

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth  
Legislature*

OF THE

STATE OF MAINE

Volume III

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Index

KENNEBEC JOURNAL  
AUGUSTA, MAINE

brings the legislator into play. In my bill, he felt it did not. Here we have someone backing us up and someone who we can turn to for help, and I think it is also worth noting that we are dealing with a majority report under the guise of a minority report because of the confusion here on Representative Stillings not having signed.

I hope very much you will defeat the "ought not to pass" and will accept the "ought to pass." I think this is a worthwhile thing and a needed thing, and as has been pointed out, it is not in the legislative reform package. Here we have a bill to deal with right now, and the legislative reform package is still a "bird in the bush."

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

Mr. CROMMETT: Mr. Speaker, I move that this lie on the table for one day, please.

Mr. Simpson of Standish requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Millinocket, Mr. Crommett, that L. D. 576 lie on the table one legislative day. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

32 having voted in the affirmative and 60 having voted in the negative, the motion did not prevail.

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

Mr. CROMMETT: Mr. Speaker, Members of the House: The reason I would like to have that tabled, I know I don't play a very important part with the State Government Committee, but this bill was turned out without my name on it.

The SPEAKER: The pending question is on the motion of the gentleman from Orono, Mr. Curtis, that the House accept Report A, "Ought not to pass" on L. D. 576. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

21 having voted in the affirmative and 75 having voted in the

negative, the motion did not prevail.

Thereupon, Report B "Ought to pass," was accepted, the Bill read once and assigned for second reading tomorrow.

### Divided Report

#### Later Today Assigned

Majority Report of the Committee on Marine Resources on Bill "An Act to Change the Lobster License to the Boats, Increase License Fees and to Limit the Number of Licenses" (H. P. 1221) (L. D. 1578) reporting "Ought not to pass."

Report was signed by the following members:

Messrs. HUBER of Knox

RICHARDSON

of Cumberland

— of the Senate.

Messrs. BROWN of Augusta

LEWIS of Bristol

DAVIS of Addison

SHUTE

of Stockton Springs

BUNKER of Gouldsboro

— of the House.

Minority Report of the same Committee on same Bill reporting "Ought to pass" in New Draft (H. P. 1614) (L. D. 2031) and new title "An Act to Conserve, Manage and Regulate Lobster Fishery."

Report was signed by the following members:

Mr. DANTON of York

— of the Senate.

Messrs. LaCHARITE of Brunswick

MULKERN of Portland

WEBBER of Belfast

GREENLAW

of Stonington

Mrs. KNIGHT of Scarborough

— of the House.

Reports were read.

On motion of Mr. Bunker of Gouldsboro, tabled pending acceptance of either Report and later today assigned.

### Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Regulating Abortion Procedures" (H. P. 1195) (L. D. 1529) reporting "Ought not to pass."

Report was signed by the following members:

Mr. TANOUS of Penobscot  
— of the Senate.  
Mrs. KILROY of Portland  
WHEELER of Portland  
WHITE of Guilford  
Messrs. CARRIER of Westbrook  
HENLEY of Norway  
GAUTHIER of Sanford  
DUNLEAVY  
of Presque Isle  
— of the House.

Minority Report of the same Committee on same Bill reporting "Ought to pass" in New Draft (H. P. 1615) (L. D. 2035) under same title.

Report was signed by the following members:

Mr. SPEERS of Kennebec  
— of the Senate.  
Mrs. BAKER of Orrington  
Messrs. MCKERNAN of Bangor  
PERKINS  
of South Portland  
— of the House.

Reports were read.

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

Mrs. BAKER: Mr. Speaker, I move the acceptance of the Minority "Ought to pass" Report.

The SPEAKER: The gentle lady from Orrington, Mrs. Baker, moves the acceptance of the Minority "Ought to pass" Report.

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

Mr. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: I don't intend to repeat my discussion of last week as this bill, L. D. 2035, is essentially the same as the amendment, House Amendment "A," to L. D. 1992 that we discussed last week and passed by a 90 to 46 vote.

I would, however, like to reinforce several points which may still be unclear. First, in the words of the U. S. District Court decision on February 20, 1973, and I quote, "The abortion statute of the State of Maine is declared to be unconstitutional and void in its entirety and it is wholly unenforceable." I have here a copy of this judgment for anyone who would like to see it.

Maine has no valid abortion law now. What then can the state regulate concerning abortion procedures? A Texas decision of the

Supreme Court clearly outlines important and compelling state interests in maternal health and the protection of potential life that a state may regulate if it so chooses. One, the state may require that abortion procedures be performed by a licensed doctor. This would be required under Maine law anyway but is provided in this bill also.

Two, after the twelfth week of pregnancy, the state, in protecting its interest in the health of the mother, may, if it chooses, regulate abortion procedures in ways that are reasonably related to maternal health. Examples of such regulation given in the Supreme Court decision are the qualifications and licensing of the person who performs abortion procedures at a facility in which the procedure is to be performed; that is, whether it must be a hospital or may be a clinic or other facility of less than a hospital status.

Three, after the twenty-fourth week, "The state, in promoting its interest in the potentiality of human life may, if it chooses, regulate and even proscribe abortion except where it is necessary in appropriate medical judgment for the preservation of the life or health of the mother."

These then are the areas in which a state may regulate concerning abortion procedures. I know my constituents will want the state to protect this legitimate interest in maternal health and potential life. I am sure your constituents will want this also.

Passage of L. D. 2035 would provide this protection. We already have passed L. D. 1992 which protects only hospitals, doctors, nurses, et cetera, as well as giving limited protection to potential life. We now must decide whether the people of Maine want to protect the maternal health and potential life as far as legally possible. I am certain that the answer will be overwhelming and will be in the affirmative.

There are those who say that we should leave abortion procedures to the laws governing medical practice generally. After all, this argument goes, we have no special laws governing brain surgery, for

example. First, ladies and gentlemen, I would ask each of you and especially those of you who were at previous sessions, what would your personal reaction have been to such a suggestion at a prior session of this legislature?

Second, even the Supreme Court in a Georgia decision recognizes the existence of rascals in the medical profession. Although most physicians would not risk their patient's life or health by performing second or third trimester abortions in their offices, I think we must be concerned with the prospect of attracting such rascals with the absolute absence of state regulation.

You all know that abortion could be performed for substantial profit. I am sure Maine does not want to sponsor or condone profit-making abortion mills. This bill would require that abortions be performed in a hospital licensed as such after the twelfth week of pregnancy. Hospital by-laws are where most medical controls are imposed. Without this law, the decision as to whether abortion should be an office procedure or a hospital procedure would rest with the individual physician.

A parallel example is that of voluntary sterilization procedures. Until three or four years ago, a number of hospitals prohibited or severely restricted such procedures. For many years, however, a number of doctors in this state openly, legally and even routinely performed these procedures in their offices, because in their judgment, the risk was insignificant. The same openness could apply to abortion regardless of the stage of pregnancy unless we pass this bill.

Finally, I would like to briefly discuss the inclusion of the word "health" in the provision of this bill that after the twenty-fourth week, an abortion may be performed only when necessary to preserve the life or health of the mother. The Texas law invalidated by the Supreme Court provided that abortion could be performed only to save the life of the mother. The decision on this law centered upon this provision. I would like to quote from that

decision. "If the state is interested in protecting fetal life after viability, it may go so far as to proscribe abortion during that period except when it is necessary to preserve the life or health of the mother."

Measured against these standards, Article 1196, which is the article in the Texas law which specified life only, of the Texas Penal Code in restricting legal abortions to those "procured or attempted by medical advice for the purpose of saving the life of the mother sweeps too broadly. The statute, therefore, cannot survive the constitutional attack made upon it here."

In summary, the Supreme Court stated "a state criminal abortion statute of the current Texas type that excepts from criminality only a lifesaving —" and the Court has italicized "lifesaving," "— procedure on behalf of the mother without regard to pregnancy stage and without recognition of the other interest involved is violative of the due process clause of the 14th Amendment.

"Our conclusion that Article 1196 is unconstitutional means, of course, that the Texas abortion statutes as a unit must fall." This is the holding of the Court and is not dicta or casual saying within this decision.

The Georgia law invalidated by the Supreme Court provided that an abortion could be performed if "a continuation of the pregnancy would endanger the life of the pregnant woman or would seriously and permanently injure her health." This provision was also invalidated by judgment of the U.S. District Court, and this invalidation was upheld by the Supreme Court. This, again, was a holding of the Court and was not dicta.

Maine's law is also invalidated on the grounds that it allowed abortion only to save the life of the mother. That the health of the mother must be included if the state chooses to regulate abortion at all is clearly stated in the summary of the Texas decision. I would like to quote from that summary: "For the stage subsequent

to viability, the state, in promoting its interest in the potentiality of human life, may, if it chooses, regulate and even proscribe abortion except when it is necessary in appropriate medical judgment for the prevention of the life or health of the mother."

I would also like to briefly point out some minor protections provided by this bill, which would not be in effect unless we enact it. This bill provides that the consent of a minor herself is required in addition to that of her parent or guardian. It also provides that the consent of the husband, if living with the wife, is also required in requesting the performance of an abortion.

With the passage of L. D. 1992 alone, this state will allow abortion on demand right up to the day of delivery. With passage of this bill, in addition to L. D. 1992, we would regulate abortion as strictly as legally possible to protect important state interests and the protection of maternal health and of potential human life.

I realize that your constituents may not at this time fully understand this. As time goes on, I am sure that they will. If we do not regulate abortion as strictly as possible, I am sure that even those who do not presently understand the situation before this legislature will feel that we have simply caved in to strong lobbying pressure and will say, you should have known better.

I apologize for bringing up this unpleasant subject for your consideration but do feel we must fill the void left by an invalidation of Maine's old abortion law. In my defense, I would point out that I have also brought up for your consideration the one acceptable alternative to abortion; that is, the opportunity to provide adequate state support of family planning services which would allow all Maine families equal opportunity to voluntarily avoid a situation where abortion might be considered. I refer, of course, to my family planning bill, L. D. 1823.

I hope that this legislature will reject abortion on demand by passing L. D. 2035. I hope you will

accept the minority "ought to pass" report on this bill.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: For some, it is needless for me to say that I am in favor of this bill. Today, the debate on this bill should be entirely different than in years past. We used to have it especially assigned to a certain time so that no one would miss the vote. The tension and emotion reached such a height, that the Speaker once announced that school pupils could be excused from the gallery if their chaperon considered the subject matter too delicate for their young ears.

However, this year we have already passed one abortion law, and there was no opposition, except to the amendment, because we considered that the law was not that specific.

This law before us today really is a modification and further clarification of that law. May I start by saying that nothing in this bill makes abortion mandatory. We do not want to force or encourage any woman to do anything against her conscience or religious teachings. We only maintain that they should have this right with the approval of a competent physician and if performed in a hospital under adequate supervision. The other did not even mention these two very basic prerequisites.

The big hue and cry whenever the abortion issue came up before was the unlawful and premeditated killing of an unborn fetus which the opponents proclaimed became a human being with a soul immediately upon conception. They never gave credence to the fact that this is a comparatively new idea in the long history of their church. It has only been their belief and teaching for about 100 years. At that time Pope Pius IX decreed via a papal encyclical that this was in fact the case. This was done only to settle confusion within the church. Former Popes had insisted that a fetus was not human with a soul until anywhere between 40 and 120 days after conception.

The public hearings on these bills were filled with emotionalism and logic that legal issues were always obscured. I always used to start at the outset saying that I respected the teaching and religious beliefs of all other faiths and did not consider this a moral question but humanitarian.

However, my consideration and respect always went unheeded. One year ago, after my presentation before the Judiciary Committee, the Kennebec Journal came out with banner headlines on the front page in their very largest print, "Ross Called Murderer."

This of course made my chief opponent chuckle with glee. Without mentioning names I think he went out and bought 100 copies of that paper.

However, times change and we now have a Supreme Court ruling. Many hospitals and health workers are anxiously awaiting meaningful state legislation to provide guidelines for them to comply with the court's decision if they so desire.

Last week, a statement was made that we are not ready yet to comply with the Supreme Court decision. Of course this is neither logical nor legal.

The bill which we passed only protects doctors and nurses, forbids discrimination, makes the sale of a fetus unlawful, protects any live births and defines the same. It is really what they call abortion on demand.

This bill before us today is much more limited and protective. It makes special provisions for length of pregnancy, defines more accurately the records which must be kept, provides for parental consent in case of a minor, and specifies that the abortion must be done in a hospital which has adequate safeguards.

If we are determined to stick only with the bill which we have already passed, it too may well be deemed unconstitutional. It goes too far in its leniency and not far enough in providing safeguards in the procedure itself.

Perhaps you have read that there are more people still going out of state because it is cheaper to go to clinics there. This is because without adequate state

guidelines, the present assenting hospitals have felt they must go even further than necessary in their precautionary measures.

For instance, I am a director of the Maine Medical Center, and their bylaws have 10 specific stipulations:

1. An Obstetrical- Gynecological Committee consisting of six staff members will review all cases.

2. Special methods for sterilization will be used.

3. Physicians who request consideration after twenty-four weeks must apply by letter.

4. A Patient Care Committee will review all pertinent activities.

5. A Radioisotope-Radiation Committee will insure radiation protection.

6. Records will be kept of all operations.

7. Special consultations will be established with the patients.

8. The Obstetrics Committee will receive post-operative reports.

9. Physicians requesting termination of pregnancy will apply by letter in duplicate to this Committee.

10. A Surgical Audit Committee will review in depth all assigned cases.

No wonder with these stipulations it is more expensive, but it is certainly protective.

In summary, this bill is a clarification of the other and carries it one step further for the safety, protection, and well being of the patient.

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

Mr. JALBERT: Mr. Speaker, and Members of the House: First I would say that it is always a delight for me to debate with the gentleman from Bath, Mr. Ross, whether we are together on a measure or apart, and he and I both know this morning that we are leagues apart. But we still now, and will be after this is over, the very dearest of friends.

I might, however, say to him that when the Kennebec Journal called him a murderer, I was sitting in the Senator Motel having breakfast so I just happened to glance at a paper and I went over across the bay to the Kennebec

Journal, and to my amazement I found that I couldn't buy one copy, let alone 100 copies. So I was unable to deliver the 100 copies to my good friend.

Remarks have been made on two occasions this morning that we have no law in Maine. We have a common law in Maine. The remarks were made about the mental problem. It is obvious that from conception to birth, the woman in her position can arrange for the abortion of her unborn child up to the ninth month of pregnancy by showing merely that it was the social or mental health of the mother.

In California, 95 percent of abortions have been performed on the basis of mental health. This is from the Supreme Court ruling. L. D. 1929, also known as the Huber bill, provides for abortion on demand from conception to birth, and life begins at conception. There is absolutely no way for the Huber bill to eliminate abortion in the 5th, 6th, 7th, 8th or 9th month without being unconstitutional, if it continues to be patterned on the Supreme Court decision, and to think otherwise is false.

The Huber bill may definitely be challenged as unconstitutional in that it requires that abortion be performed in a hospital in the second trimester, whereas the Supreme court in Dow versus Bolten gave allowances for abortions being performed in clinics. To limit abortions in hospitals is not the law and is not what the Supreme Court said in the Bolten case, and I have it here in my hand. Paragraph 1 of Section 10, a state may not require that abortions prior to the end of the first trimester be performed only in hospitals.

A state criminal abortion statute requirement is that all abortions be performed only in hospitals accredited by the Committee on Accreditation of Hospitals is not constitutional and not being reasonably related to the purposes of this statute. A state may adopt standards for licensing all facilities where abortions from after the first trimester may or must be performed so long as those standards are legitimately related

to the objective the state seeks to accomplish, though such facilities may not be limited to licensed hospitals only.

Now in my opinion, the Supreme Court did not say that a new abortion statute was contrary. To be contrary it was describing the right of every woman under the United States Constitution. There is no requirement under the weight of the Bolten case for a so-called abortion statute to guarantee the women's rights for abortion. They are also fully guaranteed under the United States Constitution, says the United States Supreme Court. Justice Byron White of the same Supreme Court said in effect that the establishment of these rights was, in effect, in itself the act of a super congress. Your rights and my rights were so imposed by a super congress, alias the United States Supreme Court. And this is further super imposition.

Mr. Ross in his remarks says that this bill is most respective, and he states in the same breath that this new proposed legislation will encourage more liberalized regulations. In my very humble opinion, this is a contradiction. He talks and the gentleman from Falmouth, Mr. Huber, also talks about 1992. 1992 would prohibit the sale of fetuses; 1992 prohibits in certain areas by certain people abortions. 1992 is not an abortion bill.

The gentleman from Bath, Mr. Ross, in his remarks made the comment that this bill here at one time, the debate became so emotional that the good Speaker of the then House stated that if the teacher wanted to, we could recess while the children who were our guests would not have to if they didn't want to listen to the debate. I was here at the same time, and I was speaking quite emotionally. With the greatest respect that I have for the opponents of this measure, the greatest respect that I have grown to have for the young man from Falmouth, Mr. Huber, and the greatest of respect that I have had over the years for my very dear friend from Bath, Mr. Ross, I wouldn't



say that the gentleman from Bath, Mr. Ross, was being played fair with when he was called by the paper a murderer. But I have to say, any part or any phase of abortion in my opinion is murder.

The Huber bill goes even further than the court; it goes further in its abortion on demand. It will allow the killing of a live fetus. In the articles of Mr. Ross' own church in 1971, they admitted that life began at conception. It was in clear black and white and I read it on the floor of this House two years ago, and nothing has indicated to me that they have changed their thinking.

Now we have had and spoken and debated for three days an act for the poor pheasant. We debated and talked and asked for compassion for about three days for the poor, dumb unsuspecting moose. What compassion do we have in this legislation for the unborn child, if we have to believe what is fact, that life begins at conception? And I repeat myself, what compassion are we showing for the unborn child if we are to believe that life begins at conception? There are reams that could be said, Mr. Speaker and members of the House.

In the last debate that we had, which I did not take part in because I felt the issues were miles apart, 1992 and this present bill, I merely spoke as you know on the philosophy of an amendment being presented with the bill still in committee. Certainly I was not playing unfair tactics, because this morning, when the gentleman from Falmouth, Mr. Huber, mentioned to me that he had some of his people who were not here today, I spoke with the majority floor leader and the gentleman from Bath, Mr. Ross, and I suggested to them that if that was the case, wanting to play the game just as fairly as I possibly could, and I know the gentleman from Bath will agree with me, and the gentleman from Standish, Mr. Simpson will agree with me, I suggested to them that this bill be tabled if they so felt, and their decision was not to do it, it was to run it as we are doing now.

There are no words that I could read to you, as poor a reader as I am, and there are no words within my vocabulary yet that could depict to you the feeling that I have when I even hear the word abortion.

If anybody here wants any part of this procedure, it is their prerogative to vote for this measure. If not, they would go along with some of us who feel to the opposite. Mr. Speaker and members of the House, I beseech you, I plead with you, I even beg you to vote against this measure. Mr. Speaker, I move that this measure and all of its accompanying papers and reports be indefinitely postponed and when the vote is taken, I move for the yeas and nays.

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

Mr. BRAUN: Mr. Speaker and Ladies and Gentlemen of the House: I have distributed on your desks this morning part of what I am to speak about. I am against abortion, but not the abortion bill which was passed the other day. In fact, I voted for that bill because I thought that was a good bill. The Supreme Court, as you know has made it legal to perform abortions, including up to the ninth month, including the ninth month. It says that a woman only has to have the consent of only one physician, and all she has to do is to prove that her life is in danger. Now this may be social, it may be a mental endangerment.

The definition of abortion—abortion is defined to mean the termination of pregnancy with the intent of other than to produce a live birth or to remove a dead fetus. Now the mandates, the laws of live, born children to be given clear medical care to preserve the life and the health of children, I have here the signatures of 134 nurses who are against this, who are opposed to it. These nurses are of all faiths and I want to make it clear to you this morning that it is not my faith why I am debating this issue, because as you know, I am a Protestant.

As you read in the paper the day before yesterday, it said that we have reached a near zero population. Look at your obituary columns in your papers every day, then look at your births. Your obituary far is above that of births. What is going to continue to happen if you let this keep on? The rich and the healthy will not produce any children and only the diseased, the ignorant will populate this great land of ours. You will then begin to produce the deaf, dumb, the crippled, the blind.

I don't know how many of you were brought up on a big farm, but I was. Any of you who don't want to hear what I am going to say, put your fingers in your ears. We had cows that aborted on that farm, some of the best cattle we had, health. After the abortion or the slipping of that calf, as it is so-called by a farmer, that cow developed a cough, she lost weight, she developed consumption, as it is called, or tuberculosis. After treatment by the veterinarian, all this cow was good for from that time on was balogna — ask any farmer.

The gestation period of a cow is exactly that of a female, nine months. I don't want you to think I am comparing you women with cows, this I am not. But I want to point out one thing, it is the same.

And when the time comes that you get your nation so weak by abortion that you can no longer control and rule this government, a strong nation will take you over; you will no longer be a strong America. I love this country; I love young people. We were all young once and I hope that every one of you will oppose this L. D. today.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House. As you might well expect, I am opposed to the bill under discussion. I don't believe that the Supreme Court is infallible in all its decisions. If you look at the recent history of the Supreme Court decisions in other areas,

they have made a mockery of law and order in this country. They have made very unwise decisions in other areas. And in this decision here, I think under the guise of deserving the help of the women or the mother, they are attempting to enter the area of morals and ethics and at least a slight intrusion into the medical field.

I doubt very much if any of these nine gentlemen are qualified to speak authoritatively in any of these areas. Legal questions, yes.

I cannot vote for this bill because if this legislature passes you are, in effect, saying, abortions are acceptable and I can't do that, whether it is the first week or the 15th or the 35th at no time, except in a decision to preserve the life of the mother.

If you will bear with me for just a moment, I would like to read something, which I think says better than I can what I would like to say. "Once again we ask you not to forget that the Ministers and Rabbi in the State of Maine have a great interest in what you will debate here today. The Supreme Court, aside from its having nullified God given right to life of a whole class of human beings has contributed immeasurably to the already waning power of conscientious action in America. As men of God, we believe and feel compelled to tell you that all Americans are less human for what the Supreme Court has done. We hereby implore you to vote no to L. D. 1529, which calls attention to and makes special and extraordinary this most inhumane action. To have what is repugnant to our sensibilities forced upon us, is one thing, but to actively sanction abortion by legislation, which indicated compliance with an intolerable decision, will only demonstrate what we have believed from the beginning, abortion is a very great evil. It does to the defenseless what the strong would not have done, it takes human life.

"Lastly, we challenge you in conscience as the Lord God challenged the Israelites, do not cause the death of the innocent and the

guiltless. The memory of man is short and his actions are sometimes expedient, but the Lord God does not forget." And this is signed by more than three dozen Ministers and Rabbi in the State of Maine.

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

Mrs. BERUBE: Mr. Speaker and Ladies and Gentlemen of the House: I realize that the debate has been a little long and I did not want to prolong it, but I did want to say a few words if only to express my position on this and the reason why I will support the motion for indefinite postponement.

We have all heard the stories of the good news and the bad news, and somehow I think we have been given the good news first. The good news being that abortions would be performed in hospitals and in the safety of L. D. 1529. But we haven't been given the bad news, that this bill, if enacted, would not guarantee the safety to the live fetus. Section 1577 defines abortion as "The termination of human pregnancy with an intention other than to produce live birth or to remove a dead fetus."

This certainly is not the pro-life definition under this proposed legislation. The medical teams would be protected if a viable fetus were left to die. If we do not enact this so-called pro-life bill, a doctor or a nurse or hospitals would be liable if a fetus born live were indeed left to die. This L. D. 1529 simply states that they would not be liable, and I refer to subsection three. If an abortion is performed in compliance with this section, the death of a fetus should not give rise to any claim for wrongful death.

My support of legislation passed last week was to assure protection of a living fetus, and I cannot see where this L. D. today would protect the baby.

We have heard that life of a woman would be in jeopardy without the guideline of this bill — I disagree. First of all, abortions can and are being performed during the first trimester and most

abortions will be performed during this period if at all. We have heard that without enactment of this bill, that we will indeed have abortion on demand until the last month — again, I disagree, for no physician will perform these outside of a hospital after the third month simply because to do so would make them liable in cases of malpractice and if a viable fetus were left to die, even manslaughter. Moreover, how many physicians now perform even minor surgery outside of a hospital.

In performing a true Caesarean section, the baby is given quickly in a hospital to an attendant who immediately does all in his or her power in order to breathe life and to save the baby. However, in a hysterotomy abortion, the live baby is cut free, dropped into a bucket and left to die. This would be disallowed under this proposed legislation. The doctors and hospitals would be protected if a viable fetus were allowed to die, for after all, that is the intent of an abortion. Without this bill, a physician would have to try to save a living fetus.

I had a bill, L. D. 887, a statistical data bill which I submitted because I felt this would be a deterrent to abortion, for I, like all of us here, strongly believe in life. The contents of my L. D. 887 has now been added to a bill which we are discussing today and I had heard that it would be included in becoming part of a bill which I feel is contrary to the purpose for which it was intended. I would hope that perhaps in a special session I might be permitted to introduce it once again, so I strongly object to its having been made part of this L. D. today.

If I may continue briefly, I would like to refer to the preservation of life or health of the mother. One obstetrician told me that in 18 years of practice he never had once to perform an abortion to save the life of a woman. Health, on the other hand, according to the courts ruling, could be many things like we have heard, physical, social, mental, and if in a moment of despair, a woman desires an abortion, this bill would obviously facilitate this. If, indeed,

a woman develops a mental problem, then she should seek the help of a competent psychiatrist who can help her with her problem. Aborting her baby is not the cure.

This House showed that it was pro-life when by a vote of 118 to 19, it gave its approval to a resolution calling for a constitutional amendment. The support of L. D. 1529 will negate the stand which we took. I for one, have given a great deal of thought to what was right and what was wrong on this matter and there were very grave questions of ethics and of conscience that I had, but I know now that I am right in voting to oppose the bill.

Personal religious affiliations should never influence our vote, because we represent the people of many beliefs, and in voting today, I feel that my vote will be a reflection of the wishes of my constituents and that it will be a vote to protect at least some lives of unborn human beings. If, according to the cynics, only political expediency matters, perhaps we can try to refute this by using a little reason and common sense, and I have said before, not by leading our generation into a faceless and soulless society.

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

Mr. McMAHON: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly, I am on record as being against abortions. With me it is a very personal thing. I think abortion is murder. However, Mr. Huber has shown us how our present Maine law has been struck down by the court.

I would like to pose the following question which I think gets sort of at the crux of the issue. In the absence of any restrictive law preventing abortions in this state, would the threat of liability prevent physicians from carrying out such practices or would we actually have abortion on demand? Because if the latter is true and if in effect we do now have abortion on demand because of the absence of law, then I am going to vote for Mr. Huber's bill. But if it can be indicated that the physicians would

not carry out abortions due to the threat of liability, then I won't.

The SPEAKER: The gentleman from Kennebunk, Mr. McMahan, poses a question through the Chair to anyone who can answer if he wishes.

The Chair recognizes the gentleman from Portland, Dr. Santoro.

Dr. SANTORO: Mr. Speaker and Ladies and Gentlemen of the House: I am not going to make a long, scientific speech against abortion as I did in two previous legislatures, the 104th and the 105th. I am standing today on the same principle as I was then and I am still against abortion.

I am opposed to this bill, many of my colleagues are opposed to this bill.

We have the Maine Medical Association and the Maine Hospital Association, plenty of regulations and plenty of safeguards.

We have, as a matter of fact, more regulations than are contained in this Huber bill. I am opposed to this bill and I want to go on record as such.

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

Mr. MORTON: Mr. Speaker and Ladies and Gentlemen of the House: I believe very strongly that our state laws regarding abortion have been effectively stricken. We have no present restraints on abortion. The overturning of our state law leaves us with no legal guidelines. In the absence, Maine could become blighted with unregulated abortions. Abortions could be performed legally under any circumstances and at any stage. Can anyone deny this? Do you want this?

My position is the same as the late prominent New England theologian, a church official, that the support of civil law is not necessary to be faithful to one's own religious convictions and moral views. Instead, the state should confine its efforts to the protection of the health and safety of its citizens. L. D. 1529 will do just that.

Rhode Island has, since the Supreme Court decision, passed more restrictive legislation than this would be. This legislation has been summarily struck down by a unan-

ymous decision of the U.S. First Circuit Court of Appeals as late as June 6, 1973. This opinion is written by Senior Judge Bailey Aldrich, sitting with Judge Levin Campbell and Judge Frank M. Coffin, whom some of you know. Do you believe that men of this caliber, backing the carefully considered deliberations of the Supreme Court of the United States are condoning murder as represented here on the floor this morning? Of course you do not. This is pure emotionalism.

I seek to impose my values on no one. I merely wish for Maine to face up to its responsibilities, to protect the health and safety of Maine citizens by providing legally sanctioned controls against the rampant abuse which can occur.

I strongly urge you to vote against the motion to indefinitely postpone and to support Mr. Huber's bill.

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: I was interested in the reference by the gentleman from Farmington, Mr. Morton, to the position of the late Archbishop of Boston, Cardinal Cushing. His position was stated correctly by the gentleman to be that individual religious beliefs should not need the support of public law. I think it points out, as exists in many ecclesiastical denominations, that the late Archbishop and respected Archbishop was certainly entitled to his views, but I don't think that is going to be a very persuasive argument to people of any religious denominations which differ with those views.

I tend on occasion to follow the idea that we should let people do what they want to to a great extent as long as no one else is involved. If one wants to cut his fingernails, frankly, if he wants to smoke pot, so be it. But there is something else involved here.

I guess I can't really add anything new and I don't think any of us can to the debate that has gone on in this House for many sessions. I would like you to view the bill in this context, to remem-

ber the heavy margin we had in this House and in the other body in petitioning and memorializing the Congress of the United States to initiate a constitutional amendment in order that the people of the states and our legislatures might have a voice in this matter. Such an amendment has been undertaken to the constitution in the Congress with bipartisan and multi-religious support.

It seems to me that if we pass the legislation before us under the impression that we have no choice, that we must go along, because in essence, the Supreme Court has issued an edict that we must go in this direction. We will find in the halls of Congress instead of the constitutional amendment which is now being proposed in the Congress being sent out to the states and the people for their ultimate decision, we will find the answer coming back, oh, the people and the states really don't want this right to regulate abortion bills. They have shown that they at least acquiesce, if they don't favor abortion.

So, recognizing the very difficult, practical position we are in because of the Supreme Court decision, and accepting the good faith effort on the various sides of this question, I only fear that passage of this bill will result in a lessening of what is already, frankly, a small chance to have the states through the legislature and the people act on the bill. I think we are going to meet this argument again. The people are going to be saying in the halls of the Congress, don't vote for the constitutional amendment on abortion. I think it will be used as an argument with our Congress. The Maine legislature has passed an abortion statute. There is no need of it.

If I may make one more point, and my profession is obviously not medicine as that of the gentleman from Portland, Dr. Santoro, but I find that in representing some medical clients, not in the malpractice field but as a personal attorney, that these gentlemen are very very careful and scrupulous and concerned about the whole area of medical malpractice. You know that we often have bills

before us to limit the right to bring a malpractice action. There is a journal called *Medical Economics* which a great number of physicians subscribe to. You will find a huge number of articles in there in the course of a year on medical malpractice and insurance. Seems to me that physicians are quite cautious people in this regard, and that if we can cause them to be cautious in this area, I, for one, think it is a good thing.

As I understand the explanation of the gentle lady from Lewiston, Mrs. Berube, if an operation is started and it results in the birth of a live fetus, it would be proper, under Mr. Huber's proposed bill, not to seek to save the life of this child. It is no longer a fetus, as I understand it, when it is born and it is alive — not to seek to save the life of this child after it has been born. I think I have the same dilemma in essence that Mr. McMahon does. I would find it very difficult to go along with the bill, which, as has been explained by Mrs. Berube, would allow through inaction by a physician or a nurse a live child born perhaps you might say accidentally in spite of the abortion procedure to die.

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

Mr. MULKERN: Mr. Speaker and Members of the House: I rise today in opposition to L. D. 2035. First of all, I want to make very clear to this House that my position on this bill is no way based on any religious training or moral training. I agree with Mrs. Berube entirely that we shouldn't be standing up here in the legislature passing legislation solely on the basis of our own private consciences.

I am opposed to this bill, because I feel that by voting against this bill I am doing something that is in the best services of the people of the State of Maine.

I would like to call your attention again to something alluded to by Mrs. Berube. I believe that there is a conflict between L. D. 1992 and L. D. 2035. In section 1575 of the bill, it states, "whenever

an abortion procedure results in a live birth, failure to take all reasonable steps in keeping with good medical practice to preserve the life and health of the live born person shall subject the responsible party or parties to Maine law governing homicide, manslaughter and civil liability for wrongful death and medical malpractice. That is L. D. 1992.

Now, we have in section 3, page 2 of L. D. 2035, this statement: "If an abortion is performed in compliance with this section, the death of the fetus shall not give rise to any claim for wrongful death. I submit that there is definitely a conflict here, and we could not really pass Mr. Huber's bill in this form, because we have already passed 1992.

Next, I would like to state something in reference to Dr. Santoro's remarks. There are two things we can do as far as this legislation is concerned. The opponents of Mr. Huber's bill claimed that by passing this bill, we are restricting abortion in the State of Maine. We are closing it off. We are doing everything that the Supreme Court says we can do. However, I maintain that at this point — and as I said before, Mr. Ross took exception to a remark I made, I heard him quoting me that the State of Maine was not as yet, I feel, ready to implement the Supreme Court's decision, and I still stand by that. I feel that my argument is logical, because, as Dr. Santoro said, the hospitals around the State of Maine are very careful with their medical procedures. Right now we have a situation — we have no law on the books, and the hospitals in Maine, I think, are proceeding pretty cautiously on this. I saw an article in the paper a short time ago where Maine Medical Center was not going to perform abortions after the twelfth week, and I respect their judgment. I think to a certain extent by passing Mr. Huber's bill, we are saying, in effect, that the Maine Medical Center doesn't really have any right to make this decision. We are sort of saying abortion for the entire nine months is the way it should be.

I don't believe we are going to see the end of this. I believe that if this should happen, if Mr. Huber's bill should pass, there will definitely be further court litigation. We haven't seen the end of this yet.

What is going to happen to a woman who wants to have an abortion in the State of Maine, and we have a situation where she is not able to find a hospital in the State of Maine that performs an abortion say after the twelfth week. She says, well — she says, it is the law of the land, the Supreme Court has passed the law, but I can't find a hospital in Maine that will do it. Where is this woman going to go? I can tell you where she is going to go. She is going to go to some illegal individual who will perform the abortion for her, and we are going to have the very thing that the people who are proposing this bill are talking — are trying to eliminate.

Lastly, to conclude my remarks, I would like to say — to make a statement that it hits you people very personally right here in this House. I would like you to think for a moment, if we had passed an abortion-on-demand bill 25 to 50 years ago in this country, where would many of you in this House be today?

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

Mr. DYAR: Mr. Speaker and Members of the House: I rise this morning with severe hesitation for addressing the subject, having had the unpleasant experience in the past year to visit state institutions, private homes, that handle the severely mentally retarded child, the mongoloid, my feeling may be somewhat different from many of yours.

We have talked about the clergy here this morning, we have talked about those in the medical profession, which brings to mind a home that I have been in recently that is licensed to take care of 15 terminal mentally retarded children. At the time I was there, they had 11 from age 9 to 16. These children were all dying,

they were mongoloid. The mongoloids, in most cases were the product of a young unwed mother who tried to terminate the pregnancy with a knitting needle or a coat hanger. This was the product.

The operator told me that the clergy had been to her home, looked at these children and passed out on the spot. A child in this condition where the head is immense in size, is split open, water is oozing out, the child is dying is most unpleasant to see.

Now, whether this bill before you this morning would curb this, I don't know, but if it would, I would have to vote for it.

You can see this in the infirmary at Pineland, and I am sure the operator of the home that I talked about this morning will be more than glad to have any member of this House visit the people she cares for.

I am very disturbed at the fact that the State of Maine at the present time and in the past, with taxpayers money, to avoid Maine laws have taken women from the State of Maine who were retarded, mentally diseased, possibly low income to the State of New York to have an abortion performed on these people in a state where it was legal.

Now, one of the remarks of a previous speaker leads me to believe that if we do not pass legislation legalizing a limited type of abortions in this state, that certainly charges should be brought against at least two department heads in this state and some people who are also working in the state, people who authorized the abortion on a state ward in the State of New York and the case of the two people that formerly accompanied these people to New York to have this performed.

Now, based on the two points I have made here this morning, I am very confused, I really don't know which way to vote. I will probably vote against the amendment with severe — I just don't know which way to go. But if any of you people have any doubts, I will gladly take you to this home where you can see the product of

the knitting needle and the coat hanger.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Just to answer to the best of my ability the question of the gentleman from Kennebunk, Mr. McMahon in my mind, we now have abortion on demand. Hospitals are doing this and abiding with the Supreme Court decisions. But we have given them no guidelines to go by. The other bill that we did pass protects the doctors, nurses, fetuses, defines live birth and prohibits the sale of the fetus, but it does not provide for a consultation with a doctor first or mention hospitals and their precautions. So I believe we have abortion on demand.

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

Mr. HUBER: Mr. Speaker and Members of the House: I would like to very briefly answer some of the arguments made against this bill.

The gentleman from Lewiston, Mr. Jalbert, contends that my bill may be unconstitutional, because it requires that abortions be performed in a licensed hospital after the twelfth week.

I will quote the same section from the Supreme Court decision that he did in referring to the period after the twelfth week: "From and after this point, a state may regulate the abortion procedure to the extent the regulation reasonably relates to the preservation and protection of maternal health. Examples of permissible state regulation in this area are requirements as to the qualifications of the person who is to perform the abortion, as the licensure of that person, as to the facility in which the procedure is to be performed; that is, whether it must be a hospital or may be a clinic or some other place of less than a hospital status."

Mr. Jalbert contends that this law may be unconstitutional because it requires a hospital. In fact, if he looked a little further under the licensing provision, we

have licensing of hospitals and the only other type of facilities included in that section are such things as rest homes, sanitariums et cetera. We have no provisions for licensing clinics. Therefore, until we have such procedures, I obviously could not include this as a requirement in this bill.

I would also like to comment briefly on Mr. Jalbert's contention that my bill condones the killing of live fetuses. As he well knows, I tried to amend this to L. D. 1992, and this bill is met in conjunction or in addition to the provisions of L. D. 1992.

The gentlewoman from Lewiston, Mrs. Berube, made the same reference that tightening this bill in that it does not include the provisions of L. D. 1992. I already attempted to make sure that we had one bill which included the provisions of L. D. 1992 and 2035. We have since ended up with two bills that would perform the same function.

The gentleman from Brunswick, Mr. Teague, also made the same attack on my bill saying that it didn't provide protections provided by L. D. 1992.

I would like to strongly point out that L. D. 2035 is meant to be in addition to L. D. 1992 in order to provide and protect the legitimate state interest in the protection of maternal health and the protection of human life.

The gentleman from Kennebunkport, Mr. McMahon, asked whether we have abortion on demand. I think we certainly do. I spoke a few weeks ago to Doctor Robinson Bidwell, who is chief of the medical staff at Maine Medical Center, and he said he has had three serious inquiries towards starting profit making abortion clinics in the state. I think it is very possible that the people who would start such clinics are waiting to see if this legislature leaves this wide open in the state, and I think we will get this kind of facility which I think nobody wants.

Ladies and gentlemen, let's reject abortion on demand and enact as strict regulation of this procedure as legally possible. I



hope we will vote against indefinite postponement of L. D. 2035.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I do not rise this morning to speak as pure emotionalism as it was stated here before. But I rise on a profound, reasonable and true philosophy that we must do everything to protect the rights of the unborn and of the aged and all the members of this society.

The proposed legislation is on the premise that such regulation is not in the best interest of the unborn child. The unacceptable decision of the U. S. Supreme Court handed down recently, and which I think really is out of focus, in a sense it establishes abortion on demand.

The proposed bill tends to protect the mother and not the unborn child. Both the mother and the child are parties to such an event, and both should have the right to determine by common decency and not based on the judgment of a physician or a distressed mother who for any reason, according to the decision, may be based on so-called health reasons.

No reason is needed under this decision for the mother to abort that child from conception to birth. Where and by whom can it be done? The present federal statute and law now states where it should be done and how it should be done. On this sole basic premise, I ask why do we need this legislation?

To believe that such a bill would not be unconstitutional is false. I only want to point to two sections of the present bill and one of it is that the consent of the father, if living with his wife, has to be given before such an abortion is made. Well, ladies and gentlemen, I truly believe that this would be unconstitutional, even though I believe there should be a prerequisite.

The other part is the next chapter where it says all the data on the unborn child or the one that got aborted, ladies and gentlemen, I think there is something there which is meant well. But if you will notice and read it very care-

fully, under that section there is no place where it says that the name of the patient or the name of the child or the name of the mother shall be included. I think that this is probably an oversight, but I think if this is the kind of bill that you intend to pass, I think we are in for trouble.

As it is now, much to the unacceptable decision of the court, the right for the woman to have an abortion is now guaranteed by the U. S. Constitution and verified by the Supreme Court.

The noble intent and the consent of all of us to protect the unborn is just a difference of philosophy. I and many of my colleagues believe that 1992, which was signed into law last night, will give the utmost protection to the mother and the child without additional needed legislation. Some of us do not condone the Supreme Court decision and probably never will. I hope that the era of permissiveness disappears in the near future and that new and old moral values can be reinstated in our lives and our children's lives and place the highest value on life, including the life of the unborn.

Ladies and gentlemen, something for some of you to think about is the fact that we had recently and for a long period many people claimed the unnecessary death in Viet Nam and all that situation that happened over there. Let me inform you that in Viet Nam, I think in a period of close to ten years, approximately ten years, we had 340 people that died over there. However, I think the statistics will prove that between two and three hundred thousand or maybe more abortions have been made in the past five or six months in the state of New York. If we are so concerned about the lives in Viet Nam, I think that we should open our eyes and probably our hearts and look into this situation and really do something about it.

I feel that the Supreme Court has put no value on the life of the individual. I think it was a great mistake, when in fact they can not justify when they put legal life on trees and water and not put it on a human being. I think this

is very erroneous and a very bad decision on their part.

I personally believe that as we have it now in 1992, it is abortion on demand. And I still say that even if you pass this document as proposed, it will still be abortion on demand. I believe that some of the guidelines, the law does not say in the decision of the Rowe versus Wade, and I wish that many of you, it is a lengthy one, but I wish that many of you would read it in the next few weeks. Regardless of what your convictions are now, you will find that such regulations as proposed in this particular bill would be contrary to the federal law that we now have.

Therefore, in consideration and in good conscience, I hope you support the motion to indefinitely postpone this bill and also have a roll call.

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 pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that this Bill, "An Act Regulating Abortion Procedures" (H. P. 1195) (L. D. 1529) and accompanying papers be indefinitely postponed. All in favor of that motion will vote yes: those opposed will vote no.

#### ROLL CALL

YEA — Albert, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Brawn, Brown, Carey, Carrier, Carter, Chick, Chonko, Conley, Cote, Driogtas, Dudley, Dunleavy, Emery, D. F.; Evans, Farley, Farnham, Ferris, Finemore, Fraser, Gauthier, Genest, Hamblen, Herrick, Hobbins, Immonen, Jacques, Jalbert, Kelleher, Keyte, Kilroy, LaCharite, LaPointe, LeBlanc, Lynch, Mahany, Martin, Maxwell, McHenry, McNally, McTeague, Merrill, Morin, L.; Mulkern, Murray,

O'Brien, Ricker, Rolde, Santoro, Sheltra, Silverman, Snowe, Soulas, Strout, Tanguay, Theriault, Tierney, Trask, Webber, Wheeler, White, Whitzell, Willard, Wood, M. E.

NAY — Ault, Baker, Bragdon, Briggs, Bunker, Bustin, Clark, Connolly, Cooney, Cottrell, Crommett, Curtis, T. S., Jr.; Donaghy, Dunn, Dyar, Farrington, Flynn, Gahagan, Garsoe, Goodwin, K.; Greenlaw, Hancock, Haskell, Hoffses, Huber, Hunter, Jackson, Kauffman, Knight, Lawry, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McCormick, McMahon, Morton, Murchison, Najarian, Norris, Perkins, Peterson, Pratt, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Smith, D. M.; Smith, S.; Sproul, Stillings, Susi, Talbot, Trumbull, Tyndale.

ABSENT — Cameron, Churchill, Cressey, Curran, Dam, Davis, Deshaies, Dow, Faucher, Fecteau, Good, Goodwin, H.; Henley, Kelley, Kelley, R. P.; Mills, Morin, V.; Palmer, Parks, Pontbriand, Walker.

Yes, 71; No, 58; Absent, 21.

The SPEAKER: Seventy-one having voted in the affirmative and fifty-eight in the negative, with twenty-one being absent, the motion to indefinitely postpone does prevail.

The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, having voted on the prevailing side, I now move that we reconsider and hope you vote against me.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves the House reconsider its action whereby it indefinitely postponed this matter.

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

Mr. ROSS: Mr. Speaker, I move the motion to reconsider be tabled for one legislative day.

Thereupon, Mr. Jalbert of Lewiston requested a roll call vote.

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 pending question is on the motion of the gentleman from Bath, Mr. Ross, that this matter be tabled pending reconsideration and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

### ROLL CALL

YEA — Ault, Baker, Berry, P. P.; Bragdon, Briggs, Bunker, Connolly, Cooney, Cottrell, Crommett, Curtis, T. S., Jr.; Donaghy, Dunn, Dyar, Farrington, Ferris, Flynn, Gahagan, Garson, Goodwin, K.; Greenlaw, Hancock, Haskell, Hoffses, Huber, Hunter, Immonen, Jackson, Knight, LaPointe, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McCormick, McKernan, McMahan, Morton, Murchison, Najarian, Pratt, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Smith, S.; Sproul, Stillings, Susi, Talbot, Trumbull, Tyndale.

NAY — Albert, Berry, G. W.; Berube, Birt, Binnette, Birt, Bither, Boudreau, Brown, Brown, Bustin, Carey, Carrier, Carter, Chick, Chonko, Clark, Conley, Cote, Drigotas, Dudley, Dunleavy, Emery, D. F.; Evans, Farley, Farnham, Finemore, Fraser, Gauthier, Hamblen, Herrick, Hobbins, Jacques, Jalbert, Kauffman, Kelleher, Keyte, Kilroy, LaCharite, Lawry, LeBlanc, Lynch, Mahany, Martin, Maxwell, McHenry, McNally, McTeague, Merrill, Morin, L.; Mulhern, Murray, Norris, O'Brien, Perkins, Peterson, Ricker, Rolde, Santoro, Sheltra, Silverman, Smith, D. M.; Snowe, Soulas, Strout, Tanguay, Theriault, Tierney, Trask, Webber, Wheeler, White, Whitzell, Willard, Wood, M. E.

ABSENT — Cameron, Churchill, Cressey, Curran, Dam, Davis, Deshaies, Dow, Faucher, Fecteau, Good, Goodwin, H.; Henley, Kelley, Kelley, R. P.; Mills, Morin, V.; Palmer, Parks, Pontbriand, Walker.

Yes, 54; No, 75; Absent, 21.

The SPEAKER: Fifty-four having voted in the affirmative and

seventy-five in the negative, with twenty-one being absent, the motion does not prevail.

The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that the House reconsider its action whereby it indefinitely postponed this Bill and all accompanying papers. All in favor of reconsideration will say yea, this opposed will say no.

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

Sent up for concurrence.

### Consent Calendar

#### First Day

(S. P. 69) (L. D. 171) Bill "An Act Providing for Irreconcilable Marital Differences as a Ground for Divorce" — Committee on Judiciary reporting "Ought to pass" as amended by Committee Amendment "A" (S-230).

(S. P. 93) (L. D. 239) Resolve Approving Draft and Arrangement of the State Constitution Made by the Chief Justice of the Supreme Judicial Court, and Providing for its Publication and Distribution—Committee on Judiciary reporting "Ought to pass."

No objection having been noted, were assigned to the Consent Calendar's Second Day list tomorrow.

### Consent Calendar

#### Second Day

(H. P. 812) (L. D. 1057) Bill "An Act Eliminating Admission to the Bar of the State of Maine by Motion." (C. "A" H-556).

On the request of Mr. Perkins of South Portland, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-556) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

On the disagreeing action of the two branches of the legislature on Bill "An Act to Provide a Maine Citizen's Preference on State Civil Service," House Paper 678, L. D. 885, the Speaker appointed the following conferees on the part of the House:

Mrs. BERRY of Madison