheless, the unfortunate woman who cannot afford to do this must carry the fetus to term, even though it may be proven beforehand that the child will be born seriously deformed or mentally retarded. She must bear the child even at the risk of her physical and mental health. This often results in tragedy both for the mother and child.

For those who contend we are destroying a life if we liberalize our abortion laws, I have only one answer. If we do not pass action such as this, we will indeed be doing the same thing — not to the embryo but to a mature woman. If we do not let a sincere

adult circumvent unwarranted misery and heartbreak, we will often be forcing her into living the rest of her life in despair from which she has no hope of escape.

The gentleman from Lewiston, Mr. Jalbert, mentioned the opponents at the public hearing and their profession. But he failed to mention the proponents by profession. Also at that public hearing were doctors, ministers, nurses and so forth. The Maine Medical Association polled its members and the vote was overwhelmingly in favor of a sensible abortion reform.

Since this bill comes up year after year, and since it is such important legislation, and since it generates so much interest both for and against — in my opinion it generates much more interest than constitutional amendments that Mr. Jalbert mentioned — I sincerely believe that all of the people of the State of Maine should have a chance to express their wishes on this issue in the privacy of a voting booth. So in the spirit of fairness I have prepared a referendum amendment under filing number 286, which, of course, I can only offer if the bill is accepted in third reader.

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

Mr. SANTORO: Mr. Speaker, Ladies and Gentlemen of the House: Today I came here not to endorse the abortion bill, not to kill the abortion bill. I came not to praise Caesar; I came not to kill Caesar. I am here only, as a medical doctor and a legislator, to present to you biological facts about birth, about the beginning of life. I am somewhat impressed by the lack of objectivity in the pro's and con's discussion of this subject. Persons on both sides of the issue seem not to know or ignore the accurate, scientific, medical knowledge bearing on this issue.

It appears certain that some change in Maine's abortion law perhaps in the future might be inevitable, but not at this time. It seems to me that to remain valid, a law must first recognize existing knowledge. Once having achieved that, a law will be judged

moral, immoral, ethical, or unethical, depending upon an individual's views. No group in society should expect to have its moral views or teachings enacted into civil law conversely, and no civil law in a just society should ignore a gloss over factual, scientific knowledge to satisfy public opinion. It does so with a significant, long-range peril.

Here today I am going to bring up a few biological facts in relation to human birth.

1. Biologically speaking, an individual human life begins when a sperm restores the full genetic complement to an ovum at fertilization.

2. The fertilized ovum contains all the genetic information and biochemical machinery enabling it to go on to become a complete human being.

3. The fertilized ovum, and later on the fetus and infant, have a separable biologic identity from the mother from the moment of fertilization.

4. The individual is living from the moment of conception. The cells are growing by assimilation and replication, and are fulfilling all the biological and biochemical criteria of a living substance from the moment of conception onward.

5. Beginning at fertilization, the growth and development of a human organism takes place on a continuum until maturity.

These principles are not my principles, they are a biological fact, and are a matter of opinion or interpretation, but really true of what life is.

Dr. Carroll of the Maine Medical Center and I have discussed these periods many times and we decided these are the true scientific facts of conception. Now that we know that there is life at conception, I want to ask you a question.

Should any law of the state sanction the destruction of human life at any stage of its development? Abortion is not a medical issue primarily, but a legal, social issue. If we will be allowed to kill a growing fetus in the uterus, probably some day we will be allowed to kill a baby outside the uterus.

The last two years I was asked by everyone in this House the ques-

tion of when life begins. At that time I said, "Life begins at conception." Today I say the same. Biological facts do not change, only human minds change and they are trying to change the laws of life.

If one wants this law for population control, I believe that this is the wrong approach. The only way this population control problem will be reached is by way of contraception. Intensive education and active participation by the government, state and federal, in contraceptive methodology could avoid the need of destroying human life.

A bill was defeated the other day about contraceptives and minors. I did not endorse that bill because it was legalizing something illegal, sexual relations among minors. If we can repeal that law, then I will endorse a bill of sexual education and proper contraceptive techniques by physicians.

In conclusion, no one has the right to pass legislation to deprive others of the right to live, especially the unborn baby enclosed in his mother's womb, who cannot speak for himself.

A beautiful day has a beautiful dawn, do not kill that dawn. If you do you will miss the beauty of the day and gorgeousness of the sunset.

THE SPEAKER: The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker and Members of the House: As legislators, our personal religious beliefs and moral convictions should never be forced on others as we have a duty to all of our constituents. But we must look at the issue of a bill and its merit. There is a freedom of choice — to conceive or not, and I believe that with freedom we must equate the word responsibility.

We have heard countless arguments between the theological and the biological reasons for keeping or destroying human life. But if the human is not subservient to the biological, therefore the conduct to adopt as far as concerns human life cannot be dictated by criterias which are strictly scientific or political.

The State of Maine further recognizes the existence of the un-

born young of animals and allows this as goods in a sale. The unborn young of humans deserves as much protection.

I may not have received as many letters as some, but I did get 96 pertaining to this issue, only three of which favored such legislation. Clearly a large majority do not want liberalized abortion laws. While it may be true that there was a rash of letters written with much the same format, we must also bear in mind that so many of us cannot find the sophisticated words necessary to express our feelings and our concern. And so consequently we look for the direction which will pave the way to our being heard. But the fact remains that people, just people, took the time to take paper and pen in hand and write to their legislators. We should respect their wishes and remember that we serve at their pleasure.

Out of the several reasons advanced for changing the present law, one of the most revealing is given by an insurance company, which gives as its reason for supporting the abortion bill that it is cheaper for them to pay for an abortion than for a four or five day hospital confinement for child birth. Is this how we have come to measure social progress? I cannot subscribe to this theory, for I believe that material and cultural well-being can be achieved through the sharing of our great wealth, which in turn can be brought about by increased job opportunities, education, pride and respect in ourselves and in our fellow man, not by leading our generation into a faceless and soulless society. I shall vote against the bill.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Lund.

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: Abortion reform is a difficult subject to discuss today, and I am sure that I can think of a lot of things and you can think of a lot of things that all of us would rather be doing today. But serving on a committee we don't have the choice of what bills come to the committee, and I feel some obligation to discuss some of the thinking of

the committee, for the minority of the committee, that went into our position with regard to this legislation. And in passing, I cannot help but say that the entire issue troubles me, and I wish indeed that I could feel as sure in my position on this legislation as the opponents seem to feel in theirs.

When that eminent American literary figure and patron of the arts, Gertrude Stein, lay dying in her apartment, she asked, "What is the answer?" And then she uttered her last words, "No, not what is the answer, what is the question?" And I would say to you today, what is the question, because your answer depends on how you phrase the question. And I would suggest to you that the question is not, are we going to allow abortions, because we do allow them now. The question is not, are we going to allow the taking of a human life, because our laws clearly do not treat the termination of a pregnancy as the taking of a human life.

And let me give you an illustration, not a pleasant one but nevertheless one that makes the point, I think. If a man assaults a woman with a knife, commits an assault upon her and her death results in the assault, the man is charged with homicide, murder or manslaughter. If a man assaults a woman with a knife and the result is that a pregnancy on her part is terminated, he is only charged with an assault; he is not charged with murder.

To make another point, if a birth is unsuccessful and the fetus does not assume a separate life, the physician does not fill out a death certificate in the State of Maine. So our laws do not treat the failure of successful life of a fetus as a death.

The key point, it seems to me, that we must keep in mind is that a woman is portable. We can make laws with regard to our natural resources, our highways, our railways, or what have you, but we cannot make a law, as I see it now, which is binding upon the women of the State of Maine. As has been pointed out already, a person is free in this state to go

to a state where abortions are allowed. It has been pointed out this can and is being done today, and it seems to me that we should face this reality as we decide the issue on what to do with this legislation today.

In the course of discussing the bill, the committee discussed the matter that has been raised today of a residence requirement. And I would like to point out that as a result of some recent Supreme Court decisions in regard to other types of welfare legislation, there is at least a serious question in my mind whether it is lawful to insert a residence requirement in a law dealing with a subject such as this, and any other questions as to the wisdom of whether you should have two different courses of action open to a physician, depending on where the woman who is before him happens to live. And I personally see no logic or sense in a residence requirement.

As I have said, this has been a troublesome issue to me. And some time ago I had occasion to talk to my family physician in regard to it. He said to me that he was not very enthusiastic about changing our abortion laws, but he too recognized the fact that people who could afford it could leave the state and have an abortion. And he said he felt it was not altogether best for a woman to be hustled onto a plane or take a car to New York, to go to a strange place, to a strange clinic, and to have an operation performed on her by a strange physician. He felt that it made far better sense to be able to do that, what needed to be done, by her own physician in her own familiar surroundings. For this reason, I plan to vote against the motion for indefinite postponement, and I hope that the House would join with me.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I voted with the Majority "Ought not to pass" on all of the bills. I feel that all of our superlatives, all of our emotionalism, our mention of welfare problems,

our mention of laws in adjoining states, the fact that abortion is being committed, all of these things retire into insignificance when we consider the act that we are asked to do as a legislative body.

In spite of the fact that my good friend Mr. Lund of Augusta insists that we have not yet accepted the legal—I say legal—identity of the fetus, biologically it is still accepted as a life. I would contend that one of the reasons why a doctor does not fill out a death certificate when a fetus dies is that how are you going to fill out a death certificate on a life which has no identity?

But we cannot say, we cannot even believe that that fetus has not been alive; otherwise how can it die? Twenty weeks or whatever the weeks may be, if the fetus is alive one hour before birth, one month, three months or six months or nine months before birth, the termination of pregnancy takes that life. And I base my feelings on the matter and my vote entirely on that premise, that we should not legislate law in the State of Maine which will authorize the legal taking of life.

It seems so ironical in a way that nearly every state in the Union so far has outlawed capital punishment, because they say it is immoral for a legal body to say we shall kill someone, regardless of what they have done; no matter how heinous the crimes may be. We say they should not take their lives.

I believe right now that the Supreme Court is waiting to make some decision upon a nation-wide ban on capital punishment. Why? Because of this very same moral problem.

Again I would like to refer briefly to what has been said relative to letters to legislators and committee members. I feel that it is entirely relevant to mention those letters. I have them here—three to one opposed to any change in our abortion laws. It is very easy for the proponents of this law to say that it is a planned lobbying problem. But I suppose that the letters that I received from the

proponents of this law are not a lobby. It is just the opponents of the law that are a lobby. I fail to see the difference.

I still believe that a majority of the people of the State of Maine do not want this body to authorize legal taking of human life, and I am thoroughly convinced that it is human life. Another mention of what has been taken up is bringing in religious beliefs. I have been told when I have more or less mentioned my letters and the pressure, or I might say the contact of various people, it has been brought in, the religious part of it. They would say, "Well, their religion doesn't allow it." To me it makes no difference particularly what the motivation is. One religion has got just as much right as another. We are all equal.

I do not happen to be a Catholic, but I have the highest respect for the Catholic religion. I think they are doing a tremendous job in the world. Episcopalians, Congregationalists, all of them, if it so happens that they group together in their beliefs on this thing, every other religion has got that same right.

I would like to read a brief letter which possibly several of you read; it was in the paper. And I quote.

"The Same Result—The abortion hearing is over, and much ado was made by the pro-abortionists concerning their 'freedom of choice.' To these people, I put the question: What is more precious than the gift of life? Would you relinquish yours without a struggle? I think not. What if someone's freedom of choice suddenly placed your freedom in jeopardy . . . your basic freedom of life? No ransom—no trial—no words of defense—someone just preferred that you not live any longer. You are innocent of any wrong doing, but your life is someone's freedom of choice in practice. Would you still hold the same permissive view? Or do you dare to presume, because of your size that you are somehow more human than this tiny child, yet unborn. And let there be no mistake. This unborn child is a living human,

individual just as you are a living, human, and individual.

Be it known, too, that abortion is still abortion whether it is promoted by Dorothy Doyle, or by the sophisticated, lobbying Maine Medical Association. The end result is the same; an innocent life is destroyed. The state merely takes over the activities of the clandestine, back alley, abortionist—and now declares them legal."

This was written by Pat Truman of Hallowell, and that, in a way, states my entire view on it. I feel that if this letter perhaps is emotional, it is a letter which I read completely and it does represent, I believe, the feeling of a lot of us, that it is not religion, it is not welfare, it is the very fact that we do not have the right to promulgate such a law. And I hope you will accept the Majority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Jutras.

Mr. JUTRAS: Mr. Speaker, Ladies and Gentlemen of the House: It is difficult to search for absolutes in 1971 when everything is being questioned. What was true 75 or 100 years ago seems to be untrue today. And this applies to the military, the church and the state. The question before us today is, is the termination of a human pregnancy an intrinsic evil or is it justified under certain circumstances? We know only God can give life and only God can take it away. Only a few years ago, to fight for one's country was an honorable duty; today it is a dirty business. It seems that it is proper to revile the uniform today.

Murderers are no longer punished, they are rewarded for their crimes. To lie, cheat and steal in post exchanges and service clubs throughout the world seems to be an accepted practice in the military and even the generals get in on it.

In the church, Papal infallibility was once an accepted dogmatic fact among the faithful. It was never to be questioned. This infallibility has not been diluted through shared authority of the Pope, through his bishops and

through their priests and parishioners. Infallibility as a word will soon be a dictionary dropout. Canon Law is being changed very rapidly to meet the changing times. Latin has been supplemented by the vernacular in the canons of the holy mass, and the church ritual has suffered the same fate. The traditional funeral mass of the dead is no more, it is the Mass of the Resurrection. The sacraments and sacramentals are being dropped or dispensed with in a pragmatic manner in order to meet the current requirements of society.

A few years ago it was an honor to be a member of a large family. Today the production of a large family is considered a crime against humanity. And perhaps the ecologists are not wrong in preaching against an increased population.

A few years ago it was unthinkable to mention marriage for a clergyman of the Roman Catholic Church. It is possible today, through the process of laicization, the process by which a priest forever, according to the order of Melchisedek, reverts to the status of layman through papal dispensation and process.

I predict that before the beginning of the 21st Century, women will have been ordained as ministers of the holy church and that the remaining male priests will be given the option of celibacy or marriage in the performance of their duties.

In the state, after the Industrial revolution, the state gave tax concessions to industry as an enticement to come to any place on this planet. They came, they produced and they polluted. Today we vote against their coming into our state, and it seems that what was wrong yesterday is not wrong today; and what was right yesterday is no longer right today.

We are searching for the absolutes and we find them not in our confused society of the seventies. And I repeat — Is the termination of a human pregnancy an intrinsic evil or is it justified under certain circumstances? As I have said, only God can give life and only God can take it away.

As elected representatives, we must reflect the will of the majority of our constituents, and that is exactly what I shall do today in voting on this major question. I am not telling you how to vote. I shall vote for the people of Maine who have elected me. But vote I must, and I shall stand and be counted.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker. Ladies and Gentlemen of the House: If we are going to speak of the fetus as a human being, then let us look at the rights of a human being. Does a human being have the right to use any part of the body of another without the other's consent? Do you believe that anyone has the right to take one of your kidneys because someone else cannot live without it? Does anyone have the right to your cornea simply because he cannot see?

Does the fetus have the right to use the uterus and circulatory system of a woman against her will? Most will say no if the mother's life is endangered. Is the physical life of a woman then more important than her emotional and mental life? Is the right of the unborn fetus to physical life more important than the right of the mother to psychological well being? If the sanctity of human life is the paramount law, then what of the sanctity of the human spirit?

If we cannot agree on these questions here in this chamber, then obviously, despite allegations to the contrary, abortion becomes a philosophical, moral, and religious question. And if it is, then under the Maine Constitution which says that no subordination nor preference of any one sect or denomination to another shall ever be established by law, we cannot and we should not impose the religious or moral convictions of one person upon another, no matter what our personal beliefs may be. As a Roman Catholic I firmly believe that every person must answer to his own God and to his own conscience.

The SPEAKER: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Ladies and Gentlemen of the House: As a signer of the Minority "Ought to pass" Report, I wish to discuss some of the reasons why I believe the State of Maine should pass this law with respect to abortion.

This has been described as an extremely emotional issue and as a religious issue. It should be neither. Whether we accept it or not at this time, the problem is not going to go away by simply avoiding the issue and turning our heads the other way. Abortion is here, has been here for many, many years and with or without a change in the law will increase as science progresses and as people become more and more informed on the subject.

The bill before us today is in no way mandatory upon a woman. It is a decision for her to make with the advice and assistance of her physician. No one should be forced to accept the religious or moral beliefs of another, nor should one try to force such beliefs upon another person. With present day medical practices abortion can be had with a minimum of danger to the patient. At present those who have the money are able to go out of the State and obtain an abortion, so that the present law works a hardship on the poor and is thus only selectively enforced, which is discriminatory.

This forces those who are least able to provide for children economically to have children, thus increasing our welfare load in the long run. Unwanted children are the ones most ripe for becoming problems of society with anti-social behavior. Quoting directly from one of the state's most prominent clergymen, "It seems to me that the individual and the community at large would best be served by the repeal of the present law. This would free those faced with the problem, those in the medical profession and those in the counseling profession, to deal with the problem in a responsible way and consistent with the dictates of conscience. To repeal the

present law does not impose upon anyone an action that is contrary to their conscience."

A well known Director of Family Planning in my County has written, "One fact that has become apparent to us is the appalling ignorance of the physiological process of reproduction. . . . Hence, there are a great many unwanted pregnancies and on the part of many women, a search for a way to terminate the pregnancy. Women resort to all kinds of ineffective and dangerous procedures and will continue to do so, as they always have. . . . I sincerely ask you to face the facts, that abortion, legal or not, will continue, so give the women of Maine who choose abortion the opportunity for a safe one as provided by L. D. 1736."

Another concerned citizen writes "Abortions, especially in the first twelve weeks, when performed by a competent physician, are as safe as a tonsillectomy. The mortality rate is the same for both, 3 in every 100,000. . . . We do not legislate appendectomies, why abortions? The medical profession has always been able to regulate its members before, why raise eyebrows at their ability to regulate themselves in this matter? The argument that we must protect the rights of the unborn is a hollow one. The time has come to consider those already here and competing for the existing food supply and raw materials necessary to support our citizens."

Others point out that it is immoral in their opinion to insist that unwanted, deformed or retarded babies be carried to term. It is cruel and inhumane to refuse abortion to a mentally-ill mother of five children, if her doctors feel an abortion will prevent further illness and give those children a healthy mother. There is no ethical or moral reason for the Legislature to deny a woman's right to make health decisions with her doctor. One nurse writing in the Catholic Church World states that she has witnessed fetuses dying as the result of spontaneous (natural) abortions, that it is a poignant feeling and all present would have done anything possible to save that life. But that she has also

seen the tragic sight of a half dead 17 year old girl suffering the results of a home abortion. This sight too is unnerving.

Abortion has always existed. What is new is legislation designed to aid those who would otherwise still have an abortion, with the unfortunate results so prevalent. Name calling, criminal, murderers, no respect for life just really does not apply to most of the people who back the legislation. We may not agree with the situation for our own use, but it is a reality and some are prepared to cope with it and have the courage to do so. Like it or not for ourselves, we must see it as a sincere effort by those who have responsibility for public welfare, if not morals.

Many look upon abortion as the only solution to overwhelmingly pressing problems: illegal abortions and unwanted children. Even if we, for the sake of argument, could suppose that women bearing unwanted children should suffer for their incontinence, surely no one would suggest that children suffer for what was neither their fault or their desire. There have always been, there will continue to be, unwanted pregnancies. Will society continue to ignore them or choose to deal with them in the only way possible? Abortion must be regarded as a regrettable but necessary alternative.

Much of the debate concerning abortion centers around when life actually begins. There has been no general medical agreement as to when life begins in a fetus, except that virtually all authorities agree that after 20 weeks of gestation human life is present; anyone who says human life begins at conception is stating a moral opinion, not a fact. It has been recommended that the government withdraw from the area of protecting the first twelve to twenty weeks of non-viable fetal life.

I believe that L. D. 1736 provides the necessary safeguards as to who may perform a legal abortion and under certain conditions, such as in approved hospitals and after receiving the approval of two doctors other than the doctor who is to perform the operation. This would be a workable law and of benefit

to Maine women. This new law would stop the practice of criminal abortion and allow every woman, regardless of economic status, the freedom to control her own reproduction. We are urged to end hypocrisy, economic discrimination, and an unjust restriction on the practice of medicine.

I oppose the motion for indefinite postponement of L. D. 1736.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAUN: Mr. Speaker and Ladies and Gentlemen of the House: If every pregnant female aborted today, what would happen to our nation? If our mothers had aborted when they were pregnant none of us would be here today. The child that is within a mother's womb today will care for you and I in our old age. If they are all aborted who will till the farms? Who will feed the hungry? Who will care for the ailing? You had better think it over or our country will go back to woodland as it was years ago.

The SPEAKER: The Chair recognizes the gentlewoman from York, Mrs. Brown.

Mrs. BROWN: Mr. Speaker and Ladies and Gentlemen of the House: I support liberalizing our abortion laws. From all I have read and heard, one must simply face reality. We have a law on the books whose narrowness denies some women legal abortions. So the law is flouted and illegal abortions are performed. The piece of legislation that we have before you is permissive.

To me it is humanitarian to liberalize Maine's abortion law to allow medical techniques to help end the burdens and grief of retarded and malformed children, to help the women of limited means who can't afford high fees and are driven to charlatons who employ dangerous techniques.

The obligations of motherhood are enormous and is a challenge night and day even when the child is wanted and is loved. When the child is unwanted there can be serious psychological consequences that can be emotionally destructive to the mother and may prove disastrous to the child.



It must be obvious that our anti-abortion laws have been written by men. It seems to me that this should be taken into consideration in our deliberations. A better and more objective understanding by all of a woman's anguish in having an unwanted child should be given consideration when one is trying to understand the moral issue. One of our basic tenets of a democratic system is that a person should be permitted a maximum degree of individual freedom. I ask you, should a woman be denied her right to control her own reproductive life?

I feel that we should deal with this forthrightly and not to continue our archaic and hypocritical concepts on our statutes. I urge you to vote against the "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker and Members of the House: In answer to some of the statements made today I would like to say that I am not afraid to take a stand and I am not concerned about losing my job.

When campaigning I informed people that when it came to moral issues I would vote according to my convictions, and I believe this is a moral issue. If they do not agree with me I probably will not be elected again. However, that will be their privilege to decide.

I have personally had notes from 357 of my constituents, 353 of these were against liberalization of the present law, and I would like to read a sample of these letters that I received, from a protestant, no less, not a Catholic.

"As citizens of Maine and the parents of three daughters, two of whom are still in college, we would like to express our distaste and disapproval of the proposed legalized abortion bill.

It is our opinion that this bill is just another step down in the already lowered standard of moral codes of society. Why make it possible to legalize illicit affairs! Isn't this what this bill would do? Is the passing of this bill going to make something wrong right? Isn't this just another way of saying to society . . . go ahead . . . do wrong

. . . we'll pass this bill and make it right . . . Our laws now seem to be made to protect the guilty, not the innocent. Do we have to add one more law to aid and abet those who are determined to drop all morals?

Is the permissiveness of today's society going to govern our law makers? Are those who represent us in the Legislature going to say yes to anything regardless of what it will do to us and allow them to stay in office? Are there not still some who dare to say no! It certainly takes more courage to stand up and say no than it does to say yes in this permissive society of today.

We say NO!"

These are my feelings also.

To me it was quite evident at the hearing that those that were pushing this bill were the young unmarried youth. And I say that if one is old enough for adult rights they should also be responsible for those rights.

The SPEAKER: The Chair recognizes the gentlewoman from Newport, Mrs. Cummings.

Mrs. CUMMINGS: Mr. Speaker and Members of the House: I think that there is one part that is being overlooked in the statistics that relate to the women who have legal abortions in other states. A very considerable percentage of these people are married. I think that if we could consider this on a more positive side, we have all known the young couple, the ones that are just starting out, planning their lives, budgeting their accounts, and counting on time to save money before starting their family. Through no fault of their own, due to who knows what accident, or faulty device, their plans are destroyed. Their careful planning is gone for naught and they begin at once to struggle with a budget which, when cut in half because the woman has to stop work, is completely inadequate. They start on a long road of scrimping, doing without, borrowing and dreaming of what might have been.

Another couple, realistically assessing their assets, present and future, and the demands on their income, decide their family is the right size, their budget just sufficient to bring up their children as

they think best. Then again, due to no fault of their own, but rather to an unfortunate failure of whatever contraceptive method they relied on, their careful assessment and mature decision is blown to pieces.

In many instances an added burden to an already precariously balanced economic situation leads to disaster.

I suggest that this bill will allow these families, the less well-to-do in our society, the same privileges and rights to correct an accident that are now easily accessible to those who are more affluent.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: One of the speakers, one of the sponsors of the measure, apparently made a great deal wherein it concerned itself with the Catholic religion. Another one of the speakers, and I am somewhat amazed at my dear friend from Bath, Mr. Ross, said that I did not name, in that I named those who spoke for the bill,

I did not name those people who spoke against the bill. I mean I think that he would probably agree with me that if I would have gone into that area, I mean my stupidity would not be from here on down, but from here on up. And I know that he has been around here too long and is too much of a pro to even have made that statement, and he has made some astounding statements today.

As a matter of fact, the gentleman from Bath, Mr. Ross, has been an original sponsor of the abortion bills. And I am just wondering why he didn't propose an amendment for referendum on the bill before. I mean he is prone to put some amendments on bills before that would have gone. I am going to go along with one of his bills that calls for a constitutional amendment. But I am wondering why he didn't do it in this issue here.

Also the lady who spoke in so far as religion is concerned, basically just hitting on one religion. I might say to you that at the hearing among the proponents I named the names of the people who spoke, I did not state, however, their religious denomination. Rabbi David

Berent, Jewish, of the Jewish Church, speaking for the bill. Rev. Leslie A. Dunn, Pastor of the Second Presbyterian Church of Portland, speaking for the bill. Father Clement D. Thibodeau, Roman Catholic, Chaplain Bates College, Chairman Diocesan Ecumenical Committee; Reverend Clyde Bailey, Pastor of the Glenwood Square Baptist Church; Reverend George J. Venetos of the Greek Orthodox Church, and Sister Mary George O'Toole, Chairman of the Sociology Department, St. Joseph's College. Any time that I can present a bill and be in that kind of company I would consider that I am in pretty good company. And that is the company I was in at the hearing.

Also the word was mentioned by the good gentleman from Bath, Mr. Ross — murder. I did not mention the word murder. I would, however, ask him to tell me just what his definition of this bill would be if I would quote from his own 1970 Annual Episcopal Church Conference, a church denomination that I have a great deal of respect for, as much as I have for the gentleman from Bath. And I would like to read to you what was adopted among other good resolutions at that hearing.

And I am fully aware of the fact that Reverend Wolfe, Bishop of the Episcopalian Church, is in favor of abortion. However I want to read, in case it has escaped my good friend from Bath, Mr. Ross's thinking, I would like to read if I may these words. "But rather that life from its beginning . . ." from its beginning "for each individual . . ." for each individual "with the union of the male and female genic materials is a slowly progressing, incredibly complex continuum of development through biological life to and through the inevitable and necessary death process." Right here and there spells out the word death. Live begins at conception until death. And on that basis that makes abortion murder.

I would also like to quote from the gentleman from Bath's remark in which he made a statement that the Maine Medical Association overwhelmingly — overwhelmingly endorsed the abortion legislation. The lobbyist for the Maine Medical Association, the Honorable Harri-

son Richardson, appeared before our committee, and stated later on to the committee that when the delegates of the convention of the Medical Association of Maine met their vote was around the area of 50 to 36 in favor of abortion. What polls were taken I know not of.

The same gentleman, Mr. Richardson, told me last evening over the phone that he doubted very very much — he doubted very very much if the Maine Medical Association would adopt this concept.

Now I am one of those who feel and know, believing the words of a famous physician of the Maine Medical Association and others, that eventually we must face a problem of birth control. And we must study it. But certainly not in this area.

The lady from Bangor, Mrs. Doyle, made the statement that not one obstetrician appeared at the hearing in opposition to the abortion bill. The sixth opponent to the bill, namely Dr. Lionel R. Tardif, one of the foremost obstetricians — and I look now to Dr. Santoro — one of the foremost obstetricians in New England spoke very very vociferously against abortion. And if my memory serve me correctly, and it does serve me correctly, the gentleman from Bath, Mr. Ross, told me two years ago that the same physician, Dr. Ross, opposing his own bill, did a very good job at the hearing.

Now the gentleman from Augusta, my very good friend, Mr. Lund, talked about people that will have abortion and going to New York. Well for my money let them go to New York. And if they want to have a crap game, and if they want to play a slot machine, and if they want to go and get their divorce on a second's notice, let them go to Nevada. It is perfectly all right with me.

Many of you who are here heard me as the chief opponent of lottery bills. And you well know, many of you who sided with me, and many of you who may not have sided with me, that since the State of New Hampshire, that we were quoting having put in a lottery bill to bail themselves out fiscally, wish to high heaven that they didn't have it today because it is

a liability. And I am happy to say, because there must be some levity to something, that there is one state with a lottery that has got more financial problems than we have here in Maine.

There has not been one person — and I will take issue, I believe for the first time, even though we are certainly not of the same political faith, with the good lady from York, Mrs. Brown, I would tell her now, and I would also remind my very dear friend and colleague from Orrington, Mrs. Baker, that not one person has denied and proven, or denied the fact that life does not begin at conception.

I am sorry, Mr. Speaker, that I rose for a second time. I did not intend to. I have gotten so many notes telling me to take it easy it isn't even funny. But believe me, it is not too easy to take it easy on an issue that you feel so strongly about. My answer to this is that if it is to be a religious issue, all faiths were represented in opposition to this measure. My answer to this, if it is an emotional issue, can anyone here deny that the correspondence they got concerning this legislation was more than overwhelmingly against any type of such legislation? And if it is to be a medical issue, can anybody here stand up and tell me of a medical professional man of real repute who will say that life does not begin at conception?

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be brief. You have heard the pros and cons of this measure. A point I would like to make at this time is I will attempt to answer some of the remarks made by Mrs. Doyle relative to representing our constituents. I can truthfully say that my constituents have sent to me over 225 letters — not as many as what Mrs. Berry received, but I will say this, the opposition only sent me one favoring this measure. I received many many phone calls. Therefore, I do try to represent my constituents to the best of my ability, and I will support and vote for the motion to indefinitely postpone

this measure and all its accompanying papers.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Bailey.

Mr. BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: My voice most likely will not be heard as loudly and clearly as the voice of some of the church councils, some of whom have gone on record as favoring the liberalizing of the abortion laws, but what I lack in ecclesiastical officialdom, I would ask an appeal to the substantial weight of scriptural authority. The Bible has had tremendous influence on our land in making us a great and free nation. And I fear that we are in grave danger of losing that greatness by leaving the Bible unread and unstudied on our shelves.

The Bible admittedly speaks in relatively few instances of unborn life. Yet when it does speak of it, it is quite clear. Whenever the unborn individual is mentioned in Scripture, he is described as a person in language that is normally used elsewhere for persons already born.

Esau and Jacob, while still in the womb, are referred to as children. Job was spoken of as a man on the night he was conceived. David writes of his prenatal condition as an individual, using pronouns and marveling over God's concern and hand in the development of his personal self while still in the womb. The Bible speaks of Jeremiah as a person while yet in his mother's womb. And Jeremiah himself, in his despair, curses the day of his conception and wishes that he had died while still in the womb. Note, I said died.

Wherever the Bible speaks of life in the womb it uses the same matter-of-fact terms used for life after birth. Fetal life is human and personal from the moment of conception. To stretch forth man's hand to deliberately end that fetal life before it is able to live on its own outside the womb is as serious a crime as to end the life of a person already born.

Consistent with the teachings of the Bible relative to the existence of life from the instant of concep-

tion, we can but conclude that to allow that life to be ended is nothing short of murder.

The State has a very significant task in providing for the protection and preservation of life and assuring to all the right to life and the pursuit of happiness.

I would hope today, ladies and gentlemen, that we vote on this matter and we would refer to the Book of Job, the first chapter, the twenty-first verse. It says, "May it be left to God what belongs to God, the giving and the taking of life."

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: I do not feel that I am qualified to speak on this very controversial issue from a religious viewpoint, a medical viewpoint, or from a legal viewpoint. However, I do know this—abortions are taking place in this state today, and it is quite possible while we are debating this highly controversial measure that an abortion is taking place in this state. As has been pointed out, those who are well off financially, those who are well connected can make arrangements for abortions, receiving the highest quality care and standards of treatment. However, those who are poor and are poorly connected have to resort to a somewhat less pleasant situation.

I would hope that we could liberalize our abortion laws so that all of our citizens can receive equally the high quality care that they both need and deserve.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I think we have heard the issue fairly well, and I don't think there is a man in the House who at this time doesn't have his mind made up, so I now move the previous question.

The SPEAKER: The Chair would advise the gentleman that he has debated his motion.

The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: We are faced today with I believe the most important bill of this session because it relates to human life. I have to admit that many times we have other important bills and that I am disturbed by the outcome of them, but I will never be disturbed about them as I will be about this if this is passed. We have many bases upon which this can be discussed. We can discuss it morally, emotionally, physically, psychologically or religiously.

Now I will not get involved with the emotional part or the psychological part of it, because actually if you are morally sound you will not be faced with these problems. I will not at this time get involved in the religious part of it, although I feel that I am able to stand for any religious stand of the church that I attend.

However, it is my contention that any permissiveness in the termination of the existence of a living being only tends to weaken our overall estimation of the value of life. I believe that he is morally wrong to allow persons to kill a human being or one that is unborn but who is legally entitled to all the rights of a human being after he is born. From the moment of conception, the law of the land recognizes that a human life, conceived and existing and still in the womb, can inherit, can have a guardian appointed, he can sue for injuries received when in utero, he can recover Social Security benefits, and his parents can recover for wrongful death.

Would you allow this unborn child to be destroyed if it were your own? Ask yourself, and ask those who have abnormal children: Do you love one of your children more than the other? A child, however defective mentally or physically, has a right to live. His right to live is paramount to any law of the land!

It is interesting to note that three psychiatrists who are in charge of our hospitals have in the past sessions and in this one, spoke and said that we should condemn 85 percent of the healthy, normal unborn to eliminate the

10 to 15 percent who might be defective. Now these people are the ones who are in charge of your mental institutions. In case you never noticed, they come to all these hearings, these abortion hearings, and they always talk in favor of abortions. It bothers me to think that our mentally retarded are in the hands of such individuals who put so little value on life by suggesting abortions to eliminate the less fortunate.

The sacredness of living is not limited to the fittest. The issue is whether one can by abortion or otherwise stop the development of human life. Opponents of this bill believe that human life begins at conception and this belief is enforced by the international code of medical ethics which states "that a physician will maintain the utmost respect for human life from the time of conception."

The proponents of this bill claim life starts at birth. If they are correct, why do they in the title of L. D. 1736 state "termination of pregnancy by abortion?" How can they say to terminate, when according to their claim life has never started? An interesting point, but an inconsistent one.

Who amongst us is perfect? Which imperfection is minor enough to have and which is so great that it is deemed to be destruction before birth? Consider the many amputees or handicapped persons or mentally retarded who lead happy, productive lives in the full dignity to which we all have a moral and legal right. Many retarded persons are very happy in their own world and surroundings.

The effect of this bill as is, never mind what is proposed, this is what we are facing. It has no residence requirement as is. It also denies the unborn infant the protection and due process of law. It also disregards the right of the husband, whatsoever, to actually disregard his right to whether his wife should have an abortion or not. Now it seems very clear that the husband, and I think there are cases to substantiate this, that doctors have been sued for trespass because an abortion has been done and the husband has not agreed and not even been asked.

And I submit to you, the U.N. Declaration on Rights of the Child states in part: "In the enactment of laws for this purpose, before and after birth, the best interest of the child shall be the paramount consideration."

I suggest to you that we try and continue to eliminate the source of defects rather than murder these children. This should be our foremost concern. I believe in the Commandment of God, "Thou shall not kill." And it would be just as bad to allow it to be done as it is to do it.

Now at the hearing it was said — I just want you to know what happened at the hearing. At some of the hearings here some of the proponents of these bills, of this bill and other bills, actually were unmarried girls, pregnant, who had gone to New York and other places to get an abortion. They didn't feel bad about it. As a matter of fact, they said they felt better psychologically, but they didn't look that way. And we had another one, a mother of eight, who also said that she was in favor of abortion. Well this was her own opinion. But the worst part of this is the fact that these people who have had abortions and support abortions today are on the Governor's Task Force on Youth. These are the people who tell youth and advise them as to what to do. I think this is a very very bad situation, and if there is anything that we can do about it you can be sure we will try.

I support the motion for indefinite postponement and I ask for a roll call.

Mr. Kelleher of Bangor moved the previous question.

The SPEAKER: For the Chair to entertain the motion for the previous question it must have the consent of one third of the members present and voting. All in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken.

The SPEAKER: A sufficient number having voted in the affirmative, the previous question is entertained. The question now before the House is, shall the main

question be put now? This is debatable for five minutes by any member.

The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker and Members of the House: I don't believe the main question should be put now because there are things that have not yet been brought out. As a matter of fact, I have a letter here to quote that has some information that has not been heard this morning and I would like to read it.

The SPEAKER: The Chair recognizes the gentleman from Webster, Mr. Cooney.

Mr. COONEY: Mr. Speaker and Members of the House: I would oppose putting the main question now. I have not made up my mind, so I am one vote worth working on, I think. So I would oppose that motion.

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

Mr. AULT: Mr. Speaker and Members of the House: I oppose putting the question right now, because I want to speak in favor of this measure.

The SPEAKER: The pending question is, shall the main question be put now? All those in favor of the question being put now will vote yes; those opposed will vote no.

A vote of the House was taken. 61 having voted in the affirmative and 73 in the negative, the main question was not entertained.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker and Ladies and Gentlemen of the House: I know that the most welcomed quotation at this moment is, I will be brief, and I promise you that. But I have received, among many letters, I am sure like many of you have on this subject, one which I think stands out, and I would like to read it to you. It comes from the office of Dr. Royal, Dr. Gorayeb and Dr. John Makin in Rumford.

"Dear Mr. Fraser: Just a few words to voice our opposition to the three impending bills in the 105th Maine Legislature on abor-

tion—two being sponsored by Mrs. Doyle and one by the Maine Medical Association. Quickly our reasons are:

1) The physician's primary role is the preservation of life and abortions consequently are in opposition to what a physician has sworn to do.

2) It is our belief that the fetus is a living thing and consequently its destruction constitutes a form of murder. This was borne out recently by a slight racket which was uncovered in England whereas abortion clinics were selling fetuses to laboratories who in turn would try to make them survive under artificial conditions.

3) We fully agree with the statement that the woman should be the master of her own body, and it seems that this mastery should also extend to the moment of conception, and not only afterward where another being is concerned.

4) The example of the state of New York should, it seems to us, be very striking in opposing such legislative laws. Most, if not every physician of the State, will vouch for the deluge of literature we have received from brokers whose obvious purposes are purely financial. We would hate to see the same thing happen in the State of Maine." It is signed by Dr. Gorayeb and Dr. Royal.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Emery.

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen: I am not going to indulge in fancy words. I am speaking as a Methodist. The facts that have been presented in favor of this bill seem to have very shallow motives. Yesterday afternoon I was working in my garden. Across the mill pond from me I heard the happy voices of children in the neighborhood at play. The kids were chasing balls. They were fishing. They were romping around with dogs.

I ask the question—How many of these children in their golden days of childhood would be on this earth if this bill had become law in the past? In the book by Rachel Carson, it mentions the silent spring. I believe we would

certainly have a silent spring if such a bill should become law.

Last evening, speaking to my good Catholic wife, I asked her opinion of this bill. She simply replied, "It is legal murder." I believe that the motives behind this bill are in reality monetary gain pressured by a small minority group of professionals who would seek to line their pockets with silver at the expense of age old laws and beliefs. They who would give up religious teachings and beliefs for any little temporary safety neither deserve safety nor the protection of the law.

This type of bill would promote immorality. I support the indefinite postponement motion.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Drigotas.

Mr. DRIGOTAS: Mr. Speaker and Members of the House: My wife who was widowed, as I was, is the mother of one of the finest girls in the world. Elaine, her daughter, has been married for over seven years to a man who in my estimation is absolutely the finest guy walking. Tom, her husband, is 27, Elaine is 26. I know their marriage was founded on love, true love, because after five years of their marriage Tom and Elaine said that the only thing that clouded their happy marriage was the fact that they had no children. After consultation and concentration with doctors, it was found that it was uncertain about their chances of having normal procreation.

What did they do? I think they did the finest thing that any human being could do in this world. They adopted a child. This little girl came from St. Andrew's Home in Biddeford. They had to wait for over eight months before they were entrusted with the care of this lovely little girl Beth. It has so enriched her life, my wife's life, mine, and Tom's, and has made their life meaningful. What would have happened if this little girl had been the victim of abortion?

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: For medical reasons or personal reasons, a woman who can afford to do so can go outside this state for an abortion. The same freedom of choice should be available to all women, regardless of their financial situation.

This bill before us is a compromise and it is not perfect, but it is better I think than the existing abortion law. I will support its passage and the proposal of Representative Ross for a referendum.

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

Mr. AULT: Mr. Speaker and Ladies and Gentlemen of the House: I have talked to many of my constituents regarding this proposed piece of legislation, two in particular. One was a young woman who with the capable assistance of her husband brought three fine children into the world. They decided they wanted no more after this. They figured it was the right size for them and their income. Unfortunately, as does happen, she became pregnant again and they decided that the answer to their problem was that she would go to New York and get an abortion; which she did last October.

Possibly if this law had been on the Maine books she would have been able to get one in Maine. I am pleased for her and her husband that they both are still convinced that they did the right thing.

The other person that I talked to, the other constituent, was Dr. Dean Fisher, who is Commissioner of the Department of Health and Welfare. He informed me that to the best of his recollection that last year his department referred six welfare cases to the State of New York for abortions. He is not sure how many went, but those that did their expenses were paid for by the Maine taxpayer. He said the feeling in New York right now is that they want to stop welfare cases from other states being sent there for abortions; in fact there is a bill before the New York Legislature right now to do that.

Dr. Fisher also told me that it is now quite simple to determine early in pregnancy whether the fetus is deformed either mentally or physically enough so that it could be legally aborted under this law. He told me that it is possible to tell if a fetus is a hemophiliac or retarded, such as a Mongoloid child.

I am the father of a Mongoloid child and although I do not speak for myself I have seen the great unhappiness and sadness that can come to parents to which these children have been born. I know one family, their first child was retarded. They were determined that they would have a fine, healthy child, and they tried two more times. And they have three retarded children.

I believe that the people should have the right to decide whether they want to have these children brought into their families. Mr. Carrier has said that he has seen many happy retarded children. How many of their parents were happy when they were born and when they were growing up?

I urge you to vote against indefinite postponement of this measure and support the Minority Report.

Mr. Carey of Waterville moved the previous question.

The SPEAKER: For the Chair to entertain the motion for the previous question it must have the consent of one third of the members present and voting. All members desiring that the Chair entertain the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken.

The SPEAKER: A sufficient number having voted in the affirmative, the previous question is entertained. And the question now before the House is, shall the main question be put now? Which is debatable for five minutes by any member.

Shall the main question be put now? All in favor say aye; those opposed say no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The yeas and nays have 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 members desiring a roll call vote 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 Lewiston, Mr. Jalbert, that both Reports and Bill "An Act relating to Termination of Human Pregnancy by Medical Decision," House Paper 1024, L. D. 1406, be indefinitely postponed. All in favor of the indefinite postponement will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Bailey, Barnes, Bartlett, Bedard, Bernier, Berry, G. W.; Berube, Binnette, Birt, Bither, Boudreau, Bourgoin, Brawn, Call, Carey, Carrier, Carter, Churchill, Clemente, Collins, Conley, Cote, Cottrell, Curran, Curtis, A. P.; Cyr, Dam, Drigotas, Dudley, Emery, D. F.; Emery, E. M.; Faucher, Fecteau, Finemore, Fraser, Gagnon, Gauthier, Genest, Gill, Good, Hanson, Hawkens, Henley, Herrick, Hewes, Jalbert, Jutras, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lee, Lessard, Lincoln, Lizotte, Lynch, Mahany, Manchester, Marsh, Marstaller, Martin, McNally, McTeague, Millert, Mosher, Murray, O'Brien, Orestis, Pontbriand, Santoro, Sheltra, Shute, Silverman, Slane, Smith, E. H.; Starbird, Tanguay, Theriault, Trask, Tyndale, Webber, Wheeler, White, Wight, Williams, Wood, M. E.

NAY — Ault, Baker, Berry, P. P.; Bragdon, Brown, Bunker, Bustin, Clark, Cooney, Crosby, Cummings, Curtis, T. S., Jr.; Dow, Doyle, Dyar, Farrington, Goodwin, Hall, Hancock, Hardy, Hayes, Kelley, K. F.; Kelley, R. P.; Lewin, Lewis, Littlefield, Lucas, Lund, MacLeod, Maddox, McCloskey, McCormick, Mills, Morrell, Norris, Page, Parks, Payson, Porter, Pratt, Rand, Rollins, Ross, Scott, Shaw, Simpson, L. E.; Simpson, T. R.; Smith, D. M.; Stillings, Susi, Vincent, Whitson, Wood, M. W.

ABSENT — Donaghy, Evans, Haskell, Hodgdon, Immonen, McKinnon, Rocheleau, Woodbury.

Yes, 89; No, 53; Absent, 8.

The SPEAKER: Eighty-nine having voted in the affirmative, fifty-three in the negative, with eight being absent, the motion to indefinitely postpone does prevail.

The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, I now move that we reconsider our action whereby we voted that this Bill and accompanying papers be indefinitely postponed, and when you vote vote against my motion.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves that the House reconsider its action whereby this Bill was indefinitely postponed. The Chair will order a vote. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

39 having voted in the affirmative and 93 having voted in the negative, the motion to reconsider did not prevail.

Sent up for concurrence.

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker and Members of the House: For the first time in almost half of my lifetime I was obliged to be absent from my seat in this Legislature. I did not care to make the remark that I am going to make, because I didn't want to put any more emotion on the measure that I was about to debate, nor that I would want to take advantage of a situation any more at this time than I have at any other time.

I could not physically carry, not the suitcase but the two boxes of cards and well-wishes that were sent to me by the members of this House. And little wonder it is that I have always said over the last few years that I had three homes — 83 Elm Street, Lewiston; St. Mary's, and the 105th Legislature; and believe me the 105th Legislature ranks at the top of the list.

I will have to be — because I am here today very definitely, particularly yesterday when one of my physicians read in the paper that I was coming here today if I had to hog-tie him, believe you me when I went over to ask his per-