

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume II

First Regular Session

May 7, 1979 to June 15, 1979

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The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, as one who deals in this area with some frequency professionally, I would say that it is very uncertain whether there will be any tax increase or not. As soon as the public is informed through its professional advisors, that's the way most of the larger gifts happen these days, I think it's quite likely that there will not be any change in revenues or otherwise.

Personally I think that those who administer estates and the families that are affected by it, in the long run will be just as happy with the law made the same as the federal law, as they will if we leave things alone. There is a set off with respect to not having to argue about the smaller gifts of \$3,000 or less. With the great bulk of gifts in contemplation of death that we see in Maine estates, I think this is an advantage to the taxpayer that may well offset any disadvantage occasioned by the extra year time period. Therefore, I would urge that we go through the enactment of this particular piece of legislation.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President, and Members of the Senate: I oppose this bill. I don't see that passing this bill just because we're going into conformity to the federal government is good enough reason to pass this. Now the good Senator from Knox, Senator Collins said that probably the people with large estates and have their own attorneys won't be affected by this anyway. But there are a lot of people who don't have their own attorneys and don't have large estates but they will be affected by this.

Now you've got to have a better reason for passing a law than to just say you're going to come into conformity with the federal standards. I think it's bad enough to know you're going to die 2 years prior to the date of your death. You make some contributions to members of the family, without putting this up to 3 years. Then say you can't make any contributions because they're going to collect extra taxes on it.

What if next session, we put this up to 10 years, then who's going to qualify for any gift or anything? The people that are going to escape under this law are the people that are escaping under it now. The ones that know the tax laws, the ones that have the attorneys.

Now, ordinarily the medium income family doesn't have an attorney to map out their estate. I support the Indefinite Postponement of this bill, made by the good gentleman from Penobscot, Senator Devoe.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of the motion to Indefinitely Postpone L. D. 1407, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

24 Senators having voted in the affirmative, and 6 Senators in the negative, the motion to Indefinitely Postpone does prevail in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the Twelfth Tabled and specially assigned matter:

Bill, "An Act to Allow Unions to Negotiate on Behalf of Former Employees of a Company with Which the Union is Negotiating." (S. P. 319) (L. D. 949)

Tabled — May 18, 1979 by Senator Perkins of Hancock.

Pending — Enactment.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I request a Division.

The PRESIDENT: A Division has been re-

quested.

Will all those Senators in favor of Enactment of L. D. 949, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

17 Senators having voted in the affirmative, and 13 Senators in the negative, the Bill Passed to be Enacted.

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

Senator CONLEY: Mr. President, having voted on the prevailing side, I would move reconsideration.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that the Senate reconsider its action whereby L. D. 949 was Passed to be Enacted.

Will all those Senators in favor of reconsideration, please say Yes.

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The motion does not prevail. Having been signed by the President, the Bill was by the Secretary presented to the Governor for his approval.

The President laid before the Senate the Thirteenth Tabled and specially assigned matter:

Bill, "An Act to Insure Parental Participation in a Minor's Decision to have an Abortion." (S. P. 220) (L. D. 604)

Tabled — May 18, 1979 by Senator Conley of Cumberland.

Pending — Motion of Senator Trotzky of Penobscot to Reconsider Adoption of Committee Amendment "A" (S-181).

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

Senator CONLEY: Mr. President, I would ask for a Division on the reconsideration.

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

Senator TROTZKY: Mr. President, and Members of the Senate: I'd hope the Senate would reconsider the adoption of Committee Amendment "A" so that I may offer Senate Amendment "B" Filing Number S-209 to this Committee Amendment.

I'd like to first ask what is the purpose of this bill? I would suggest by reading the Statement of Fact that the purpose of the bill is to protect minors in our society who are in trouble by being pregnant and are very vulnerable and need parental support. If you look at the bill, L. D. 604, Statement of Fact, the purpose of the bill is to insure parental participation in a minor's decision to have an abortion.

The amendment talks about complications may threaten the life or health of the patient, and therefore, the minor's parents being responsible should be notified.

I think that probably all of us in this Senate, support the concept that the parent should be notified of a minor's decision to have an abortion. However, we cannot ignore certain facts in our society. The Department of Human Services has been obliged to reallocate significant resources to the emerging problem of child abuse in our society, which is a tragedy but exists. It's a very sad reality, but there are parents who would, in fact, be abusive who would further mental anguish of an already despairing pregnant child.

What this committee amendment does is it puts forth an absolute mandate that parental notification must take place before an abortion is performed on a minor in the State of Maine. I feel that there must be some discretion exercised on behalf of the doctor. By this Committee Amendment we take away any discretion that the doctor may have.

What Senate Amendment "B" would do, is it would state that if in the judgment of the physician the notification of a parent would result in harm to the mental or physical health of the

minor, then that notice would not be necessary. I would suggest to members of the Senate that probably in the overwhelming majority of cases, that doctors do notify the parent. But in certain situations I think we should leave some discretion to the doctor.

When we pass criminal laws, looking at the laws we've passed, most of the criminal laws, we always leave discretion to judges. We leave discretion in terms of sentencing. We leave discretion in terms of fines.

So I would suggest that although most of us probably come from families where when we look back, there has been understanding, and parental support in our families, there are probably cases in the State of Maine where mandating the notification of the parent might lead to a young person running away, seeking abortions from people who are not doctors and also possibly the anxiety of running from doctor to doctor will result in the end in a possible suicide.

So I think we ought to have trust in the physicians of the state and I do support the concept of the bill. I think probably we all do that parents are responsible for minor children, and should be notified. But we should leave that small discretion for a doctor.

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

Senator HUBER: Mr. President, and Members of the Senate: I whole heartedly support the proposed amendment. I think this bill deals obviously with unemancipated minors. There are those in this unfortunate situation who can speak to their parents, and I'm sure they will.

Those minors who cannot speak to their parents are the real subject of this bill, and are those with whom I am most concerned. The notification by a doctor, which is the subject of this bill, informs the parent of several things. Four that I can think of, first of all, a third party notification that your child is sexually active. I think this is in many cases an explosive piece of information. Second, your child is pregnant, also an explosive piece of information. Third, your child is considering an abortion, which like the preceding two is also explosive. Finally, your child is unable to communicate with you.

Each of these facts presented by notification is the potential trigger for violence. I feel the intent of this bill is well meaning, but the results for some, at least, could be disastrous. Despite the good intentions the results for some minors, I'm convinced will be physical and mental abuse of pregnant children, suicide and perhaps even manslaughter.

This amendment preserves the humanitarian intent of the original bill, but it would allow a professional judgment by a physician to avoid the disasters that I'm convinced would be caused by the unamended bill. I do hope that the Senate will reconsider its action and will adopt the Senator from Penobscot, Senator Trotzky's amendment, and thus convert what may be one of the most inhumane bills before this legislature into a humane bill as originally intended.

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

Senator DEVOE: Thank you, Mr. President, Mr. President, I rise in opposition to the pending motion. As I've thought about this since I heard this possible amendment being introduced about a week ago, it seems somewhat inconsistent.

We have a lot of laws today that affect minors. That seems to me to be an inescapable fact. We say categorically that minors may not contract on behalf of themselves.

We have other laws protecting minors. To my knowledge none of them has an exception. There may be one exception that I can think of, involving minors contracting for necessities.

But let's look at the context in which exception might come into play. Very possibly the young lady who happens to find herself preg-

nant is likely to be at a clinic or in a community other than where she resides, talking with the doctor. How can a doctor based on a 10, 15, 20 minute or even a half hour conference, with this young lady who's under stress, make a decision that will be supported in fact, by which he decides that the exception must come into play.

Does that doctor know the family? Does that doctor or staff person at a clinic know the family? Very likely not, unless the young lady is from the South Portland area. If a girl from Bangor, finds herself pregnant and chooses not to go to some gynecologist in Bangor, where is she likely to go? Either south or north of her, maybe not in Bangor. If she does go to a doctor in Bangor, it's very likely that that particular doctor is not going to know her very well unless he also happened to be the attending physician when she was born.

So the proponents of this amendment are asking us to put in what I view as an enormous loophole into this statute under the guise of making an irrational law a rational law. But let's stop and think just a minute. Think of the context in which this is going to occur. Very likely a girl is going to be going to a doctor she has never seen before. Very possibly in a community where she does not live.

If this were to pass, I can see lots of the groups who have been lobbying against these bills rush to their typewriters and via for the distinction of coming up with a script which they would hand the girl. Doctor, here's my situation at home, and the girl will immediately go through this parade of horrors written out in the script.

The doctor is going to nod his head and say yes, Miss, I agree with you. You might be abused, therefore, you're subject to the exemption in the Statute, and I will exercise my discretion and you won't have to notify anyone, nor will I notify anyone. That's precisely what's going to happen, members of the Senate, whether we want to face it or not. That's exactly the kind of thing that is going to happen. It would make a charade of the doctor trying to exercise his judgment based on a 15 or 20 minute conversation.

It's hard enough to be a judge and a good judge of medical facts. What this exception proposes to do is to make the doctor a judge of non-medical facts based on 1 solitary visit of 10, 20, 30 minutes duration, with a patient. Very likely talking with a young lady he has never seen before and probably will never see again. I don't think that's a reasonable basis on which a doctor can make a truly informed decision as to whether or not the girl should be exempted from the notice requirements. Thank you very much, Mr. President.

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

Senator GILL: Mr. President, I'll try to be brief. I know we discussed this whole issue in quite a lengthy debate last week.

I know that Senator Trotzky means well in presenting his amendment, and I think that the reason he stated for presenting it was for fear of abuse for children in the pregnant situation. We have within the Department of Human Services a Child Abuse and Neglect Division. It's a liability now when there is abuse that has taken place, where there is possible abuse. It's a liability for people who don't report that. I maintain that the children that might be in such an abusive situation, they should have already been reported that their parents have abused them in the past or that there is chance for abuse in the future.

This Bureau has an Emergency Service that has people on call, social workers on call 24 hours a day. They can handle any emergency. There's a phone call there. For those people who don't report any possible abuse or abusive situation there is a fine of \$500 for those people. Since professional people working with the children must report and it goes down the

whole list of people who work with children who are mandated to report to Human Services on this.

As I spoke the other day, I don't believe there'll be any abusive situations develop in this particular instance where children if they've been abused, they've been abused in the past. I can't see that parents are going to start abusing children once they learn children are pregnant.

I go back to the family as the main stay. We know that there are many teenage pregnancies but I believe that what we've been doing in the past is taking care of the problem of pregnancy. I think we need to solve the underlying problems that exist. We can only do that with the involvement of the family in the situation. What affects one member of the family remember, affects all members of the family. I think it's about time that families got involved, and didn't try to call teenage pregnancy a Social Issue. Teenage pregnancy is a possible life-involved affair. I think the only way to handle that is with a family getting involved with that teenager who's in the situation she's in so that they can help her get through it. She needs that support.

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

Senator COLLINS: Mr. President, if it's the purpose of this bill to help the minor by bringing in parental support, then what reason is there to bring in parents if their role is not going to be supportive.

It seems to me that the amendment that will be offered by the Senator from Penobscot, Senator Trotzky, is a very humane compromise to a difficult problem. I hope you will vote in favor of the procedures necessary to permit this to become a part of this legislation.

It really surprises me a great deal to hear my brother, from Penobscot, who is a professional man, say that the members of another profession do not have the capacity in a short period of time to make judgments about what is best for the health of their patients.

As a professional man, I make judgments about what is best for the health of my clients many, many times on the basis of a half hour or a 1 hour interview. I'm able to make those judgments in a short space of time, because I've had years of training and years of experience. That's why people come to me, because they have confidence in my professional judgment.

When I go to a physician, I go to him because I have confidence in his professional judgment or her professional judgment. After the matter has been talked over and the facts are all known, I accept the professional judgment of the physician that I have consulted.

Does this legislature really think that it's an intelligent step to say to a physician. You shall not apply your professional judgment for the best interest of your patient. It seems to me that's the logical conclusion we come to if we accept the argument of the good Senator from Penobscot, Senator Devoe.

That's all that this amendment is really asking, to give a little more faith and confidence to the judgment of the physician in this very difficult and delicate situation. So that if he sees that it is not going to help his patient, that it is probably going to harm his patient, that there is this out.

I can tell you out of my own experience, members of the Senate, that that judgment properly applied may very well prevent suicide and manslaughter, because I have seen those things happen and talked to the people that were affected. I speak out of real experience, in this regard. I hope that you will vote to permit the reconsideration so that this amendment may be offered.

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

Senator GILL: I would request a Roll Call when the vote is taken. I respect Senator Col-

lins a great deal, but I don't believe that these physicians have the time or at least the physicians, I know, don't have the time to counsel people and don't have the background to counsel people for one hour or an hour and one half. I think what we need here is someone who is truly interested in that individual, either the parent, if the parent can't do it, I mentioned that there are social workers involved, that can help out, if the parents feels that they can't handle the child themselves, they can call in a third party.

I think what we need to do is get the family involved. This is the only way I know how. I don't like the amendment. I would request a Roll Call.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Lovell.

Senator LOVELL: Mr. President, I respect the good Senator from Knox, Senator Collins, but I would speak and go along with his ideas and statements.

If this bill should pass, or we should defeat this amendment, then the girl who may be from Bangor can go to Portland, but be refused in Portland, and then continue on out of state to a non-physician.

Now I'm the oldest member of the Senate, and I've been a pharmacist for 50 years, and I've had a great deal to do with abortions, and have seen abortions. An abortion is a very simple thing. It isn't as serious as a tonsillectomy. But it can spoil a girl's life, 13, 14, 15, 16, or 17. It can spoil her life because the man that gets her pregnant doesn't marry her and she is tied down with a child that has to go on the state.

If the doctors, and I know the doctors very well all over the state of Maine, they take the Oath of Hypocrisies. Whenever they work on the patient they do their best. If it's an abortion, it's only a 10 minute job, and very, very seldom, in fact, I have never seen anyone that's had an abortion that was very sick from the abortion.

We've got 4,300,000,000 people in the world now, 4,300,000,000. By the year 2,000 we're going to have 7,000,000,000. An abortion is allowed in most of the countries of the world. We've got to have abortions, we've got to cut the population down because we can't feed 7,000,000,000 by the year 2,000. Some of you are going to be alive then, I'm not going to be. I'll be dead, being the oldest member of the Senate. Some of you are going to be alive. If you've got 7,000,000,000 people in this world, what are you going to do with them? How are you going to feed them? How are you going to get the land for farming? How are you going to get enough potatoes in Aroostook County? I believe this amendment should pass, be reconsidered.

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

Senator CLARK: Thank you, Mr. President. Mr. President, and Members of the Senate: The Senator from Cumberland, Senator Gill, has used as an argument resisting the proposed amendment the Child Abuse Council as it exists in the Department of Human Services. I would wonder for the purpose of clarification if that same Senator would expand the use or explain to me how the Child Abuse Council and the laws pertaining thereto could be implemented expeditiously in a situation that we're dealing with this afternoon.

The PRESIDENT: The Senator from Cumberland, Senator Clark, has posed a question through the Chair to the Senator from Cumberland who may answer if she so desires.

A Roll Call has been requested. Under the Constitution, in order to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen

a Roll Call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I request Leave of the Senate to pair my vote with the Senator from Cumberland, Senator Najarian, if she were here, she would vote Yea, and I would vote Nay.

The PRESIDENT: The Senator from Cumberland, Senator Conley, requests Leave of the Senate to pair his vote with the Senator from Cumberland, Senator Najarian, who if she were here would be voting Yea, and the Senator from Cumberland, Senator Conley, would be voting Nay.

Is it the pleasure of the Senate to grant this Leave?

It is a vote.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President, I request Leave of the Senate to pair my vote with the Senator from York, Senator Danton, if Senator Danton were here, he would be voting Nay, and I would be voting Yea.

The PRESIDENT: The Senator from Cumberland, Senator Clark, requests Leave of the Senate, to pair her vote with the Senator from York, Senator Danton, who if he were here would be voting Nay, and the Senator from Cumberland, Senator Clark would be voting Yea.

Is it the pleasure of the Senate to grant this Leave?

It is a vote.

The pending question before the Senate is the motion by the Senator from Penobscot, Senator Trotzky, that the Senate reconsider its action whereby it adopted Committee Amendment "A" to L. D. 604.

A Yes vote will be in favor of reconsideration.

A No vote will be opposed.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

YEA — Ault, Chapman, Collins, Emerson, Huber, Katz, Lovell, McBreairty, Perkins, Pierce, Shute, Sutton, Teague, Trafion, Trotzky.

NAY — Carpenter, Cote, Devoe, Farley, Gill, Hichens, Martin, Minkowsky, O'Leary, Pray, Redmond, Silverman, Usher.

ABSENT — None.

PAIRED — Conley-Najarian; Clark-Danton. A Roll Call was had.

15 Senators having voted in the affirmative, and 13 Senators in the negative, with 4 Senators having paired their votes and no Senator being absent, the motion to reconsider Committee Amendment "A" does prevail.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, I present Senate Amendment "B" (Filing Number S-209) to Committee Amendment "A" and move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, now offers Senate Amendment "B" to Committee Amendment "A", and moves its adoption.

Senate Amendment "B" (S-209) was Read.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, I would oppose the adoption of Senate Amendment "B". Very briefly, things have been pretty well covered here this afternoon but I think that we ought to look a little bit harder maybe at what the good Senator from Penobscot, the points that Senator Devoe raised, in reference to this issue.

There aren't that many clinics in the state of Maine that are doing abortions. I'm very curious because I was approached several times on this amendment and I kept asking the people who approached me, and they were in favor of the amendment. I kept asking them to some-

how include the words evidence or something along this line that "the physician after having some evidence or reason to believe." Wording like that would have made me much more comfortable than judgment, but if you vote for this amendment you're gutting the entire bill, in my opinion.

We presently have laws, as the good Senator from Cumberland, Senator Gill, has already pointed out dealing with child abuse. If you pass this bill, and a physician makes a judgment that there is potential mental or physical abuse likely to come upon the pregnant teenager, then that physician is, in my opinion, in violation of other statutes. If he does not report that to the Department of Human Services, who then would investigate and the whole thing comes full circle.

I think the point that Senator Devoe brought out about the fact that the clinics are located in most cases, or in many cases, a long ways from the home of the particular teenager. I think that's a very, very fine point for us to look at. How is a doctor in South Portland going to make a decision on the potential abuse of a pregnant teenager from Fort Kent, from Houlton, from Bangor, from Augusta, based on a 10 or 15 minute interview, at which time the child is probably going to know what the law is and probably going to say, if that teenager has not already notified her parents regardless of what the family situation is going to be, you can bet that that teenager is going to know what the law is and is going to say all the terrible things that are going to happen to her if her parents are notified.

Where is this thing going to put the doctor then? What does he do then? Is he obligated to report to the Department of Human Services the potential child abuse case? I think if this amendment passes, Mr. President, I would ask when the vote is taken, it's taken on the Yeas and Nays.

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

Senator CONLEY: Mr. President, and Members of the Senate: As I read the title of this bill, it says "An Act to Insure Parental Participation in a Minor's Decision to have an Abortion."

The amendment presently before us dealing with Section 4, totally diffuses the entire bill. As I read the exception, "if a minor objects to notification, and if in the judgment of a physician, the notification over the minor's objections would result in harm to the mental or physical health of the minor, then notice as required under Sub-section 2, shall not be necessary."

Well I would ask members of the Senate, what is the purpose of the bill? What is the purpose of the bill? As a parent, each and every one of us are charged under the laws of this state, and are mandated for practically everything our children do or don't do. We are forced under the law to make sure that we feed them, that we clothe them, that we house them, that we give the proper education to them. Yet, we as parents who love our children, are being denied because of this amendment that is destroying this bill the right to know if one of our children have the misfortune of becoming pregnant, and seeks ramification through that means of an abortion.

I ask everyone in this Senate, as a parent, would you want to know if your daughter was being faced with that decision, with that decision, without any parental guidance whatsoever? We're going to allow a stranger who none of us have ever seen to make that decision for himself because of this exemption.

An abortion is a very serious decision in one's life. If we talk about a daughter 15, 16, 14, whatever the case may be, should we as parents not be concerned whether you are for abortion or whether you're against abortions, the question as a parent, don't I have that right?

We talk about the mental and physical abuse.

What about the mental abuse of a parent? We talk about physical abuse. Well I ask, think back 20 years or 25 years ago, or 45 years in the case of the good Senator from York, Senator Lovell. Think back! Would you dare to go before your parents and say I want an abortion, or I have to have an abortion. Would you dare do it? Have we established any different guidelines today for this new generation.

I know that under the law, as the father of 12 children, that I have a responsibility, not only under the law, but a moral responsibility. I have great concern for my kids, and practically every other kid in my neighborhood where things aren't as well as they are in other sections of the state. But I can tell you this. The kids are well loved by their parents. Yes, there are abuses, but we see abuses day after day after day. But for someone who voted for this bill last week, and turn around this morning and try to compromise their conscience to me is deplorable, because if you're in favor of this amendment you might just as well vote to Indefinitely Postpone the bill.

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

Senator COLLINS: Mr. President, I understand the concerns of the good Senator from Cumberland, who is a good family man. I would only point out to the Senate, that there are all kinds of parents in this world. The kind of parent that the good Senator from Cumberland speaks of is going to be helped by this bill in its amended form.

The parent that deserves to know, ought to know, and can provide support. But the parent who is guilty of incest and beating and child abuse, that parent does not deserve to know. I say that it is intelligent discrimination to make a decision that permits a qualified professional man to help that child make that decision. I hope you will vote yes.

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

Senator CONLEY: Mr. President, I'd only respond to my good friend, the good Senator from Knox, Senator Collins, in this manner, when that decision has been made by that young girl, and all she has to say if you notify my parents I'm in grave despair, that is all that is required under this section for the doctor. Without ever meeting the girl's parents, without ever so much as seeing the girl's parents.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Lovell.

Senator LOVELL: Mr. President and Ladies and Gentlemen: In response to the good Senator from Portland, he is what you would call a good father. I have 7 children and I think I've been a good father. But we have at the present rate, we are the poorest state in the United States.

We have many thousands of divorced women and their husbands have left them and run off. They can't be caught. Now that's not the type of father that I'm talking about, like Senator Conley is. I'm talking about these people, these women, young girls, some of them, very young, getting pregnant and nobody to help them. Their father is divorced and their mother maybe is running out with some other man. It's happened to thousands all over the state. We're getting thousands of children that eventually the state takes care of. I think some of you folks are going to see the day when the population of the United States and the world is going to have to be limited. They are going to allow just so many children per family. After that, you may see it. After that the family will have to have an abortion unless it's a very strong thing against their religion, and can't be passed.

But the time is coming when we're not going to be able to feed everybody in the United States and everybody in the world. I think that now is the time that we should pass this amendment.

The PRESIDENT: The Chair recognizes the

Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate: Since you all pretty well know where I stand on this amendment, but in response to the remarks of the good Senator from York, Senator Lovell. I think this amendment, the intent of this amendment, and I'm not impugning the motives of the good Senator from Penobscot, Senator Trotzky. I'll rephrase that, not the intent, but the reality of this amendment is a pretty poor way to take care of world population.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President and Members of the Senate: I'm hesitant to get up this morning because when I start speaking or even thinking about this issue, I get quite emotional. But I cannot let the statements of the good Senator from York go unchallenged. He has stood here this morning, and he's so worried about the overpopulation of this world, but yes, a couple weeks ago in the Senate Retiring Room he was reading about how a hundred youngsters had been killed in some country over in Africa.

We read about the earthquakes and we read about the other calamities. It really bothers us. But yet, this morning we're advocating that teenage girls can go and commit murder and that's all that it is. It's murder, and get away with it, and it's keeping down the population of our world. I think statements like this are ridiculous. I also go along with the Senator from Cumberland. As the parent of five daughters, I raised them to have faith that even though they might get into trouble, sometimes that they could come to their father, and he would try to understand.

I don't know how I'd cope with the situation if I ever found out that one of my daughters. They're not minors any more, they've all reached maturity. But when they were minors, if I had found out that they had gone and had an abortion without my knowledge, I don't know whether I'd ever been able to forgive them or not.

I think that we should consider the parents. The good gentleman behind me just stated that there are many fathers who would abuse their children. I think more fathers would abuse their children if they found out they'd had an abortion than there are those who would find out that they were pregnant.

I believe in the family structure in this country. I think that this amendment is one good way to erode that structure.

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

Senator TROTZKY: Mr. President, looking at the title of this bill. The title says, "An Act to Insure Parental Participation in a Minor's Decision to have an Abortion". Again I ask the Senate to examine what's the real purpose of this bill? I voted for this bill the first time around, and I voted for it because I think I know what the purpose is. The purpose is to bring a minor and the parents together. But those parents who will give support, not those parents who will harm that minor.

So essentially, I want to make it very clear, this bill in no way involves world populations or anything. I think it's a humane amendment and I would hope the Senate would give it consideration.

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

Senator CONLEY: Mr. President, once again, I'll pose the question through the Chair to the good Senator from Penobscot, Senator Trotzky, and ask who is making that decision? The parent, or some doctor who has never seen the parent, who never cares or even engage or consult with the parent, who because some child in her fear, her fear of being in that condition takes this route. Tells to a total stranger, the individual who is going to perform this act, that if you notify my parents, I will get

whipped, or I'm going to have mental problems. You tell me, where does that doctor make a diversion.

Any girl, all girls walk into that office and say I do not want this reported to my parents, out of fear. Now the good Senator from Penobscot, Senator Trotzky, cannot possibly be that naive.

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

Senator TROTZKY: Mr. President and Members of the Senate: I would suggest that we look at the situation in reality and Senator from Cumberland look at the situation in reality.

Assuming a young lady from some town up north goes to Bangor and the doctor says I'm under mandate to notify your parents. If the young person doesn't want the abortion there, on she goes to Portland. The same thing happens in Portland, from there the young person goes out of state and keeps moving. So I would suggest that the purpose of this bill is to protect minors. The purpose is concern for minors.

Again the bill itself, with the amendment, says to doctors in the state of Maine, that you shall notify the parent, when the parent can give that youngster support one way or another. But there are exceptions. There is a high rate of alcoholism in the state of Maine. There are many problems which occur because of poverty and extreme circumstances. So again that this amendment is adopted.

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

Senator GILL: Mr. President, I believe Senator Trotzky in his heart is a good soul. But I think he's focusing on the worst cases involved, and I think most parents, and I say most parents in this state can rise to the occasion to any occasion. They've had experiences, bad and good. They know how to handle all situations. They brought those children into the world. They have fed them, they have clothed them, they've gone through many hardships with them. I think that those are the people that should be responsible for them, and not someone for 10 or 15 minutes somewhere along the road.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, the pending question is the adoption of Senate Amendment "B".

The PRESIDENT: The Chair would answer in the affirmative.

Senator CONLEY: Mr. President, I request Leave of the Senate, to pair my vote with the Senator from Portland, Senator Najarian, if she were here she would be voting Yea, and I will be voting Nay.

The PRESIDENT: The Senator from Cumberland, Senator Conley, requests Leave of the Senate, to pair his vote with the Senator from Cumberland, Senator Najarian, who if she were here would be voting Yea and the Senator from Cumberland, Senator Conley, would be voting Nay.

Is it the pleasure of the Senate to grant this Leave?

It is a vote.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President, I request Leave of the Senate to pair my vote with the Senator from York, Senator Danton, who if he were here would be voting Nay, and I would be voting Yea.

The PRESIDENT: The Senator from Cum-

berland, Senator Clark, requests Leave of the Senate to pair her vote with the Senator from York, Senator Danton, who if he were here, would be voting Nay, and the Senator from Cumberland, Senator Clark, would be voting Yea.

Is it the pleasure of the Senate to grant this Leave?

It is a vote.

The pending question before the Senate is the Adoption of Senate Amendment "B" to Committee Amendment "A".

A Yes vote will be in favor of adoption of Senate Amendment "B".

A No vote will be opposed.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

YEA — Ault, Chapman, Collins, Emerson, Huber, Katz, Lovell, McBreairty, Perkins, Sutton, Teague, Trafton, Trotzky.

NAY — Carpenter, Cote, Devoe, Farley, Gill, Hichens, Martin, Minkowsky, O'Leary, Pierce, Pray, Redmond, Shute, Silverman, Usher.

ABSENT — None.

PAIRED — Conley-Najarian; Clark-Danton.

A Roll Call was had.

13 Senators having voted in the affirmative, and 15 Senators in the negative, with 4 Senators having paired their votes, and no Senator being absent, the Adoption of Senate Amendment "B" to Committee Amendment "A" does not prevail.

Committee Amendment "A" Adopted. The Bill, as amended, Passed to be Engrossed.

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

Senator PRAY: Having voted on the prevailing side, I move reconsideration.

The PRESIDENT: The Senator from Penobscot, Senator Pray, moves that the Senate reconsider its action whereby L. D. 604 was Passed to be Engrossed.

Will all those Senators in favor of reconsideration, please say Yes.

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The motion does not prevail.

Sent down for concurrence.

Out of Order and Under Suspension of the Rules the Senate voted to consider the following:

Enactor

The Committee on Engrossed Bills reports as truly and strictly engrossed the following:

Emergency

An Act to Fund and Implement Agreements Between the State and the Maine State Employees Association and to Fund and Implement Benefits for Managerial and Other Employees of the Executive Branch Excluded from Coverage Under the State Employees Labor Relations Act. (H. P. 1361) (L. D. 1597)

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

Senator COLLINS: Mr. President, I support the Enactment of this bill and congratulate the Union and the Governor in working out this agreeable compromise.

For technical reasons I am going to read into the record Article 3 of the proposed contract. I wonder how many Senators in this room would be bold enough to hold up their hand if they have seen this contract. I note 2 hands have gone into the air.

I think this bespeaks a great deal of confidence in the personal integrity of our Governor and in the integrity of the Union leaders. For technical reasons because the bill that we are using is the same bill that was used prior to the modification of the contract on May 10, I want to read into the record, Article 3, the Union Security Clause, which is the change in the agreement as compared with the contract that was before the legislature when the original bill was considered.