

# 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

the reverse and laws cannot dictate morals.

Restrictive laws have never stopped abortions and with the advanced medical techniques for performing them in early pregnancy that we have today, there is no possibility of halting them. It is now a safe three-minute operation that can be performed in a doctor's office or anyplace else for that matter. As horrible as this may sound to some, in some states I read, it is even possible for a woman to purchase a kit on a drugstore shelf and abort herself with no problems.

If the objective of this resolution is ultimately successful and we have the Twenty-eighth Amendment to the Constitution, in a few years, like prohibition, we will have the Thirty-first Amendment repealing it because, like the traffic in alcohol, this amendment would be unenforceable. The only thing left for the states to do now is regulate abortions which is just what the Supreme Court decided.

So, no matter how personally abhorrent an abortion by request may be to any of us, we, as legislators, must not ignore the practical difficulties of enforcement in this day and age.

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(Off record remarks)

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

Mr. AULT: Just a question, Mr. Speaker. Mrs. Najarian moved for indefinite postponement, did she not?

The SPEAKER: The pending question is on the motion of the gentlewoman from Portland, Mrs. Najarian that the Joint Resolution as amended by House Amendment "A" be indefinitely postponed.

Mr. AULT: And was she not debating that motion? What I want to know is are her remarks going to be on the record or not?

The SPEAKER: Her remarks up until the point where she said "off the record" will be on the record. The last few remarks, perhaps a minute, would not be on the record.

Mr. AULT: She requested that they be off the record?

Mr. SPEAKER: The gentlewoman requested they be off the record.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Four years ago I sponsored the abortion bill and it nearly got through. Two other years I also was very involved in this situation primarily because it had the backing of my church and I was appointed the spokesman. If you think that you received a great deal of mail on the bill discussed yesterday concerning ERA, I will guarantee that we were completely inundated with mail on anti-abortion laws. But this is an entirely different situation today. The first resolution which was presented by Mr. Jalbert from Lewiston I could never have supported because one of the stipulations mentioned therein said that the human embryo was a human individual from the very time of conception. It also mentioned that proof of illness or infirmity had no bearing upon the matter. These were my two main points of disagreement. Furthermore, it made application to a constitutional amendment. This I also disapproved of. But the second resolution, which is the amendment to the first resolution, leaves out calling the convention. It also omitted a reference to a human being from the time of conception and it also mentions that a human is a human in the stage of biological development, to which I agree. To me, this seems a bit innocuous. I think that the chance of successful implementation is slight; but because of my previous knowledge of the wishes of the members of this House, I certainly will not fight this resolution today. Although I show little enthusiasm for it, I will support it and am willing to go along although I doubt that in the final analysis it will accomplish very much, and I certainly oppose the indefinite postponement motion and request the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Huber.

Mr. HUBER: Mr. Speaker and Ladies and Gentlemen of the House: We have a Supreme Court decision or decisions which invalidated — Maine's abortion law was not written hastily. It was first heard in 1971. These pieces were re-heard in the Fall of 1972, and the decision was finally handed down on January 22 of this year. Furthermore, this decision was by a 7 to 2 margin and is written by Justice Blackmun who is perhaps the most careful jurist on the Supreme Court. At a time when people are demanding law and order and respect for government, I do not think it is appropriate for the Maine Legislature to memorialize Congress, to go against an overwhelming majority decision of our highest court.

It might interest this body to know that last week I sent all registered voters in my town a newsletter and with this letter was a specific letter outlining my opposition to the gentleman of Lewiston's resolution and also indicating that I intend to introduce legislation strictly conforming to the Supreme Court decision.

In the first two days the response to this letter has consisted of 87 responses; 86 of these are in favor of my position, and one mildly questioned my position. I feel that a person has every right to hold and defend his beliefs, but I also feel that he does not have the right to impose them on others. Cardinal Cushing, the late Roman Catholic Archbishop of Boston, stated, "Catholics do not need the support of civil law to be faithful to their own religious convictions and they do not seek to impose by law their moral views on other members of society." I sincerely wish that the well-organized minority now protesting the Supreme Court decision would heed his words as I feel they apply equally well to their beliefs.

It would be the easy way out to pass Representative Jalbert's resolution on abortion. Recognizing it would have little effect on our Congressional delegation except that of irritation. Instead, I hope

that the members of the 106th Legislature will have the courage to get on with the serious business of the State Legislature.

I hope the members of this body will vote to indefinitely postpone this resolution and all its accompanying papers and in case there is any question about Representative Najarian's motion, I will so move, if necessary.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: I guess it is difficult to say anything on this most controversial matter without offending others, others in this House and perhaps others among one's constituents in one way or another. But on the point of law and order, there is certainly nothing lawless or contrary to law and order contained in this resolve to this Memorial to Congress. We are not marching, we are not protesting, we are not throwing rocks. We are following the path of law provided in our own Constitution which recognizes that the people of this country are the ultimate repository of authority and they have the right to reverse Supreme Court decisions by legal processes. This is what Mr. Jalbert's Memorial seeks to commence. I don't think law and order is really the question involved, nor do I think the only question involved is the question of whether abortion is desirable or undesirable or moral or immoral.

Rather, the question, as I see it, is one as to whether this decision should be made by the people and representatives of the people in legislatures across this country or whether this decision should be made as a judicial decision by nine men appointed for life, not responsible to any elective constituency, called the Supreme Court. I have very considerable respect for the institution of the Supreme Court and the wonderful role it has played in our country, in assuring the rights of all of us. I reserve the right, while respecting the court, to disagree and disagree strongly with one decision. You mainly disagree or agree with the analogy of

this recent abortion decision, the Dred Scott decision rendered in the 1850's. I suggest to you that Dred Scott shows—if you recall that is the decision that held that a black slave was not a human being.

The Dred Scott decision shows that in the view of history and in the view of our people, that the Supreme Court can make a mistake. Thank God, we possess in this free country a means to lawfully and rationally and peaceably attempt to change a decision with which we disagree.

It has been mentioned by one of the prior speakers that the Supreme Court considered this matter carefully, and I am certain they did. I am also certain that this legislature, at least in the three terms I have served here and many times before that in legislatures around this country have considered the decision carefully. Frankly, different legislatures have come to different decisions.

The Supreme Court, in a sense, did not rule for abortion or against abortion. It ruled that the representatives of the people could only have a very, very narrow and restricted say on the issue. I should mention, I guess, the obvious, that my personal views are not in accord with the wide-open abortion law or wide-open abortion situation engendered by the Supreme Court decision. This was an area in which the States and indeed even the Federal Congress, had their power to legislate taken away from them. I think this body, whether we are dealing in our own logical thought or the views of our constituents, has the power to deal and should have the power to deal with the situation. I don't think that one rule imposed by seven men, even though they all be learned and worthy men, should take from us in this House and in the other body and take from legislatures across our land the right to deal with this question and this is what they have done.

Mr. Speaker, not meaning to offend anyone but wishing to state, and I think it is unfortunate, that sectarian religion has been men-

tioned on the floor of this House; and not meaning to attack any member or his statement, I would recall to the members of this House, the fact they know from past votes, those who have served here before, that there are members of the Catholic Church who generally are in opposition to abortion but there are also members of the Catholic Church and members of this House who have voted in favor of abortion.

If I may, speaking as a Catholic, we are not stamped out of one mold. We are human beings, we are individuals and God knows we are American citizens and we can form our own views and listen to our constituents the same as any other member.

Representative Birt distributed today a list of members of certain other religious leaders and certain other denominations of the Protestant and Jewish faiths who seem to support this resolution. So it is very obvious that this is a matter between Catholics and others, that the Catholics are a minority in the State of Maine and in a minority in this House; and if every Catholic is to vote for this memorial and every person who is not of the Catholic faith vote the other way, the result is obvious. But that has not been the way we have voted in the Maine Legislature. Look at the roll calls in the past. There have been a very significant group of people of other faiths who have sat in this House and there are a significant group of religious leaders of other faiths as shown by Representative Birt's distribution who do not agree with the contention that the Supreme Court should have the power to take this question from us and to basically put us in a straight-jacket. And while we are speaking, Mr. Speaker, on the subject of court decisions as opposed to legislation, I have read summaries — I can't say I have read the whole decision, I wish I had now but I have read summaries of the Supreme Court decision and I find it rather unusual. I find it unusual in this respect, up to three months, the first trimester is one thing, after six months it is an-

other. It doesn't read like a court decision, ladies and gentlemen, it reads like legislation. The Supreme Court is the highest court in the land and it is worthy of all our respect but the Supreme Court is not a legislature. This body or, indeed, the Congress of the United States would make a rather poor court and the Supreme Court does not make a very fine legislature.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: First my thanks to my friend, Mr. McTeague, for a very learned and legal point of view. I wanted to dwell on it to some extent but he can do it so much better.

What I would like to talk about is the fact that my friend, Mr. Huber, is critical of us because we want this Memorial to go through and I want him to understand that we are not particularly saying that just because the Supreme Court made the decision, we think they are wrong entirely. I think they made the wrong decision but probably based upon the information they had to go by and that is our constitution, they felt they made the only decision which was available to them.

I feel in many times that our Constitution, which was written a long time ago, just cannot cope with what is happening in our modern day. Now, someone has said that this is not a situation involving abortion. It is to this extent, that we here in the State of Maine have proved year after year or session after session that the majority of the people in the State of Maine do not want wide-open abortion laws. In previous discussions, in floor fights on the subject of abortion, many different emotional issues have come out. It has been stated that there will be abortions regardless. They are probably right as they always have been.

My colleague, Mrs. Najarian, mentioned percentages. I don't know just where she gets the percentages but I know that in Judiciary two years ago the literature

that we in the committee, at least myself and I think the most of my co-workers on the committee, were at least three and a good many times five to one opposing any loosening of our abortion laws. I stated before the issue came up that I would follow the dictates of the constituency. I was jumped back home several times because I was opposing loosening the abortion laws and I told the people I have 151 letters opposing any changes in our abortion laws and I have less than 50 that wanted a change so what else could I do.

We did not just get the letters from Catholics. In fact, I don't think I had nearly as many letters from Catholics as I did from others. So the issue, as I see it is this, as my friend, Pat, has so ably stated: We the people in this country of ours, are still supposed to be able to request changes if we want them and it is perfectly legal and it is perfectly right as it should be.

One more thing I would like to state relative to my disappointment in some of the findings of the Supreme Court. It was less than six months ago, I believe, that the Supreme Court found that we, society, should not legally take the life of a human being for a punishment no matter how heinous the crime might be. Then only a few months later they make this — in my estimation, this horrible decision — that is my opinion now — this horrible decision that a person can take human life even though that life is inside the body. So I feel that the Supreme Court can make mistakes. It can have difficulty in finding how it should rule on some of these things because all they have got to go by is our Constitution and we, the people, are supposed to be the ones that can change that Constitution. So I am very much for this resolution, this Memorial, and I hope when the vote is taken that the vote to indefinitely postpone does not prevail.

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: I would like to take, if I



may, a few more moments to place things in their proper perspectives. I would also like to thank the gentleman from East Millinocket, Representative Birt, for his memo that he sent to us. I would like to see it read into the record. It is a very impressive list.

I have been talked to by quite a number of people on my vote of yesterday. That called for something to go to Washington but much more important to me about my vote yesterday is that I had given my word yesterday that I would vote for this bill yesterday and I have been a member of this House since 1945 and I have never broken my word. I have committed a lot of sins and I have wheeled and dealed and I am going to keep right on wheeling and dealing but I said that I would vote yesterday for that bill and I voted for that bill yesterday and I ask no favors for it. I will say sometimes some people might have short memories but that is their business. There are some things that have been brought out here. One was brought out by the lady from Portland, Mrs. Najarian. It concerns itself with morals and, more important, the word "religion" was brought in by her.

I like the way that the man stood and the man spoke for the first time from Falmouth, Mr. Huber. It has not been my pleasure as yet to have a conversation with him. I hope that I will have. He brought in the word "Catholic". The press has brought in the words "Roman Catholic".

You know with me, I kind of make it a point to mind my own business and I expect the others to do so. I am born of the Catholic religion. I am an American of French descent. I make no apologies for it. The Canadian blood that runs through my veins I am very proud of. My parents are from here. My grandparents were from Canada. I respected and admired them. I have been here since 1945. I never have been treated by my colleagues as anything but an American.

My wife is a Downeast Maine Yankee from Pemaquid and if you can find any WASPS that are more "waspy" than Downeast Maine

Yankees from Pemaquid, you let me know. She is a good Methodist. She goes where she wants to go. I go where I want to go. That is her business and it is also my business and it has never interfered with 39 years of extremely, happy married life and I am not only taking issue there with the gentlewoman from Portland, Mrs. Najarian, nor the gentleman from Falmouth, Mr. Huber, but I am also taking a little bit of issue with the man on the right who is a member of the press. The press I never criticize because of my philosophy that if an article favors me, I buy 100 copies; if it is against me, it is the opinion of one man. But because the friend who writes these articles is a personal friend of mine, I would like to at least set the record straight in his mind. An item on the front page of the KJ of a couple of days ago in which it says and I quote: "A variety of bills will go to the legislature for hearing. However, the anti-abortion margins kept getting smaller and smaller each legislative session."

Now let us set the record straight. In 1969 the motion to indefinitely postpone the abortion bill, that is the pro-abortion bill, was yes, 80; no, 66. In 1971 the same motion was yes, 89; and no, 73. Now somewhere along the line somebody is wrong in their arithmetic. The record of the legislature is there for my very dear friend to inspect if he cares to take a couple of minutes and look it over. This measure here does not question the Court on its morality. It doesn't question the Court on its integrity. It just takes issue with them. In the words of Mr. Henley from Norway should be heeded. After all, that same Court six months ago votes "let's not take any lives away," six months later, "let's not have any life", and I think that is wrong and I respectfully have a right as an American citizen and this body has a right as American citizens to discuss it with accord through a memorial. That is the only way we can get to them.

I have never presented a memorial before. I am not entirely in love with them, but this is dear to my heart. I think it is extremely

important. It is as important to me as those people considered their project yesterday important. Mr. Speaker, the yea vote and nay vote if it hasn't been called on indefinite postponement I would call for myself.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker and Members of the House: In the 104th and the 105th I voted yes on both abortion bills. I was concerned at the Supreme Court decision and I was concerned on the decision in this House yesterday. I was more concerned on a statement made by the gentleman from Portland this morning when she stated, which is a fact, that "do-it-yourself abortion kits can be bought in your local drug store."

Now what a situation we are getting ourselves in when the lady of the house can go down to the local drug store, providing she is pregnant, buy a \$2.88 self-destruct kit, places it in the home and to keep her husband in line, she just uses this little \$2.88 kit as a threat.

I am not against abortion when it is necessary to keep the mother alive or keep her in good health. I think what we are looking at now — and certainly the real liberal advocates of legislation passed yesterday are not only for wholesale abortion but I believe much indiscriminate abortion.

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

Mr. MULKERN: Mr. Speaker and Members of the House: I had a long speech prepared on this subject but I notice everybody is sort of making it brief so I am just going to digress from my speech and make a few statements.

I rise in support of Mr. Jalbert's Memorial. In my opinion, the recent decision of the Supreme Court regarding abortion which has served to overturn the present Maine law on that subject is the greatest and most dangerous piece of folly that has been perpetrated upon the United States of America; and, as a matter of

fact, I think it probably goes beyond the Dred Scott decision. I say this because I fundamentally believe that the Founding Fathers of this nation, when they framed the Constitution of the United States, clearly believed, and they stated very clearly, that all persons are entitled to life, liberty and the pursuit of happiness. It can be readily proven that the Founding Fathers in their wisdom believed that the right to life is really the cornerstone of all our rights.

Without this right from the moment of conception, life and all its rights, liberty and happiness are meaningless. The case for abortion in my opinion fails on every count, legally, scientifically, medically and even morally. I am not going to go into all the particulars. All of you are well aware of the issues one way or another. We can always bring up the exceptions. We can talk about various cases where women might be allowed to have abortions but I think we are talking about something quite different here.

The Supreme Court, in effect, has said that for six months the life of the unborn fetus is at the mercy of a doctor and a woman. To me, this may even be a violation of the Equal Rights Amendment, in my opinion. What about a man? Does a man have any say in this thing? I really don't understand their reasoning here.

I am not going to go on any further but I am going to end with a quote which I received in this little pamphlet on the handbook on abortion and I think it hits the nail right on the head. At the Nuremburg trials the following remark was voiced by a condemned Nazi judge to his accusers: "I never knew it would come to this." An American judge replied, "It came to this the first time you condemned an innocent life." I urge all members of this House to stand up for what is right and endorse Mr. Jalbert's Memorial.

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

Mrs. BERUBE: Mr. Speaker and Ladies and Gentlemen of the

House: As legislators our personal philosophy or religious affiliation should never enter into the matter for we represent all of the people, and some of us may or may not agree with the recent Supreme Court ruling on abortion. We may or we may not support abortion laws or the ruling but today, however, regardless of our personal feelings on the subject, our vote should be based on fair play and objective reasoning. Our action here today merely asks Congress to call for action toward implementing an amendment to our Constitution. I ask that you support the resolution so that Congress, as elected representatives of the people, have a chance to express its opinions like it has on previous amendments and thereby reflect the true feelings of all of their constituents.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I guess that I happen to — I will first tell you that I am addressing the House in a very unofficial capacity. I guess the very first thing I would say about this resolution is that it is just another memorial to Congress where I believe it will go down there and reach their file 17-A and it just appears to me that this body and this Legislature this year has just spent too darn much time memorializing Congress without getting down to the facts at hand here. Now if we are going to send this type of a memorial to Congress let's take a good look at it.

I believe the gentleman from Lewiston said that he has taken out certain things. Well, he did but he also left in a clause that says "Whereas medically and scientifically a human embryo or fetus exists as a living and growing human individual from the moment of conception". That is a statement of fact that if we pass that, that we accept that and we pass it on, I am not willing to take and judge that yet in my own opinion and therefore, I am not ready to vote for

something that puts this Legislature in that type of a position.

He also goes on and says in his amendment that "Whereas the Maine Legislature wishes to establish and define the rights of the unborn". I will buy that, maybe we should but I think that is what the Supreme Court tried to do. The Supreme Court of the United States in my opinion should not have come under the attack that it just received a few minutes ago from the gentleman from Portland.

This amendment also says in the very last thing, "And be it further resolved that this application shall constitute a continuing application for such convention". That is the constitutional convention that was in the title. So, therefore, we still have right at the present time in the motion, "That this application shall constitute a continuing application for such convention pursuant to Article V until the legislatures of two thirds of the States shall have made like applications for such conventions and that shall have been called by the Congress of the United States unless previously rescinded by this 106th Legislature."

Ladies and Gentlemen, I am not about to take and call any type of a constitutional convention to the point where we open up our doors and open up the doors if we take the entire Constitution of the United States before a Convention.

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

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: When the Supreme Court decision came down, I must confess that I was very relieved, relieved that I would not again have to make this decision. In 1971 I voted for the liberalization of Maine's abortion law. If that same bill were before us today I would again vote for it. I am torn between the right to control my own body and my belief in the sanctity of life. If I vote for this resolution, I will destroy my credibility as a leader of the Women's Rights Movement in Maine. If I vote for this resolution, I will destroy my credibility with my

liberal friends in this House. If I do not vote for this resolution I will destroy my own conscience. Therefore, I will vote against indefinite postponement with very grave reservations.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker and Members of the House: I arise with some trepidation because it is always difficult to follow the representative from Lewiston, Mr. Jalbert. He presents his case well. I rise, though, for two reasons. First, as has been expressed by Mr. Simpson from Standish, I am rather fed up with us memorializing Congress and also with congressmen trying to influence our decisions. I think it is time that the men in Washington looked after their affairs and that we allow them to.

Now I also am one of those people who yesterday voted for equality of rights for women. I voted for it with a clear conscience because I believed in it. Now I think this Memorial is being misinterpreted. It says, "Whereas the United States Supreme Court by decision has ruled against the unborn". I say they did not rule against the unborn. They ruled that a woman had a right to make her own decisions and decide whether or not she wanted an abortion and I will say here and now that if we ever have a bill before us such as the abortion law that exists in New York State, I would be the first to oppose it and vote against it.

Now I think we must be consistent or should be consistent. We voted yesterday by a slight majority, equality of rights for women. Then let's not take away today what we gave yesterday.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I am delighted to follow my friend from Hampden. As you all know, I have consistently opposed resolutions and memorials to Congress and to the President that involve foreign affairs which I said were none

of our business. But this thing definitely is our business and we have every right to send through a resolution requesting that wrongs as we see it be righted.

Now as to my friend's allusion to a woman being able to do as she pleases relative to her body, a woman is endowed by God with generative organs which produce life. All of humanity depends upon that situation. They say isn't a woman's body her own. It is as long as it does not involve the future of the race and taking life before it is born certainly involves the future of the race no matter how you look at it.

Now if we say that a mother and her doctor can decide what she does with her own body even to the termination of pregnancy, those of us who feel that there is life that is being terminated feel that what is the next step? If she and her doctor can decide to do away with a life that had no chance to speak for itself, might not the next step be allow she and her doctor and her husband to do away with a sick child because the child did not seem to improve, didn't seem to have any future? Then the next step, what about the husband and wife deciding along with a doctor to do away the aged parent that can no longer feed him or herself?

I say that we, the people, should make our voices heard on this subject where we feel, and my young friend down in front of me here, that the Supreme Court made a horrible mistake. I completely agree with him. It may have been and probably was a completely honest mistake. They thought they were right but I still insist that they were wrong; that somewhere along the path between conception and the birth of a child there is life and that life should not be taken. It is sacred whether the mother wants it taken or not.

I shall not speak again on this. I didn't mean to get up this time but so much is said about the rights of the mother and human rights. As someone else stated, that unborn child has some rights, too. Think about it.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker and Ladies and Gentlemen of the House: I will just make a few comments. First, I wish to be recorded in favor of Mr. Jalbert's resolution, and I am opposed to the motion to indefinitely postpone this. I would like to answer two criticisms that Mr. Simpson made. First, I do not believe that this is just another Memorial. I believe that the subject of life is more important than any other subject and therefore as a Memorial, this should be considered as being more important.

Secondly, I do not believe my colleague, sitting next to me from Portland was wrong in commenting on the Supreme Court, because that court has time and time again guaranteed him and everyone else the right of free speech that he was exercising. And I happen to agree with him. I think the court's decision was arbitrary and, in my opinion, was wrong.

Thirdly, I do not believe there was any misinterpretation that can be laid on this resolution as amended. Article 1 is quite clear as used in the 5th and 14th Articles of the amendment to the Constitution of the United States, dealing with the declaration of life, the word person shall be applied to every human being, regardless of the stage of biological development. And why I think that is important is—and I especially address my comments to those who led the fight for the Equal Rights amendment yesterday, an amendment that I believe and supported. If the liberal members of this House are concerned with the rights of the unborn, I hope they are as concerned with the rights of the unborn as they are with the rights of those who have already been born.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. LaCharite.

Mr. LaCHARITE: Mr. Speaker and Ladies and Gentlemen of the House: I rise today in support of the resolution presented by the gentleman from Lewiston, Mr. Jalbert. The abortion debate has

become so charged with emotion that polemics, name calling, and misrepresentation have obscured the greatness of the principle involved. That principle is the sanctity of life, and the extent and limit of civil society's responsibility toward it. Because abortion affects people, it is a human and, therefore, a moral question. Legal, medical, sociological and other aspects revolve around the basic question of the rights of the mother and child.

My opinion is that we as a nation must regard our thinking with regard to human life, whether in the womb, in the nursery, on the battlefield, in the rocking chair, the death cell or the hospital bed. If life is sacred in any of these places, it is sacred in all of them.

Whatever the moment a fetus becomes a person, if indeed it is not at the moment of conception, the question must be asked, where human life is at stake, even potential human life, the fetus must be accorded the dignity and protection given to the human person.

Says Justice Blackmun, speaking for the majority of the Supreme Court: "We need not resolve the difficult question of when life begins. When those trained in the respective disciplines of medicine, philosophy, and theology are unable to arrive at any consensus, the judiciary, at this point of man's knowledge, is not in a position to speculate as to the answer." But in fact the court did proceed to speculate on the answer and proceeded to act on an answer it very simply promulgated.

Up until three months, said the court, the fetus is nothing more than a biological lump of the mother. From three to six months it is something more than that, but just exactly what? The court spared us the intellectual embarrassment of stipulating. Then, during the last three months, the fetus is conceded by the court as being "viable."

Let us read The Declaration of Independence that states: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life,

liberty, and the pursuit of happiness, that to secure these rights, government as instituted among men, deriving their just powers from the consent of the governed.”

This document was the foundation for the Constitution and the Bill of Rights. The concepts of equality and freedom, so basic to our way of life and law, are fundamentally inconsistent with the new morality of pro-abortionism.

I urge your support in the passage of this resolution.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I would first just like to correct two statements made by the gentleman from Standish, Mr. Simpson. He said that the resolution said that a fetus exists as a living and growing human individual from the moment of conception, and he would not buy that. I could not buy that either. But the amendment takes that out. He also added that the last part of the resolution said that the application shall constitute a continuing application for the call of a convention.

That is also taken out in the amendment under paragraph number 9. So those two things are out under the amendment, and that is why I buy the amendment.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker and Ladies and Gentlemen of the House: In spite of the protestations of the gentleman from Lewiston, I believe that this measure goes beyond the old abortion laws, and starts a whole new body of law with respect to the fetus. I urge you to consider the implications of your vote today. Be responsible.

On this issue, each side needs to respect the moral sincerity of the other. Now I fully respect the individual or the community who opposes abortion. But, I am tired, in effect, of being labeled insensitive to the sanctity of human life because I favor liberal views on abortion. Both sides of the

debate believe that human life is sacred.

The present abortion laws make impossible the law of the exception that enables one to make ethical decisions in situations in which no answer is perfect, in which values and rights compete and difficult choices must be made.

Now there is a path that could enable us to bypass this abortion debate confrontation, thus taking the matter of abortion out of the statute books altogether. The present abortion laws were enacted more than a hundred years ago, not to protect fetal life, but to protect the lives of women. In those pre-germ theory days, more than 90 percent of the women on whom abortions were performed died. Restrictive abortion laws passed for medical reasons are being retained today for other reasons. The effect of such a de-stigmatizing of abortion would be to show respect for the pluralism of our society. Anti-abortionist individuals may freely teach their faith views without the ones of a permissive state law that would make their teaching more difficult. At the same time, pro-abortionists would be able to teach their faith views without the support of a state law which would tend to give them the illusion of universality. This is what the Supreme Court recognized; this is why they so ruled. This, to me, ladies and gentlemen of the House, is a question that is one of faith and ethics. It does not belong in the body politicized. I urge you to support the motion to indefinitely postpone, keep the State of Maine out of this matter.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: As everyone, not everyone, but many people got up here and said, I did not intend to speak on this matter. I truly did not. I do not wish to, even by the inference of how I might vote, want to influence anyone else on something that I feel is very personal. But I have before me two resolutions that have been placed on my desk.

There is a resolution and an amendment to it. And I must agree with the gentleman from Standish. Mr. Simpson, because one of them, the amendment says to strike out to call a convention in capital letters at the top of the page, and we can do that very easily, but then it goes on to say, "to strike out all of the six, seventh, eighth and ninth paragraphs, and insert in place thereof, the following." All right, what happened to paragraphs 1, 2, 3, 4 and 5? Were not they left there? If we are simply changing the amendment, I think that someone is quite mistaken in what they have done here or someone is trying to put something over, and I think that if this is the case, we should table this matter until another day, and hope that someone will make that motion.

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

Mr. BIRT: Mr. Speaker, Members of the House: For a long time I have had mixed feelings on some of the views on abortion but I have been very much disturbed on the rapid direction that abortion laws have been liberalized in the last few years. I think this is a decision I have come to partly in talking with my own pastor, who I am very closely associated with and for whom I have a great deal of personal reverence. As a result I do think that possibly we should slow down a little bit in the direction we are going to take a good, long look at just what we want to do in the area of some of the changes we will make in our present moral code and one of them would be the consideration of liberalization of abortion laws.

I would like this morning — and I circulated it on your desks — to read into the record a view that has been endorsed by quite a few clergymen in this state and which it says, "To all men of good will: We, as citizens of the State of Maine, and as moral leaders wish it be known that we believe:

"One, a vote for this Memorial is a vote for precious time, time to debate a more serious issue of human rights, time to allow all

feelings for and against to be heard in a national forum.

"Two, furthermore, a vote in favor of this memorial is a vote that affirms the right of all citizens of Maine who respect life be heard above the all-consuming decision of the United States Supreme Court.

If you believe in open debate, if you believe in citizens rights, if you understand the seriousness of what you will be doing here this morning, vote in favor of this memorial. We refuse to be consumed in the fire of expediency and muted by court decisions which has not allowed us to control what we feel is most important; that is, the right to debate issues bearing directly on the right of all men to life."

This is signed by 25 clergymen within the state, some of whom I know by reputation and a couple whom I know personally. They are: Reverend Alfred Hunt, Bradley; Reverend Charles Bray of Auburn; Reverend Jack Christenson, Old Town; Reverend Kenneth Connor, Lewiston, Reverend Daniel Downs, Indian Island; Mr. Donald Fadden of Bangor; Reverend Herman C. Frankland of Bangor; Reverend Robert Gass, Bangor; Reverend Stanton Gavitt of Auburn; Reverend Louis George of Bangor; Reverend Jon Gray of Bangor; Reverend Paul Heath of Auburn; Reverend Philip Hughey of Brewer; Rabbi Henry Isaacs of Bangor; Reverend Karl Kingsbury of Rumford; Reverend Anthony Lombardi of Lewiston; Reverend Hubert McGeorge of Bangor; Reverend Donald Miller of Lewiston; Reverend Harold McElwaine of Portland; Reverend Lawrence Shaw of Rumford; Reverend David Smith of Brewer; Reverend Bernard Stonehouse of Bangor; Reverend Charles Waugaman of Harpswell; Reverend William White of Brunswick and Rabbi David Berent of Lewiston.

The SPEAKER: The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: Reverence to the sanctity of life must be taught in the churches to children who eventual-

ly become reproductive adults. This cannot be done by law.

While I hear much genuine concern expressed for the unborn, we must not overlook the fate of those women who are unable to obtain a desperately desired abortion safely and who turn to some quack or attempt self-abortion in early, middle or even late stages of pregnancy. All too frequently, death to the mother is the result as well as death to the unborn. In other instances, the mother is rendered sterile for life.

It seems to me that Maynard Marsh and some of the people in the Inland Fisheries and Game are more attune to this subject than some of us here. They, at least, recognize the value of mothers when it comes to deer. In their January newsletter, there is a short message on dogs tearing deer to ribbons while they are still alive. "Because many does are carrying young, the loss of one doe often means the loss also of one, two or possibly three fawns."

I would hope this same logic, concern for the physical health — not to mention mental health of mothers — could also be applied to women in considering the consequences of illegal abortions. Our present law encourages illegal abortions. So, too, does this resolution. I support the motion to indefinitely postpone.

Mr. JALBERT of Lewiston was granted permission to speak a third time.

Mr. JALBERT: Mr. Speaker, Members of the House: I would find it very difficult, as I do, to try to explain anything to my very dear friend from Lubec, Mr. Donaghy, on the floor, but I am sure we will get together later on, we will discuss it and I am sure we will come to an agreement.

Insofar as the remarks of the gentleman from Standish, Mr. Simpson, whom I have grown really to like, I have conversed with him. I was going to answer him on two of the points, two points that the gentleman from Bath, Mr. Ross, brought out but he failed it from the third point. Now, I notice the gentleman, and as a gentleman, rose and said "I am speaking in my capacity as an

individual," and frankly, he knows that is as it should be and it is properly done. It is true leadership.

I have no qualms, however, I truly enjoyed — I sent notes even asking various people to get up when the pheasant matter was being discussed and if the gentleman from Houlton, Mr. Bither, thinks that the pheasant matter will ever end, he has got another think coming to him. It is here to stay forever just as motherhood is here to stay forever. By the same token, if my computer serves me correctly, when the gentleman from Standish, Mr. Simpson, makes lightly of the presentation, I would have him check out the time that we spent talking about pheasants. At \$14,000 a day in this legislature, the time we spent talking pheasants amounts to about \$30,000. I think the time we spend talking about this is well worth it and I am sure that the gentleman from Standish, Mr. Simpson, will agree with me.

Concerning the remarks of the good gentleman from Farmington, Mr. Morton, I had not mentioned the word "fetus" at all in my two previous remarks. I will now, however, by informing him that last week when one of the hostesses on the plane opened the door to the ladies room, she found a fetus from here on up that was not quite flushed down the toilet. The fetus is still living.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Huber.

Mr. HUBER: Mr. Speaker, Members of the House: I would like to very briefly clear up a misunderstanding between the gentleman from Brunswick and myself, I quoted what I feel is an admirable statement by Cardinal Cushing concerning the relationship between civil law and his religious convictions. I then went on to say that I don't think to — express my wish that the people now protesting the Supreme Court decision would heed his words as they apply equally well to their beliefs. There is no intention to say that this is entirely a sectarian subject and I didn't mean to do so.



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

Mr. COTTRELL: Mr. Speaker and Members of the House: I have solved the problem of my conscience. I am not going to vote for or against this today; and when the vote is taken, I am going to walk out of the House.

The SPEAKER: The Chair would inform the gentleman that everybody present and in the House at the time of voting is obligated under the rules to vote.

Mr. COTTRELL: Mr. Speaker, I won't be here at that time. I would like to remove my onus on this religious issue. As a matter of fact, my very fine friend for six terms here, Mr. Ross, he was the one who brought religion —

The SPEAKER: The Chair would ask the gentleman from Norway, Mr. Henley, why he rises.

Mr. HENLEY: Mr. Speaker, a point of order.

The SPEAKER: What is the point of order?

Mr. HENLEY: Will the Chair rule that a speech on a subject to sway the House is permissible with the avowed purpose of not being here to vote?

The SPEAKER: The Chair would rule that the gentleman, Mr. Cottrell, has the right to speak, and if he is here in his seat at the time the vote is taken, he is obligated to vote under the rules.

Mr. COTTRELL: Thank you, Mr. Speaker.

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

Mr. JALBERT: Mr. Speaker, I rise on a point of order.

The SPEAKER: What is the point of order?

Mr. JALBERT: I would like to have the Chair rule a roll call has been asked for. Can the gentleman leave?

The SPEAKER: A roll call has not been ordered as yet. It takes one fifth of the members present and voting in order for the roll call to be ordered and in due course, we will have a roll call request vote and if the gentleman is present, in fact, all present ladies and gentlemen, must vote if they are in their seat at the time

of the roll call. The gentleman may proceed.

Mr. COTTRELL: Mr. Speaker, Members of the House: I didn't mean to take up time in a parliamentary discussion and I thank you for allowing me to speak. My problem is not only of conscience perhaps but one of the intellect. I don't know why I should have a problem perhaps with the intellect but I do have a little one.

On January 22, we had the Supreme Court decision. Last Wednesday we had a proposal to amend our constitution. I studied it. I tried to find out the technique and the routine by which this would occur and I had to be careful because tampering with our constitution is something that has been done hundreds and hundreds of times and yet, since 1791, we have only amended our constitution 16 times. You ask me why 16 times? Because they adopted our Bill of Rights, the first ten amendments two years after our government went into being in 1789. Two of those amendments have been struck out; the one on prohibition — one of them has been struck out. Two have dealt with the matter of prohibition.

I went down to the library. I have been trying to get set on this thing and let me say this: I have voted against changing our abortion laws since I have been in this House. I am more confused this morning with the amendment. The only time that we have used a course like this in our history is when we repealed the prohibition amendment. That came about very quickly through two thirds of Congress proposing a resolution and stating that it had to be passed by 34 states in state conventions. I have not yet found out how our state convention was called into being.

This morning, just this morning I got a copy of statements from our Supreme Court asking—the Senate asking how we were to go about calling a state convention. This was in 1933 on the prohibition repeal amendment. I haven't read it yet, but evidently the Senate of Maine was confused. If this should go through to that stage, I don't know who would call a con-

vention, the governor—the legislature would never have to deal with this again. It would be done by a state convention.

Now, I am more confused, as I say, because of the amendment. The word "convention" was taken out. Does this go now to a vote of Congress, a majority vote of Congress, orders us into state conventions? I don't know. I know normally two thirds of the states will have to pass in their conventions—two thirds of Congress will have to pass normally and then three fourths of the states.

I cannot vote for this today. I can't vote for it and I can't vote against it. If this were to be tabled and assigned for another month, I would stand here and vote one way or the other, but I can't do it this morning. This decision, as I say, was made by the Supreme Court, a seven to two decision, January 22. This just came into the library on February 15, the complete story on the minority and majority opinions of the Supreme Court Justices.

There is much more I could say. In my confusion and in my questioning, I am not prepared to vote for or against this amendment today.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen: I wish some of my good friends would be kind enough to visit an artificial insemination place. Then I think they would have a different view on when life actually commences. You will see the male sperm put on a microscope glass. You will view it. It looks like iron filings. It is going very fast in all directions. You will see the female seed put with it. You will see the moment that one of those male cells out of millions, the minute it hits the female it enters. Life begins right then. If this has fertile soil as any seed to grow in, it will grow; but if it is laid on the desert in the hot sun or on that glass, it will soon die. So I go along with Mr. Jalbert one hundred percent. Life begins at conception, and I wish you people would go and view it.

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

Mr. CARRIER: Mr. Speaker and Members of the House: Very briefly for a change, yesterday I talked about the sanctity of life which apparently has been taken over this morning in different ways. It has been mentioned — at least some people are thinking. I also had talked about the role of gall and guts.

Well, I want to extend today to you and for you to recognize that there is a gentleman in this House that has shown an awful lot of guts this morning and I refer to Mr. Huber from Falmouth. The fact is that he had made, probably innocently under emotions, reference to certain people of this House who happen to belong to a certain religion. I took it as a personal — probably personal attack and I didn't want to make it so. I sent Mr. Huber a note, I think a friendly note, and I believe that any man can get up here today and say that he was wrong really deserves recognition and I really admire him for taking that stand and making that correction.

Now, in this particular proposal, I notice that many people are going to play a dual role. Yesterday they support the Equal—whatever it is, Equal Wrong Amendment or the Equal Right Amendment, I don't know what one it is, but here we have it and we have it at present. I don't know for how many more minutes or how many more hours, but, anyway, this is fast and whether we agree or disagree, it doesn't make any difference.

However, just very briefly, I want to comment, and others have done so very well, that the Supreme Court decision, although somebody said we should not attack the Supreme Court, you will notice this says "Supreme Court" and that doesn't refer to its members. We are looking for quality and whether they believe one way or the other, we also have to accept that.

On the other hand, if you are to accept the fact that the Supreme Court has declared that corporations are legal entities, legal per-

sons, that trees are legal persons as far as the law is concerned, that water is legal persons, I cannot agree with their decision that the unborn is not a legal person.

So for many reasons, I hope today that you again join the club — I even forget which club I belong to but anyway, I know that your common sense will prevail and that you will support this amendment.

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

Mr. ROSS: Mr. Speaker, I do not want to cut off debate if it is necessary. I see no microphones up. I move the previous question.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Genest.

Mr. GENEST: Mr. Speaker, point of order. I believe the gentleman debated his motion and it is an undebatable motion.

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

Mr. ROSS: Mr. Speaker, I will withdraw the motion.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker and Members of the House: I speak with great reluctance on this issue. I certainly did not want to make my first remarks to this House on such a question. But I would like to speak not only to the members of this House but through the representatives of the press here to the people of Maine and to speak without indicating how I will vote on this issue, because I feel that the people of this state deserve an honest indication of the views of this House on this emotional issue. Yet, because of the length of this amendment, because of the length of the original motion, we have heard today representatives saying that, "I am in favor of abortion but I am also in favor of Mr. Jalbert's motion." The contrary is also true. People who are opposed to abortion can also be opposed to this resolution.

There were questions raised, for example, by the gentleman from Lubec, Mr. Donaghy, as to what

happens to paragraphs one through five.

So I certainly hope that the confusion which is evident in this House will be transmitted to the people of this state and that the vote which is about to be taken will not be assumed to be indicative of the views of the members of this House on the clearcut question of whether abortion should or should not be allowed.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call 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 Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, I would move that this be tabled for one legislative day.

Mr. Ross of Bath requested a vote, on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that House Paper 857 be tabled for one legislative day. All in favor will vote yes; those opposed will vote no.

29 having voted in the affirmative and 116 in the negative, the motion did not prevail.

The SPEAKER: The pending question is on the motion of the gentlewoman from Freeport, Mrs. Najarian, that the Joint Resolution as amended by House Amendment "A" and all accompanying papers be indefinitely postponed. All in favor will vote yes; all opposed will vote no.

#### ROLL CALL

YEA — Ault, Baker, Bragdon, Briggs, Bunker, Bustin, Churchill, Clark, Cooney, Cressey, Crommett, Curtis, Donaghy, Dunn, Farnham, Flynn, Gahagan, Garsoe, Hancock, Haskell, Hoffses, Huber, Hunter, Jackson, Kelley, Southport; Knight, Lewis, Auburn; MacLeod, McCormick, McKernan, Mills, Morton,

Murchison, Najarian, Norris, Palmer, Parks, Peterson, Pratt, Shaw, Simpson, Smith, Exeter; Sproul, Talbot, Tierney, Trumbull.

NAY — Albert, Berry, Madison; Berry, Buxton; Berube, Binnette, Birt, Bither, Boudreau, Brawn, Brown, Cameron, Carey, Carrier, Carter, Chick, Chonko, Conley, Connolly, Cote, Curran, D a m, Davis, Deshaies, Dow, Drigotas, Dudley, Dunleavy, Dyar, Emery, Evans, Farley, F a r r i n g t o n, Faucher, Fecteau, Ferris, Fine-more, Fraser, Gauthier, Genest, Good, Goodwin, South Berwick; Goodwin, Bath; Hamblen, Henley, Herrick, Hobbins, I m m o n e n, Jacques, Jalbert, Kelleher, Kelley, Machias; Kilroy, L e B l a n c, LaCharite, LaPointe, L a w r y, Lewis, Bristol; Littlefield, Lynch, Maddox, Mahany, Martin, Maxwell, McHenry, M c M a h o n, McTeague, Merrill, Morin, Old Orchard Beach; Morin, Fort Kent; Mulkern, Murray, O' B r i e n, Perkins, Pontbriand, R i c k e r, Rolde, Rollins, Ross, S a n t o r o, Sheltra, Shute, Silverman, Smith, Dover-Foxcroft, Snowe, Tanguay, Theriault, Trask, Tyndale, Webber, Wheeler, White, Whitzell, Willard, Wood, the Speaker.

ABSENT — Barnes, Cottrell, Greenlaw, Hodgdon, K e y t e, McNally, Soulas, Stillings, Susi, Walker.

Yes, 46; No, 95; Absent, 9.

The SPEAKER: Forty-six having voted in the affirmative and ninety-five in the negative with nine being absent, the motion did not prevail.

On motion of Mr. Jalbert of Lewiston, the Joint Resolution as amended was adopted and sent up for concurrence.

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

Mr. JALBERT: Mr. Speaker, I move we reconsider our action whereby we accepted the resolution, and I hope you vote against me.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that the House reconsider its action whereby it adopted the Joint Resolution as amended. All in favor of reconsideration will vote yes; those opposed will vote no.

A viva voce vote being taken, the motion did not prevail.

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

Bill "An Act Relating to Absentee Voting by Persons Serving Sentences in Jails and Penal Institutions" (H. P. 299) (L. D. 401)

Tabled — February 26, by Mr. Ross of Bath.

Pending — Acceptance of any Report.

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

Mr. ROSS: Mr. Speaker, I move we accept the Majority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, I move this item lie on the table for two legislative days, pending acceptance of Report "A".

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves that this matter lie on the table two legislative days pending acceptance of Report "A". All in favor of tabling for two days will say yes; those opposed will say no.

A viva voce vote being doubted by the Chair, a vote of the House was taken.

73 having voted in the affirmative and 27 having voted in the negative, the motion did prevail.

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

Resolution Proposing an Amendment to the Constitution Reducing Residence Requirement for Voting to Thirty Days (H. P. 9) (L. D. 9)

Tabled — February 26, by Mr. Kelleher of Bangor.

Pending — Passage to be enacted.

On motion of Mr. Ross of Bath, retabled pending passage to be enacted and specially assigned for Monday, March 5.

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