

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth*

*Legislature*

OF THE

STATE OF MAINE

1973

KENNEBEC JOURNAL  
AUGUSTA, MAINE

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that this Joint Order, House Paper 887, be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Berube, Binnette, Birt, Bither, Bragdon, Brawn, Briggs, Brown, Bunker, Cameron, Carey, Carrier, Carter, Chick, Churchill, Conley, Cote, Cressey, Crommett, Curran, Dam, Davis, Deshaies, Donaghy, Drigotas, Dudley, Dunn, Dyar, Emery, D. F.; Evans, Farnham, Farrington, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Good, Hamblen, Haskell, Henley, Herrick, Hoffses, Hunter, Immonen, Jackson, Jacques, Jalbert, Kelleher, Kelley, Kelley, R. P.; Keyte, Knight, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, Maxwell, McCormick, McHenry, McMahon, McNally, Merrill, Morin, L.; Morin, V.; Morton, Murchison, Najarian, Palmer, Parks, Perkins, Pontbriand, Pratt, Ricker, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Sproul, Stillings, Talbot, Tanguay, Trask, Trumbull, Tyndale, Webber, White, Whitzell, Willard, Wood, M. E.; The Speaker.

NAY — Berry, P. P.; Boudreau, Bustin, Chonko, Clark, Connolly, Cooney, Cottrell, Curtis, T. S., Jr.; Dow, Dunleavy, Farley, Fecteau, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Huber, Kilroy, LaCharite, LaPointe, Lynch, Martin, McKernan, McTeague, Mulkern, Murray, Norris, O'Brien, Peterson, Rolde, Sheltra, Smith, D. M.; Smith, S.; Theriault, Tierney, Wheeler.

ABSENT — Albert, Barnes, Faucher, Hodgdon, Mahany, Mills, Santoro, Snowe, Soulas, Susi, Walker.

Yes, 101; No, 39; Absent, 11.

The SPEAKER: One hundred one having voted in the affirmative and thirty-nine having voted in the negative, with eleven being absent, the motion does prevail.

Sent to the Senate.

The Chair laid before the House the following Special Order of the

Day, which was assigned for 10:00 A.M.:

Joint Resolution Memorializing Congress to Call A Convention for the Purpose of Amending the United States Constitution Relative to Abortion (H. P. 857)

Tabled — February 22, by Mr. Jalbert of Lewiston.

Pending — Adoption (Assigned for Wednesday, February 28, 10:00 A.M.)

Mr. Jalbert of Lewiston offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-67) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. JALBERT: Mr. Speaker and Members of the House: I asked that the other debate continue beyond 10:00 because I would not like to see us interfere in an interesting debate that has gone on just because I have something coming up.

I would like to explain that the reason the amendment was reproduced this morning is because on the first page, under 1, the word "biological" was left out and this is very, very important because the original wording of that was that the word "person" should apply to every human being from the moment of conception regardless of age, illness or infirmity. The word "conception" has not been taken out completely. The word "person" shall apply to every human being, regardless of the stage of his biological development.

Also, if you will notice that the words "calling for a Convention" have been struck out. There has been some comment concerning itself that it was left in paragraph 9. Paragraph 9, if you will read it, is completely out of the resolution as amended.

My thinking and feeling on the programs of abortion are well known since I have been a member of this body. All this amendment does now is to ask to propose an amendment to the constitution rather than have a Constitutional Convention and even more important it strikes out the word "conception" and replaces it with the word "biological".

Mr. Speaker, pending the motion for passage of the resolve itself, I now move the adoption of the House Amendment "A" to the Joint Resolution, and when the vote is taken I vote that it be taken by the yeas and nays.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves the adoption of House Amendment "A". A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call 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 motion of the gentleman from Lewiston, Mr. Jalbert, that House Amendment "A" be adopted. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Berry, G.W.; Berry, P.P.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Brown, Bustin, Cameron Carey, Carrier, Carter, Chick, Chonko, Churchill, Conley, Cooney, Cote, Cressey, Crommett, Curran, Curtis, T. S. Jr.; Dam, Davis, Deshaies, Donaghy, Dow, Drigotas, Dudley, Dunleavy, Dyar, Emery D. F.; Evans, Farley, Farrington Fecteau, Ferris, Fine-more, Flynn, Fraser, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Hamblen, Haskell, Henley, Herrick, Hobbins, Huber, Immonen, Jackson, Jalbert, Kelleher, Kelley, Kelley, R. P.; Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, J.; Lynch, Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, McNally, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Mulkern, Murchison, Murray, Najarian, O'Brien, Palmer, Perkins, Pontbriand, Ricker, Rolde, Rollins, Ross, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Sproull, Stillings, Talbot, Tanguay, Theriault, Tierney, Trumbull, Tyndale,

Webber, Wheeler, White, Whitzell, Willard, Wood, M. E.; The Speaker.

NAY — Baker, Briggs, Bunker, Clark, Connolly, Farnham, Gahagan, Garsoe, Greenlaw, Hancock, Hoffses, Hunter, MacLeod, McCormick, Morton, Norris, Parks, Peterson, Pratt.

ABSENT — Barnes, Cottrell, Dunn, Faucher, Hodgdon, Jacques, Keyte, Lewis, E.; Littlefield, Santoro, Soulas, Susi, Trask, Walker.

Yes, 118; No, 19; Absent, 14.

The SPEAKER: One hundred eighteen having voted in the affirmative and nineteen having voted in the negative, with fourteen being absent, the motion does prevail.

The question now before the House is on the motion of Mr. Jalbert of Lewiston that the Joint Resolution as amended by House Amendment "A" be adopted.

The Chair recognizes the gentleman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I move that this resolution be indefinitely postponed.

I am not pro-abortion but I am opposed to this resolution because I do not disapprove of the Supreme Court decision regarding abortion, which this resolution directly relates to.

The Supreme Court, quite rightly I think, decided this issue on legal grounds, not moral, not religious and not metaphysical; one of the reasons being that with so much wide variation among the states' abortion laws, the restrictive ones had become discriminatory to entire state populations as they had always discriminated against the poor or unsophisticated.

According to a recent Gallup survey, 46 percent of the women favor abortion, 45 percent are opposed and 9 percent are undecided. Even allowing for a 10 or 15 percent error, which is unlikely, there is still a substantial proportion of the population who do not regard abortion as a moral issue and who will not have the moral values of others imposed upon them. While morality is the basis of many of our laws, it has never worked in